



HELP

FROM ABROAD

BRINGING IN FOREIGN CAREGIVERS TO LOOK AFTER KIDS OR ELDERLY FAMILY MEMBERS TAKES TIME.

BY SIOBHAN MCCLELLAND

Families looking to hire a caregiver to look after children or an elderly or disabled person often need help fast. One solution to this problem is the live-in caregiver program, which allows individuals to employ and bring caregivers into Canada from other

countries. But the process can be difficult to navigate and getting the paperwork and permits doesn't happen quickly. "It can take up to a couple of years," says immigration lawyer Mario Bellissimo, adding that by the time the caregiver gets to Canada, the employer's needs may have already changed.

The time lapse is a problem, says immigration lawyer Michael Niren, "because you have a family that's . . . in serious need of a live-in caregiver. Imagine waiting a year plus for that caregiver to come to Canada to help out," he adds.

Taking the right steps along the way and fulfilling all the requirements can help move the process forward and provide a better chance that the employer will get the caregiver to Canada sooner rather than later.

Niren says the first thing the employer, or family member who wants to hire the caregiver, has to demonstrate is they've made efforts to hire local help in Canada and are unable to find someone. This includes advertising for a caregiver position for at least 14 days.

After making efforts to find someone here, the employer can then look for someone outside of Canada. Once the employer finds someone who is qualified, he or she needs to make a "labour market opinion" application to Service Canada. That process can require the assistance of a lawyer. "It's really involved," says Niren. "The government doesn't make it easy for Canadian businesses or Canadian employers to hire foreign workers generally speaking."

He says lawyers who know the process can help navigate the system. "These applications are routinely refused on technical grounds for missed information, wrong filing, [or] a whole host of problems."

As part of the application, Bellissimo says employers must establish that the household is set up for the caregiver to live in the family home. He points out there is no program for caregivers not intending to live in the household.

As well, employers must be able to pay the caregiver's travel expenses to Canada. Niren says to protect themselves, employers should make sure that once the live-in caregiver is in Canada, before they start working, the caregiver's government health coverage is set up.

In order to qualify, potential caregivers must also meet certain criteria:

- pass a criminal background check;
- be able to speak English or French;
- have a minimum of a high school education.

In addition to the basic requirements, candidates must also have six months of training through school or at least one year of full-time, paid work experience as a caregiver or some equivalent to qualify.

Once the employer goes through that process, Bellissimo says Service Canada may issue a positive LMO. He says the caregiver then has to take the LMO and apply for a work permit at the Canadian embassy or high commission in the caregiver's country. If that process goes smoothly, the caregiver gets a temporary work permit allowing them to enter and work in Canada.

Like any other employment relationship, Bellissimo says there has to be a contract between the employer and the caregiver setting out the terms of engagement, including working hours and duties. Those duties are generally to look after the children, elderly person, or disabled person; do the cooking; and take care of the house.

Both parties need to stick to the contract. Employers cannot have the caregiver working at their office or doing extra work outside the scope of caregiving duties.

Bellissimo indicates that if the employee does not discharge their duties, the employer can fire the caregiver. By the same token, he says caregivers can leave their employment, including where there is exploitation or abuse, where they aren't being paid, and where they don't have their own bedroom.



"THE GOVERNMENT DOESN'T MAKE IT EASY FOR CANADIAN BUSINESSES OR CANADIAN EMPLOYERS TO HIRE FOREIGN WORKERS GENERALLY SPEAKING."

While the employer would be given an opportunity to remedy this, he says if the employer doesn't, the caregiver can quit.

The live-in caregiver program is attractive to foreign workers because it can eventually lead to permanent residency in Canada for the caregiver and his or her dependents from overseas. "This is a gateway eventually to permanent residency," Bellissimo says, adding that once caregivers are permanent residents, "they have the ability to work wherever they like."

Bellissimo says caregivers have up to four years from the time they arrive in Canada to complete their employment requirements. Before applying for permanent residency, he says that the caregiver has to either work full time for 24 months or 3,900 hours of full-time authorized employment, which could include up to 390 hours of overtime, within a minimum of 22 months.