

# Claim Form

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

## ***Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009***

### **Claim Form**

- ✓ **Step 1: Read the “Important Information About the Legislation”.**

#### **Important Information About the Legislation**

Please note that an information sheet about rights under the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* is available on the Ministry of Labour website at [www.labour.gov.on.ca](http://www.labour.gov.on.ca).

#### **What is the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*?**

The *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* is a law that creates rules for certain interactions between foreign national live-in caregivers working or attempting to find work in Ontario, employers, and recruiters involved in finding them employment. Examples of rules established in the Act are:

- Recruiters involved in finding employment for foreign national live-in caregivers in Ontario are prohibited from charging any fees to foreign national live-in caregivers.
- Employers of foreign national live-in caregivers are prohibited from recovering or attempting to recover any costs incurred by the employer in connection with arranging to employ the foreign national.
- Employers and recruiters are prohibited from taking possession of, or retaining, property (including a passport or work permit) that a foreign national live-in caregiver is entitled to possess.
- Employers and/or recruiters are required to give foreign national live-in caregivers documents published by the Director of Employment Standards containing information about:
  - The rights and obligations of foreign national live-in caregivers, employers and recruiters under the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*, and
  - Certain rights and obligations under the *Employment Standards Act, 2000* of interest to foreign national live-in caregivers and employers.
- Employers and recruiters are prohibited from penalizing or attempting to penalize foreign national live-in caregivers for exercising their rights (“reprisal”).

#### **Am I covered by the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*?**

If you are a foreign national looking for work or working in Ontario as a live-in caregiver, you are probably covered by the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*.

The Act applies to the following people:

- Foreign nationals employed in Ontario as live-in caregivers;
- Foreign nationals attempting to find employment in Ontario as live-in caregivers;
- Employers of foreign national live-in caregivers in Ontario and persons acting on their behalf;
- Recruiters of foreign national live-in caregivers and persons acting on their behalf.

#### **If I have started a court action, can I file a claim with the Ministry of Labour?**

If you have already started a court action, you generally cannot file a claim with the Ministry of Labour for the same matter.

#### **If I file a claim with the Ministry of Labour, can I also start a court action?**

If you file a claim with the Ministry of Labour, you can start a court action for the same matter if you withdraw your claim within 2 weeks of the date you filed the claim. If you have any questions about court actions, we suggest that you consult a lawyer before filing this claim.

## Is there a time limit on filing a claim?

A claim under the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* must be filed with the Ministry of Labour within **three and a half years** of the alleged contravention.

## What if I believe my employer has not complied with the *Employment Standards Act, 2000*?

It is important to note that the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* establishes different rights from the *Employment Standards Act, 2000*. The *Employment Standards Act, 2000* sets minimum employment standards that most employers and employees must follow in Ontario workplaces. Examples of minimum employment standards include the payment of wages, minimum wage, hours of work, overtime, public holidays, vacation, leaves of absence, termination of employment, and severance pay.

**If your concern relates to an *Employment Standards Act, 2000* violation, you must file an employment standards claim using the designated form. This is not the form you use to make a claim under the *Employment Standards Act, 2000*.** You can access an *Employment Standards Act, 2000* claim form at [www.labour.gov.on.ca/english/es/forms/claim.php](http://www.labour.gov.on.ca/english/es/forms/claim.php). Please visit [www.labour.gov.on.ca](http://www.labour.gov.on.ca) or call 416 326-7160 or 1 800 531-5551 toll-free for more information about employment standards. Note: there are different time limits that apply to claims under the *Employment Standards Act, 2000*.

## Where can I find information about other workplace laws?

### Government of Canada (Federal) Laws cover:

- The Live-in Caregiver Program
- Immigration
- T4 slips for Income Tax
- Records of Employment
- Income Tax
- Canada Pension Plan
- Employment Insurance

For information on other federal laws, call Service Canada at 1 800 622-6232.

### Other Government of Ontario (Provincial) Laws cover:

- Employment Standards
- Occupational Health and Safety
- Labour relations (for instance: unions, collective agreements, and strikes.)
- Workplace Safety Insurance
- Pay Equity
- Human Rights

For information on other provincial laws, call ServiceOntario at 1 800 267-8097.

## Need more information?

- For more information about your rights under the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*, please refer to the **Ministry of Labour Website** [www.labour.gov.on.ca](http://www.labour.gov.on.ca).
- For help understanding your rights, please contact the **Information Centre** at 416 326-7160 or 1 800 531-5551.

**Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009**  
**Claim Form**

**Collection, use and disclosure of personal information**

- Any information, either written or oral, that you provide to the Ministry of Labour in support of your claim, including the information provided on the claim form, is collected under the authority of the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* to assist in the investigation of alleged violations of the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*. The *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 F.31 (as amended) governs the collection, use and disclosure of this information.
- Any information that you provide to an employment standards officer that is relevant to your claim and is considered necessary for the investigation and enforcement of the claim may be shared with your employer or recruiter or a person acting on an employer's or recruiter's behalf.
- The Ministry of Labour or its agent may contact you for the purposes of conducting a survey about the quality of the ministry's service. Any information you provide to the Ministry of Labour that is necessary to conduct the survey may be shared with the ministry's agent.
- If you have any questions concerning collection, use and disclosure of personal information by the Ministry of Labour, you may contact the Ministry of Labour's Freedom of Information and Privacy officer at 400 University Ave., 10th Floor, Toronto ON M7A 1T7 416 326-7786.

I have read and I understand the "Important Information About the Legislation".

Please note that it is an offence to provide false or misleading information under the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009*.

**✓ Step 2: Fill out the claim form.**

If you have already filed a claim under the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* for the same incident(s) and an Employment Standards Officer has not made a decision on your claim, please do not file another claim relating to the same incident(s). Refer to your confirmation letter for details on changing information to your claim.

**You must fill out all asterisk \* areas.**

**TO PREVENT DELAYS IN PROCESSING YOUR CLAIM, PROVIDE COMPLETE AND ACCURATE INFORMATION.**

**Section A – Information About You**

Last (Family) Name *		<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms		Previous Last (Family) Name (if your employer/recruiter knows you by that name)		
First (Given) Name *		Commonly Used First Name (if applicable)		Middle Initials		
<b>Mailing address where you would like correspondence from the Ministry of Labour to be sent.</b>						
To assist us with contacting you, please include your email address if you have one.						
Street Number *	Suffix (e.g. A)	Street Name *		Type	Direction	Unit
Rural Route	PO Box	Postal Station	City/Town *			
Province *		Postal Code *	Country		Contact Telephone No. *	
Cell Telephone	Other Telephone No. (where messages can be left)			E-mail Address		

**Alternate Mailing Address**

Street Number	Suffix (e.g. A)	Street Name	Type	Direction	Unit
Rural Route	PO Box	Postal Station	City/Town		
Province	Postal Code	Country			

Do you authorize anyone to act on your behalf? (for example family member, friend, legal counsel)

 Yes  No (proceed to Section B)

Name of the person	Relationship to you	Telephone No.
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**Section B1 – Who You Are Making a Claim Against**

**In this section, provide information about the person or company against whom you are filing a claim. The information can be about an employer, recruiter, or a person acting on behalf of an employer or recruiter.**

Name of person or company \*

If the entity is a company, contact name (if known)

Is this person \*  An employer  A person acting on behalf of an employer  A recruiter  A person acting on behalf of a recruiter**Address**

Street Number *	Suffix (e.g. A)	Street Name *	Type	Direction	Unit
Rural Route	PO Box	Postal Station	City/Town *		
Province *	Postal Code	Country			

**Additional information**

E-mail Address	Website	
Home Telephone No.	Business Telephone No.	Fax No.

**Section B2 - Do You Have a Claim Against a Second Person?**

**If you have a claim against a second person, please provide information about that person. The information can be about an employer, recruiter, or a person acting on behalf of an employer or recruiter not mentioned in section B1.**

**If your claim is against one person only, as noted in section B1, please leave this portion blank and move to section C.**

Name of person or company \*

If the entity is a company, contact name (if known)

Is this person \*  An employer  A person acting on behalf of an employer  A recruiter  A person acting on behalf of a recruiter**Address**

Street Number *	Suffix (e.g. A)	Street Name *	Type	Direction	Unit
Rural Route	PO Box	Postal Station	City/Town *		
Province *	Postal Code	Country			

**Additional information**

E-mail Address	Website	
Home Telephone No.	Business Telephone No.	Fax No.

## Section C1 – Details About Your Claim

You must identify the violation(s) you are claiming

	Estimate Amounts (\$)
<input type="checkbox"/> A recruiter charged you a fee	
<input type="checkbox"/> A person acting on behalf of a recruiter collected a fee from you	
<input type="checkbox"/> An employer recovered costs from you that were incurred in arranging or attempting to become your employer	
<input type="checkbox"/> An employer <b>attempted</b> to recover costs from you that were incurred in arranging or attempting to become your employer	
<input type="checkbox"/> An employer or person acting on behalf of an employer took possession of, or retained, property you are entitled to possess (e.g., a passport or work permit)	
<input type="checkbox"/> A recruiter or person acting on behalf of a recruiter took possession of or retained property you are entitled to possess (e.g., a passport or work permit)	
<input type="checkbox"/> An employer did not provide the required information sheet(s) to you	
<input type="checkbox"/> A recruiter did not provide the required information sheet(s) to you	
<input type="checkbox"/> Reprisal by the employer or person acting on behalf of the employer	
<input type="checkbox"/> Reprisal by the recruiter or person acting on behalf of the recruiter	
<input type="checkbox"/> Other (specify):	



✓ **Step 3: Send your fully-completed claim form and relevant supporting documents to the Ministry of Labour to receive your claim number.**

You can file your claim **in person** at a ServiceOntario Centre or by **mail** or **fax**.

Please send your supporting documents to the Ministry of Labour **with** your claim form. It is very important that you **write your name** on each page of each supporting document you send in.

Your claim form and supporting documents can be sent to the Ministry of Labour as follows:

1. **In Person** at a ServiceOntario Centre (1-800-267-8097). Write your **name** on **each page** you provide.
2. **By Fax** to 1 877-257-1555. Write your **name** on the cover sheet and on **each page** that you fax.
3. **By Mail** to: Ministry of Labour, Central Region Office, 1110 Stellar Drive, Unit 102, Newmarket ON L3Y 7B7. Write your **name** on the envelope and on **each page** that you mail.

Once you receive your claim number, make sure you keep it in a safe place.

Please contact the Ministry of Labour immediately, with your claim number, if:

- You change your address, phone number, or email address.
- You and the person your claim is against resolve all or part of your claim, or
- You want to add information to your claim.

### List of documents to send to the Ministry of Labour

**Keep your original documents.** Please send photocopies of any documents you feel are important to your claim. This may include documents such as:

- Any receipts, invoices, and/or cancelled cheques relating to fees you were charged
- Employment records (for example, pay stubs) showing recruitment costs deducted from your earnings by your employer
- Written contract of employment, if there is one
- Labour Market Opinion
- Work permit
- Website and/or newspaper advertisement(s) for recruitment and/or employment related to your claim

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## Claim Form



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Le présent document est aussi disponible en français sous le titre – « *Loi de 2009 sur la protection des étrangers dans le cadre de l'emploi (aides familiaux et autres) Formulaire de réclamation* » [ISBN 978-1-4435-2204-5 (imprimé) et ISBN 978-1-4435-2205-2 (PDF)].

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