

Are You a Caregiver in the Federal Live-in Caregiver Program?

If you are a caregiver working in Ontario as part of the federal Live-in Caregiver Program and you have questions about your rights at work, call our hotline:

1-866-372-3247 (Toll Free)

We can help you understand your rights at work. We can also provide help if you wish to file a complaint. The hotline is supported by a specially trained team to assist you in filing claims and help link you with dedicated investigative officers.

WHAT ARE MY RIGHTS AT WORK?

You must be paid on a regular, recurring payday and your employer must provide you with a statement showing your wages and deductions for that pay period.

Limits on Hours of Work

Generally, you cannot be required to work more than 8 hours a day or your regular daily work schedule (if more than 8 hours). For you to work more than the daily limit, your employer must have your written agreement.

Generally, you cannot be required to work more than 48 hours a week. For you to work more than 48 hours in a week, your employer must have your written agreement and an approval from the Ministry of Labour.

Generally, you must have at least 11 consecutive hours off work each day and 24 consecutive hours off work each week or 48 consecutive hours off work in every 2-week period.

Overtime Pay

You must be paid overtime pay after 44 hours of work each week. The overtime rate must be *at least* 1½ times the regular rate of pay.

Minimum Wage

The minimum wage is the lowest hourly rate an employer can pay an employee. Currently the minimum wage is \$9.50 per hour and it will rise to \$10.25 per hour on March 31, 2010.

Your gross pay, before deductions, must be at least minimum wage. By law, your employer must deduct Income Tax, Canada Pension Plan (CPP) and Employment Insurance (EI) from your total pay and your employer must make CPP and EI contributions for you.

	March 31, 2008	March 31, 2009	March 31, 2010
General Minimum Wage	\$8.75 per hour	\$9.50 per hour	\$10.25 per hour

CAN MY EMPLOYER DEDUCT ROOM AND BOARD (MEALS)?

Room and/or board is not considered part of wages unless you have actually received the meals or occupied the room. Your employer may also deduct room and board, but there are limits:

Room: weekly

- private: \$31.70

Meals

- each meal: \$2.55
- weekly maximum: \$53.55

Room and meals (board): weekly

- private room: \$85.25

Your room must be fit for human habitation. It must also be reasonably furnished, supplied with clean bed linen and towels and be reasonably accessible to proper toilet and wash basin facilities.

Public Holidays

You are entitled to take a public holiday off work, with public holiday pay. Ontario has nine public holidays every year. They are: May 18, 2009 (Victoria Day), July 1, 2009 (Canada Day), September 7, 2009 (Labour Day), October 12, 2009 (Thanksgiving), December 25, 2009 (Christmas Day), December 26, 2009 (Boxing Day), January 1, 2010 (New Years Day), February 16, 2010 (Family Day), April 2, 2010 (Good Friday). You are allowed to take public holidays off regardless of how long you have been working.

Pregnancy Leave and Parental Leave

You may be entitled to take 17 weeks of pregnancy leave and 35 weeks of parental leave (if you have taken pregnancy leave). All other eligible new parents, including birth mothers who do not take pregnancy leave, can take up to 37 weeks of parental leave. These are unpaid, job-protected leaves. To get more information about eligibility for pregnancy and parental leave, call our hotline.

Family Medical Leave

You can take family medical leave to provide care or support for certain family members - and people who consider you to be like a family member - who have a serious illness with a significant risk of dying within a period of 26 weeks. It is unpaid, job-protected leave of up to 8 weeks in a 26-week period.

Vacation With Pay

You are entitled to *at least* 2 weeks of vacation time after every 12 months of employment. You are entitled to be paid an amount equal to *at least* 4% of your total wages earned as vacation pay.

Termination Notice and/or Pay Instead of Notice (If Employed For At Least 3 Months)

Your employer must give you advance written notice, termination pay instead of notice, or a combination of both, if you have been continuously employed for 3 months or more and your employment is terminated. The amount of notice or pay depends on how long you have been employed by the employer.

CAN MY EMPLOYER PUNISH OR THREATEN ME BECAUSE I ASK QUESTIONS ABOUT MY RIGHTS OR ASK FOR MY RIGHTS?

No. Your employer cannot do any of the following because you ask about or for your workplace rights:

- Intimidate you
- Fire you
- Suspend you
- Reduce or withhold your pay
- Punish you in any way, or
- Threaten any of these actions.

If you think your employer has punished you for asking about or for your rights at work, contact the Live-in Caregiver hotline as soon as possible.

If we decide that your employer has punished you for asking about or for your rights at work, we can order your employer to compensate you or pay you any wages you are owed.

Please note: The Live-in Caregiver hotline is for caregivers in the federal Live-in Caregiver Program who are employed in Ontario.

For all other inquiries about the Employment Standards Act, please contact the Employment Standards Information Centre at 1-800-531-5551 or 416-326-7160.

This information is provided as a public service. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur. Therefore, we cannot guarantee the accuracy of the information. Readers should, where possible, verify the information before acting on it.