



CDWCR seeks to improve the lives and working conditions of caregivers and domestic workers through information, counseling, organizing, support networks, educational and training programs, referrals for legal advice and temporary accommodation.

**Highlights:**

Domestic's Issues	2
Independence Day	2
LCP vs. TFWP	2
Care-Net Updates	3
ESB	3
Announcements	4

## CDWCR Addresses Regulatory Changes to TFWP



CDWCR discussed the changes to the TFWP during its Annual General Meeting (AGM)

Citizenship and Immigration Canada (CIC) announced regulatory changes to the Temporary Foreign Worker Program (TFWP) that took effect on April 1, 2011. Caregivers under the Live-In Caregiver Program (LCP) are covered by the following changes:

- A more rigorous assessment of the genuineness of the job offer.
- A two-year prohibition from hiring temporary foreign workers for employers who have failed to meet their commitments to workers with respect to wages, working conditions and occupation.
- A limit on the length of time a temporary foreign worker may work in Canada before returning home.

The Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) recognizes that the thorough assessment of the job offer and the two-year prohibition could be considered as improvements to the TFWP and LCP. These changes resulted from the continued advocacy of organizations like CDWCR that raised some concerns to Immigration authorities during the past workshops and consultations. Common issues faced by caregivers and temporary foreign workers include fake employers, fake agencies, contracts not being followed by employers, lack of privacy in accommodation and persistent abuse from employers, etc.

However, following are some CDWCR concerns regarding these changes:

- The mechanisms for the implementation and enforcement of these changes are not very clear.
- Most temporary workers particularly live-in caregivers will not make the complaints despite the abuse due to fear of losing their job or status in Canada - this should not be used as a basis for determining ineligible employers.

*(Cont'd on page 4)*

## CDWCR Elects New Steering Committee at AGM

Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) held its annual general meeting (AGM) on May 22, 2011 at South Vancouver Neighbourhood House, Victoria Drive, Vancouver. Julie Diesta, CDWCR Coordinator presented the annual report highlighting the activities of the organization in the previous fiscal year (2010 to 2011). Lorina Serafico, CDWCR's treasurer gave the presentation on the financial report.

The main agenda of the AGM was the election of the new Steering Committee (SC) Members. The new SC for 2011 -2012 are Maribel Aloria, Cenen Bagon, Mary Love Bantique, Judith Diesta, Julie Diesta, Evelyn Ferrera, Ludivina Inting, Joanne Grace Lacambra, Angelina Lisao, Mark Christian Pabustan, Katherine Parungao, Lorina Serafico, and Cecilia Tumolva.

With the support and hard work of all its volunteers and members and assistance from its allies, the new SC leadership hopes to continue the CDWCR mandate of improving the life and working conditions of domestic workers. Considering that CDWCR is run by volunteers, CDWCR encourages all its members to become volunteers and take part in various committees that may interest them. The different committees include Education, Newsletter/Media, and Social/Fundraising. Volunteering will provide members the opportunity to give back to the community while gaining valuable skills and work experience.

## Q&A on Domestic Workers' Issues

Q. I am a caregiver under the Live-in Caregiver Program. I have been in Canada for 2 years. I heard that CIC made changes to the Temporary Foreign Workers Program which may affect caregivers. I am worried that I may not qualify to apply for permanent residence after I complete my LCP.

**A. The recent CIC regulatory changes to the TFWP will not negatively affect caregivers who are already in Canada under the LCP. They will continue to be eligible for permanent residency after completing their LCP requirement within four years, if qualified.**

Q. Do you think the LCP will be scrapped by the Government?

**A. At present CDWCR is not aware of any information that LCP will be scrapped by the Government.**

Q. Where can I get more information about these regulatory changes to the TFWP?

**A. For more information, please refer to these websites: CDWCR ([www.cdwcr.org](http://www.cdwcr.org)), CIC ([www.cic.gc.ca](http://www.cic.gc.ca)) and HRSDC ([www.hrsdc.gc.ca](http://www.hrsdc.gc.ca)).**

## CIC Creates Two Unequal Streams of Live-in Caregivers

In the past, CIC admitted caregivers to Canada only through the legislated Live-in Caregiver Program (LCP). Recently it has allowed caregivers to work in Canada through the Temporary Foreign Worker Program (TFWP). This has created two streams of caregivers: the LCP caregivers and the TFWP caregivers. Although LCP and TFWP caregivers perform the same types of job, they are not equal in many ways.

Caregivers under LCP	Caregivers under TFWP
LCP caregivers are able to apply for Permanent Resident (PR) status once they complete the LCP requirements, which are as follows: <ul style="list-style-type: none"> <li>• 24 months of authorized full-time employment, or</li> <li>• A total of 3,900 work hours (within a minimum of 22 months which may include a maximum of 390 hours of overtime) of authorized full-time employment.</li> <li>• Work experience must be acquired within four years from the arrival date.</li> </ul>	TFWP caregivers are not eligible to apply for permanent resident status.
LCP caregivers who have applied for their PR Status may also apply for an Open Work Permit ( <b>note:</b> these are two separate applications). Once they receive their Open Work Permit they are no longer subject to LCP work restrictions and may apply for other jobs (as long as they qualify) while waiting for the approval of their PR application.	They are not qualified to apply for open work permit.
LCP caregivers who have applied for permanent residence and who have received an approval in principle letter are not subject to 4-year cumulative duration regulation.	TFWP caregivers are allowed to work in Canada only for a cumulative duration of four years.
LCP caregivers who do not meet the LCP requirements within four years are required to leave Canada but may re-apply to work in Canada anytime after they leave if they are offered a Labour Market Opinion (LMO).	After a cumulative work period of four years, TFWP caregivers are required to leave Canada. They may re-apply to work in Canada only after another four years.

## CDWCR Joins 113th Philippine Independence Day Celebration



*Judith, Cecille, Mrs. Bato, Ludy and Darla enjoying a break in the Pinoy Pride-CDWCR booth.*

The Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR), joined the celebration of the 113<sup>th</sup> Philippine Independence Day at Slocan Park, Vancouver, on June 11, 2011. CDWCR would like to acknowledge Pinoy Pride for sharing its booth with CDWCR during the event.

# 2011 Care-Net Project Updates

The Care-Net Project, developed and organized by the Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) has completed three more workshops in 2011. These included the Income Tax Preparation Workshop, Financial Basics, and Employment Standards Workshop. All these workshops were held at South Vancouver Neighbourhood House in Vancouver, BC.

The Income Tax Workshop, conducted on March 20, 2011, was facilitated by Lorina Serafico, member and volunteer of CDWCR. Like the previous year's workshop, she assisted participants in calculating their income taxes and focused on unique tax credits applicable to caregivers under the Live-In Caregiver Program (LCP). Lotis Caluza, Judith Diesta, Judelyn Dapat, Cenen Bagon and Julie Diesta, members and volunteers of CDWCR, helped facilitate the workshop.

The Financial Basics Workshop was held on April 17, 2011. Lorina, who is also a Financial Solutions Specialist at Scotiabank, together with Jennifer Barcelona, Scotiabank's Mobile Mortgage Specialist, presented during this workshop. Participants took advantage of the opportunity to learn about credit and debt management, budgeting, saving, and financial planning.



*Lorina Serafico explains to Care-Net participants during the CDWCR Income Tax Workshop in March why they should file their income tax returns.*

The Employment Standard Workshop for Caregivers was completed on June 19, 2011. See article below. There will be more workshops scheduled in 2011. CDWCR invites all caregivers and domestic workers particularly the newly-arrived ones to attend these workshops.

## ESA: Live-in Caregivers' Rights as Workers in BC

On June 19, 2011, the Employment Standards Workshop for live-in caregivers was held at South Vancouver Neighbourhood House as part of the Care-Net Project. Rod Bianchini, Regional Manager of the Lower Mainland Region, Employment Standards Branch (ESB) and Lisa Guevara, Legal Advocate of West Coast Domestic Workers Association served as resource speakers. Mark Pabustan facilitated the workshop and Katherine Parungao presented a brief history of when live-in caregivers were included in the BC Employment Standards Act (ESA). They are both members of 2011 CDWCR board of directors.

Rod Bianchini informed live-in caregivers about their rights:

- A live-in caregiver or domestic worker is someone who is **hired to live and work in a private home** to provide cooking, cleaning, child care, and other related work.
- **Definition of Hours of work:** the "live-in" nature of the job makes it difficult to determine whether the employee is "at work" or "not at work". It is necessary for live-in caregivers to **keep a regular record of work hours** like writing their work hours (start and end of work) on a calendar.
- A live-in caregiver should receive a **wage statement** (hours worked, wage rate, gross and net wages, deductions, overtime, statutory holiday or vacation pay paid, name of employer and work place address).
- An employer should inform their employee (live-in caregiver) if any monies will be deducted from the employee's paycheck: **amount and purpose of deductions** (EI, CPP, room and board, and other deductions).

- After one year of employment a live-in caregiver is entitled to at least **two weeks vacation** with pay; after five years of employment she/he is entitled to at least three weeks vacation with pay
- Domestic workers are entitled to **UNPAID** sick leaves. Sick leave may be paid at the discretion of the employer.

Lisa Guevara presented common ESB problems live-in caregivers encounter. Lack of awareness of BC ESA is at the top of the list of problems faced by many live-in caregivers. She also stressed the importance of keeping a work diary, time sheets, and having witnesses of one's work and living conditions. These are reliable proofs recognized by ESB when investigating employment complaints. Employees are only able to recover wages for the 6-month period before filing the complaint or for the last six months of employment.

Other specific issues are non-payment of correct wages, agency fees, or the Compensation for Length of Service (CLOS). CLOS will be paid when live-in caregivers are forced to resign due to changes in terms and conditions of employment without notice. If there is a "just cause" for termination (e.g. when live-in caregivers are found guilty of theft, continued unsatisfactory work, etc) then live-in caregivers cannot receive any CLOS.

For more information visit: [www.labour.gov.bc.ca/esb/](http://www.labour.gov.bc.ca/esb/)

## Upcoming 2011 CDWCR Care-Net Project Workshops

**Sept 18, 2011: Elderly  
Care Skills - How do you  
identify and deal with  
abuses?**

**Oct 23, 2011: Preparing  
for Permanent Resident  
Status - Latest Changes**

**Nov. 20, 2011: Preparing  
for Life after LCP**

*Workshops are held at:*

**South Vancouver  
Neighbourhood House  
6470 Victoria Drive and  
49<sup>th</sup> Avenue,  
Vancouver, BC,  
1pm to 5pm.**

*Free lunch: 12pm- 1pm.*

*To register phone:*

*(604) 874-0649*

### More CDWCR 2011 Activities

**Oct. 28 - CDWCR  
Halloween Fundraising  
Dance (Halloween  
Costume Party)**

*\*Awards are available to  
those who come in their  
creative and fun costumes.*

**Dec. 11 - CDWCR 19<sup>th</sup>  
Anniversary Celebration**

*For updates and more  
information visit our  
website:*

<http://www.cdwcr.org>

### ....Regulatory Changes, cont'd from page 1

The following are some of CDWCR's recommendations to address the underlying concerns on the changes to the TFWP:

- CIC, Human Resources and Skills Development Canada (HRSDC), and the provincial government must develop and maintain a registry of all employers. The provincial government's mandate in the implementation of these changes should include monitoring and spot-checking of employers to ensure that they comply with the employment contract.
- CIC must include funding and mechanism that will help temporary workers who may be displaced if the government determines that the employers are ineligible during the monitoring and spot-checking.
- CIC must process temporary work permit applications of all live-in caregivers through LCP rather than the general stream of TFWP to ensure that caregivers will be eligible to apply for permanent residency. This is in line with the government's recognition of the permanent need for live-in caregivers in Canada.
- CIC must expedite the processing of permanent residency application of all LCP participants. According to CIC, initial assessment of permanent residency application under LCP can take up to 14 to 15 months.

**CDWCR believes that the best way CIC can protect caregivers or any temporary foreign workers is to allow them to come to Canada as permanent residents. If they are good enough to work, they are good enough to stay.**

In the meantime, the following are some of the CDWCR's suggestions for live-in caregivers under the LCP to deal with the changes while they are on temporary status:

- Caregivers should print the CIC's list of ineligible employers prior to accepting the job offer as proof that the employer's name was not on the list. Caregivers, while on temporary work permit, cannot enter into an agreement or an extension of an existing agreement with an employer whose name is on the ineligible list. Doing so will result in the loss of their temporary status to work in Canada.
- Caregivers under LCP are advised to file for their application for PR as soon as they complete the eligibility requirements.
- Caregivers should keep thorough records of all their periods of unemployment in Canada as proof of legitimate breaks (examples: extended unpaid leave, maternity or paternal leave and periods of unemployment). These breaks will not be included in the calculation of the four-year cumulative duration of work.

### We wish to thank:

- BCGEU (British Columbia Government & Service Employees Union)
- HEU (Hospital Employees Union)
- COPE (Canadian Office and Profession Employees Union) Local 378
- HSA (Health Sciences Association of BC)
- WCDWA ( West Coast Domestic Workers Association)
- Immigrant Services Society of BC (ISS)

*We also want to acknowledge everyone's effort in putting our newsletter together.  
Thank you very much for all your contributions.*

## Membership Form Mail to: CDWCR PO Box 37033, Vancouver, BC V5P 3X0 For inquiries: (604) 874-0649

Yes, I want to help the Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR)

- Sign me up! I want to become a CDWCR member (membership is \$5/year)
- I would like to make a donation to CDWCR 's work. (Sorry, we are not registered for tax deductible donations.)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_