

Your Rights Under the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*

Information Sheet

Live-In Caregivers

The *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* (EPFNA) applies to foreign nationals working as live-in caregivers or seeking work as live-in caregivers in Ontario. For example, if you are working or looking for work under the federal Live-In Caregiver Program, the Act would apply to you.

This information sheet gives a summary of your rights under the EPFNA. As a live-in caregiver employed in Ontario, you also have rights under the *Employment Standards Act, 2000* (ESA) to standards such as the minimum wage and limits on hours of work. You have the right to receive an information sheet about your ESA rights, titled *Your Employment Standards Rights: Foreign Live-in Caregivers*, along with this information sheet.

A recruiter cannot charge you any fee

A recruiter is anyone who finds or tries to find you employment, helps another person in finding you employment, or refers you to someone to help you find employment in Ontario. The recruiter cannot charge you any fees. For example, he or she cannot charge you a fee for your Labour Market Opinion (LMO), work permit, or anything else required for you to begin work in Canada. Additionally, you cannot be charged a fee for extra services such as orientation, resume writing, interview preparation, or First Aid training sessions. The recruiter cannot charge you a fee for these services even if they are optional. In addition, no person working on behalf of a recruiter can collect a fee from you.

Your employer cannot charge you for hiring costs

If your employer paid fees or incurred other costs to hire you, he or she cannot recover these hiring costs from you. This means that your employer cannot charge these costs to you and cannot deduct them from your wages. This includes costs for all the same work-related charges and fees that your recruiter is prohibited from charging you such as for your LMO or work permit.

Your recruiter or employer cannot take your property

Your recruiter, your employer, or a person acting on behalf of either, is prohibited from taking or retaining your property for any reason. This includes documents such as your passport or work permit.

You cannot agree to give up your rights

You cannot agree or sign a contract to give up any of your rights under the EPFNA with your recruiter, your employer, or someone acting for your recruiter or employer. Any such agreement is invalid.

Your recruiter or employer cannot punish you for asking about or asserting your rights

Your recruiter, your employer, and any person acting on behalf of either, is prohibited from intimidating or punishing you for asking about or asserting your rights under the EPFNA or the ESA. You cannot be fired for asserting your rights. You cannot be intimidated or punished for speaking to a Ministry of Labour employment standards officer, filing a complaint with the Ministry, or participating in a hearing.

If your recruiter or employer does intimidate or punish you for asking about or asserting your rights, he or she can be ordered to compensate you for any loss.

If you have a question or want to make a claim

If you have any questions about this information, or believe you have not received your rights and want to make a claim to the Ministry of Labour, please contact the Employment Standards Information Centre at (416) 326-7160 (toll-free at 1-800-531-5551) or, for the hearing impaired, at TTY 1-866-567-8893. You may also visit www.labour.gov.on.ca for more information or to download a claim form. You can also get an EPFNA claim form at a ServiceOntario Centre. To locate the Centre nearest you, please call 1-800-267-8097.

You have three and a half years to file a claim for your rights under the EPFNA. There is no limit on how much money can be recovered if an order is issued under the EPFNA.

Please note that different time limits apply to claims filed under the ESA and the EPFNA. Also, separate forms are used to file claims under the ESA and the EPFNA.

Other languages

This information sheet is also available in French and certain other languages. If your first language is not English, your employer or recruiter must find out if the information sheet is available in that language and provide it to you in that language if it is available. To find out which languages the information sheet is available in, please contact the Employment Standards Information Centre at (416) 326-7160 (toll-free at 1-800-531-5551) or, for the hearing impaired, at TTY 1-866-567-8893.

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