

Frequently Asked Questions 1100 – 1199

What legislation applies to Live-in Caregivers/Domestic Workers?

The Worker Recruitment and Protection Act (WRAPA) and the Employment Standards Code apply to Live-in Caregivers recruited under the Live-in Caregiver Program.

You have now received your business registration as required by WRAPA. This allows you to recruit your worker. The Live-in Caregiver Program requires the employer obtain a Labour Market Opinion from Human Resources and Skills Development Canada (HRSDC) before a live-in caregiver can be recruited.

What are the minimum standards for terms and conditions of employment?

The minimum standards for all workers, including live-in caregivers are established by the Employment Standards Code.

Temporary Foreign Workers hired to work as Live in Caregivers must be paid as described in the Labour Market Opinion (LMO). The LMO sets the terms and conditions that a temporary foreign worker can be hired.

These terms and conditions are established by Human Resources and Skills Development Canada. These include requirements for wage rate, maximum hours of work, charges for room and board and the amount of vacation.

More information on the requirements can be found on their website at: <http://www.hrsdc.gc.ca/>

Who decides what type of leave an employee is taking?

Employees must tell their employer what type of leave they are taking. The employer will need enough detail to show the time-off meets the requirements for a statutory leave.

If an employee requests time-off without specifying a statutory leave, the employer should ask whether they are advising of a leave under The Employment Standards Code or requesting permission for unpaid time-off. Employers do not control when an employee can take an unpaid leave under The Employment Standards Code, but they do control other types of time-off.

What has the Industrial Average Wage been in previous years?

Employment Standards updates the Industrial Average Wage in June of each year.

<i>Year</i>	<i>Average Wage</i>	<i>Overtime Threshold</i>
2010	\$40,890.20	\$81,780.40
2009	\$40,120.60	\$80,241.20
2008	\$39,042.64	\$78,085.28
2007	\$36,491.00	\$72,982.00
2006	\$35,195.16	\$70,390.32
2005	\$34,000.00	\$68,000.00

How old must a person be to work in a restaurant?

People under 16 years old must have a permit from the Employment Standards Branch before they can start to work. Generally, children must be at least 12 years old to work. In a restaurant young people who are 14 or 15 years old can use the restaurant employment permit process, and when submitted to Employment Standards begin to work. Children under 14 years old must wait for a permit to be approved by Employment Standards before they can start to work.

How do I apply for an employment permit for a restaurant?

An application form can be found on the web site at www.manitoba.ca/labour/standards/forms.html or by contacting the Employment Standards Branch. The application requires information from the applicant, a parent/guardian, the school principal and the employer. The completed forms can be taken, mailed, or faxed to the nearest Employment Standards Branch office.

Why is there a Terms and Conditions document for working in a restaurant?

The Terms and Conditions form is an agreement that the employer acknowledges their responsibilities when hiring young workers. Many workers get their start working in a restaurant, using the Terms and Conditions form allows them to start work faster while providing conditions that their employer must follow to protect their safety and well being.

When can a young worker start working?

A young worker can start working in a restaurant once the employment permit application and the Restaurants: Terms and Conditions of Youth Employment form have been fully completed and faxed or mailed to the Employment Standards Branch. Employment Standards will still review the forms and contact the parties if necessary if there are any concerns with the application.

Where can I get the Permit application form and Terms and Conditions Form?

You can find the "Restaurant Young Worker Permit Application and Terms and Conditions" on our website under [ApplicationForms](#).

When must employees in the construction industry be paid?

Employees who work in the construction industry must be paid within 5 days after the end of the pay period for which the wages are payable.

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