

**Canada**

# Foreign Worker's Guide to Labour and Employment Laws

in Canada

If you are a foreign worker in Canada, you may find some of the laws and practices to be different from those in your home country. This guide will alert you to some important differences you may not have been aware of.

## What are my rights as a worker in Canada?

Workers in Canada have many of the same rights that workers in other countries have. These rights include the right to form and join unions, the right to compensation if you are hurt on the job, the right to a safe workplace, the right to be free from forced labour, and the right to be free from discrimination in the workplace.

### Know your rights!

Even if you are a foreign worker without a valid work permit, you are protected by most Canadian labour and employment laws. The only exception is Employment Insurance.

## What is the most important thing I should know about Canadian labour and employment law?

There are two important things you should know about Canadian labour and employment law.

**First.** In Canada, every province has its own labour and employment laws and agencies to enforce those laws.

- Provinces in Canada are similar to states in other countries, but they have more autonomy in relation to the federal government. There are 10 provinces in Canada and three territories.



- Federal labour and employment law covers the federal government, certain key industries and most federal Crown corporations (businesses owned and operated by the federal government) – about 10 percent of the entire workforce.

**Second.** In each Canadian province, there are different kinds of agencies to enforce different kinds of labour and employment rights.

**Federal industries subject to the *Canada Labour Code* include:**

- industries that operate across provincial and national borders (bus operations, trucking, pipelines, ferries, shipping, etc.);
- air transport, aircraft and airports;
- telecommunications (radio and TV broadcasting, telephone and cable systems);
- banks;
- works declared by Parliament to be for the general advantage of Canada (e.g., grain elevators, uranium mining and processing);
- most federal Crown corporations.

**Where do I go if I believe my employer has treated me unfairly because of my sex or race or other qualities I have that make me different?**

You can file a complaint with the human rights commission in the province where you are working. (If you work in British Columbia, the complaint must be filed directly with the Human Rights Tribunal.) There is a federal Human Rights Commission, but that commission covers only federally regulated industries.

**What does a human rights commission do in Canada?**

- In Canada, provincial human rights offices accept employment discrimination complaints.
- Canadian human rights offices also accept complaints about housing discrimination and civil rights violations.

For more information, see [Guide to Employment Discrimination Laws in Canada](#) and [Women's Guide to Pregnancy on the Job in Canada](#).

You can ask a legal aid office for help even if you do not have a valid work permit.

**What can I do if my employer does not pay me the minimum wage or overtime?**

You can file a complaint with the employment or labour standards office in the province where you are working.

For more information and for the phone number of the employment or labour standards office in the province where you are working, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#).



Every province and territory has its own minimum wage.

Your employer must pay you the minimum wage even if you do not have a valid work permit.

For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#).

**Farm worker rights**

- Farm workers have different rights from other workers in many Canadian provinces.
- For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#).
- Farm workers can file employment discrimination complaints in every province.

**What can I do if my employer does not pay me for all my work or does not pay me at all?**

You can file a complaint with the employment or labour standards office in the province where you are working.

Your employer has to pay you. You can complain even if you do not have a valid work permit.

For more information, see [Guide to Laws Prohibiting Forced Labour in Canada](#).

### What can I do if I am hurt on the job?

You must notify your employer and seek medical attention if you are hurt on the job. You can file a claim with the Workers' Compensation Board in the province where you are working.

- In Canada, “workers’ compensation” is separate from the social security and health care systems.
- If you die on the job in Canada, your family can get your workers’ compensation benefits.

You can get workers’ compensation even if you do not have a valid work permit.

For more information, see [Guide to On-the-Job Injuries in Canada](#).



#### Health insurance in Canada

- In Canada, every province has a health care system that covers everyone who is a resident of that province. In some cases, you may need to have been a resident of the province for a minimum period of time to be covered by the public insurance system.

### Where do I go if my workplace is unsafe and I want to report it to someone?

You can report an unsafe workplace to the workplace safety division in the province where you are working. For more information and a number to call, read [Guide to On-the-Job Safety and Health in Canada](#).

You have the right to a safe working environment even if you do not have a valid work permit.

### What can I do if my employer fires me?

After you have had a job for a certain length of time, your boss must give you reasonable notice, or pay instead, before firing you. However, there are some exceptions: you may be fired without notice for a “just cause” (for example, serious misconduct or repeated absences from work without good reason), if your contract expires, if the factory where you work burns down, etc.

Your boss may not fire or punish you because you have exercised or wish to exercise your legal rights. Also, if you have worked for an employer in Quebec, Nova Scotia or a federally regulated industry for a certain period of time, you may not be dismissed without a good reason.

If you are fired illegally or if your boss does not give you advance notice (or termination pay instead), you can file a complaint with the applicable employment or labour standards office.

If you are covered by a union contract, you may have to resolve your complaint by filing a grievance.

You can make a claim for Employment Insurance with the Human Resources and Skills Development Canada office in the province where you are working.

- In Ontario and in federally regulated industries you may be legally entitled to severance pay if you are fired, depending on factors like how long you worked for the employer. Also, your contract (union or individual), may provide for severance pay if you are dismissed.

If you do not have a valid work permit, you cannot collect Employment Insurance in Canada.

For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#) and [Guide to Labour Relations Law in Canada](#).

### Where do I go if I want someone to explain the law to me and help me with my case?

There are “legal aid” offices in every province that provide legal services to low-income people. If lawyers and staff in the legal aid office cannot help you, they can refer you to someone who can.

#### Beware of traffickers

- It is illegal for a person to tell you that you will get a good job in Canada and then make you sell sex instead.
- It is illegal for a person to take away your passport to make you work.
- It is illegal for a person to threaten you with violence to make you work.
- A person who does these things to you can be sent to prison.

#### Housing

- The law does not require employers to provide housing for workers in Canada.
- If room and board are provided to the worker, the employer may deduct part of the cost from the employee’s wages. There is a limit on how much can be deducted for each meal and each day or week for housing.
- The exception is if you are a temporary farm worker in the CCMSAWP program. For more information, see [Guide to the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program \(CCMSAWP\) in Canada](#).



Commission for Labor Cooperation

# Guide to Labour Relations Law

in Canada

Canadian labour relations law protects workers' rights to join and form unions, bargain collectively and engage in collective action.

Labour laws promote healthy relationships between workers, unions and employers.

Foreign workers, including workers without a valid work permit, are covered by labour relations laws in most provinces.

## Provincial or federal: which labour relations law applies?

Unless you work in a federally regulated industry, the laws that apply to the relationship between unions, workers and employers are those of the province in which you work. Federal industries are generally governed by the *Canada Labour Code*.

## What activities do labour relations laws protect?

Canadian labour relations laws in all provinces share many similarities and are based on core principles that protect workers and unions.

### These laws protect:

#### Freedom of association and the right to organize

- Workers have the right to organize themselves to promote and defend their interests in employment.
- Governments have the duty to protect workers when they exercise their right to organize.



#### The right to bargain collectively

- Workers have the right to negotiate working conditions as a group.
- Employers have a duty to bargain in good faith with a union when a majority of their workers have chosen union representation.

#### The right to strike

- Workers' right to strike is more limited than the right to bargain collectively and the right to organize.
- Workers in Canada can take part in a legal strike only at the end of a collective agreement (a work agreement between a union and an employer).

As a worker, you have the right to join with other workers to address shared problems and to improve your working conditions.



#### **Labour relations.**

The relationships between unions, workers and employers are often referred to as labour or industrial relations.

#### **Federal industries subject to the *Canada Labour Code* include:**

- industries that operate across provincial and national borders (bus operations, trucking, pipelines, ferries, shipping, etc.);
- air transport, aircraft and airports.
- telecommunications (radio and TV broadcasting, telephone and cable systems);
- banks;
- works declared by Parliament to be for the general advantage of Canada (e.g., grain elevators, uranium mining and processing);
- most federal Crown corporations.

Private companies in the Yukon, Northwest Territories and Nunavut are also subject to the *Canada Labour Code*.

#### **What is a union and what can it do for me?**

A union is a group of employees who work together to get better wages, hours and working conditions.

#### **Unions:**

- represent you to the employer;
- negotiate wages, hours and working conditions in “collective bargaining agreements”;
- make sure that the collective bargaining agreement is put into effect.



#### **What are the advantages and disadvantages of joining a union?**

Joining a union can have many benefits, including better wages, benefits and working conditions.

Joining a union can also have costs, like union dues and striking when needed.

#### **Union certification**

A union must be certified before it can force an employer to negotiate a collective agreement covering the employees it represents.

- Over 50 percent of the workers in your workplace or in a unit within your workplace must choose to become members of a union before your union can become certified.
- Certification means that a union has been given official permission from a labour board to act on behalf of a group of workers called a bargaining unit.
- Workers and their unions are protected from employer interference when they are trying to become certified by a labour board.

#### **Is it legal for my employer to try to interfere with my right to join or not join a union?**

When you are covered by labour relations legislation, your employer cannot interfere with your right to join the trade union of your choice.

Employers and persons acting on behalf of employers CANNOT:

- threaten, penalize or intimidate you in any way because you belong to a union or are considering joining a union;
- participate in a union or contribute to a union;
- discriminate against any person because he or she is, was, or wants to be a member of a union. Such discrimination includes refusing to hire or firing a worker as well as any other situation where a worker is treated differently because of his or her association with a union;
- change employment conditions to prevent workers and potential workers from becoming union members.

### **Does the union have any duties toward its members?**

- If you are represented by a union, you have a right to expect that the union will act in good faith and provide you with fair representation without discrimination.
- Unions are also prohibited from making threats, penalizing or intimidating you in any way because you have decided not to associate with a union or because you have decided to associate with another union.

### **Where can I go to file a complaint if my rights as a union member are violated?**

- Each province (as well as the federal government) has an agency responsible for labour relations called a labour board (except in Quebec, where this is the job of the Commissioner General of Labour).
- The labour boards (and the Quebec Commissioner) certify unions, investigate complaints of unfair labour practices, interpret the labour laws, and decide cases. They also help employers and unions resolve issues before conflict occurs.

#### **Grievances**

Most collective bargaining agreements have a way for dealing with problems. It is called a grievance procedure.

A grievance is a complaint that you can file against the employer when the employer violates the collective bargaining agreement.

The employer and your union will talk about the complaint and try to settle the problem.

If they cannot settle the problem, then your grievance may go to arbitration.

In arbitration, an independent arbitrator will hear both sides of the complaint and make a decision.

### **Do I have a constitutional right to be a union member?**

The Canadian Constitution does not protect your right to be in a union. However, all workers have basic constitutional rights in Canada.

#### **You can associate with any group you choose.**

- Even if you are a worker not covered by the labour relations law of your province or jurisdiction, you are free to be a member of a union or other work-related association.
- Section 2 of the *Charter of Rights and Freedoms* provides that everyone is entitled to the fundamental freedoms of association and expression.
- No law or government official can unreasonably limit your constitutional freedoms.

#### **Peaceful informational picketing is legal.**

- Workers sometimes choose to protest by picketing. Picketing usually is a demonstration outside a business or organization. Picketing puts pressure on the employer and informs the public about workplace problems. Peaceful picketing is protected by the *Charter of Rights and Freedoms*.

**Contact your labour board to find out if you are protected by labour relations laws.**

- Domestic workers are included everywhere except in Alberta, New Brunswick and Ontario.
- Farm workers are included everywhere in Canada except in Alberta, Ontario, Quebec (when fewer than three such workers are ordinarily and continuously employed), and New Brunswick (when fewer than five employees are employed).
- Tree planters are included everywhere.
- Fishers are included everywhere (in Newfoundland and Labrador and New Brunswick, fishers are covered by a separate law).
- All Canadian labour relations laws exclude managers.

**Secondary picketing**

Secondary picketing is picketing activity that takes place outside workplaces or associations that do business or have a relationship with the worker's employer.

- Depending on the jurisdiction, secondary picketing is either prohibited or permitted under certain conditions.
- Secondary picketing does not include activities like issuing press releases, engaging in letter-writing campaigns and communicating information through paid advertising. These kinds of activities are protected by the *Charter of Rights and Freedoms*.



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# Guide to Laws Prohibiting Forced Labour

in Canada

## What is forced labour?

Forced labour is any work or service that a person is obliged to do against his or her will without payment or under threat.

The *Canadian Charter of Rights and Freedoms* protects people's right to life, freedom and security; nobody can be deprived of these rights unless as an exception and under the basic principles of justice.

## Know your rights:

- Every Canadian province has minimum worker protection standards.
- All workers are entitled to be paid wages for the work they perform.

For more information on your labour rights, see the [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#).

- In most cases, you can work wherever and whenever you wish, providing your work is not illegal.
- No one can force you to provide your services to an employer if you are not paid and do not agree.

## You should tell the authorities if:

- your employer threatens to physically mistreat you or another person if you leave your job;
- your employer says things that make you think that you or another person might be hurt if you leave your job;
- your employer locks you in the workplace;
- your employer threatens to prevent you from leaving home;



- your employer tries to take, keep or destroy your passport or immigration papers;
- a “coyote” (a person who secretly helps you cross the border) makes you work for free with the excuse of charging you for the “trip”;
- you are obliged to work in prostitution.



Your employer could go to prison if he or she forces you to work in prostitution or violates your freedom by refusing to let you leave outside working hours.

If you wish to know more about workers' rights in the province where you live, call:

Alberta	1-800-232-7215
British Columbia	(604) 852-5486
Manitoba	1-800-821-4307
New Brunswick	1-800-452-2687
Newfoundland and Labrador	1-877-563-1063
Nova Scotia	1-888-315-0110
Ontario	1-800-531-5551
Prince Edward Island	1-800-333-4362
Quebec	1-800-265-1414
Saskatchewan	1-800-667-1783



Commission for Labor Cooperation

# Guide to Child Labour Laws

## in Canada

**P**arents and employers must ensure that the safety and health at work of employed youths are protected.

Where children are employed, employers must make special efforts to ensure that the workplace is healthy and safe.

In Canada, the provinces, the territories and the federal government regulate the employment of children and youths. Generally, children and youths under 18 may work as long as it does not hurt their health, welfare, or safety or interfere with school attendance. Most provinces do not allow children under 14 years of age to work except in special cases.

### At what age can I start work in Canada?

It depends on the province where you want to work.

In general, youths may start working in most industries and occupations at the age of 14 in New Brunswick, Newfoundland and Labrador, Ontario, and Quebec, at age 15 in Alberta and British Columbia, and at age 16 in Manitoba. In Nova Scotia, Prince Edward Island and Saskatchewan, children younger than 14 may work in many jobs without a permit, but there are restrictions.

- For more information on this question and all the questions below, you should call one of the numbers listed at the end of this guide. Each province has its own rules and its own exceptions to the rules.



### What do I need to be able to work?

In some provinces, you will need the permission of your parent or guardian to work – sometimes even that of your school principal or the director of employment standards in the province.

### Can I work whenever I want?



No. Most provinces restrict the number of hours minors can work. In addition, each province has laws that require minors to be in school at certain times of the day.

Generally, young workers may not work at night or during normal school hours.

### Can I work wherever I want?

No. Most provinces prohibit minors from working on a variety of jobs that are dangerous, difficult or likely to have a bad effect on a child's moral development. For example, in New Brunswick, minors under the age of 14 may not work in garages, dancehalls or other places listed in the law. In Nova Scotia, minors under the age of 16 may not work in shooting galleries, pool rooms or other places listed in the law.

There is not room enough in this guide to list all the places where minors may or may not work.

### Can I work at night?

Not usually. In most provinces, workers under a certain age may not work after 10 or 11 p.m.



### How many hours a day can I work?

In most provinces, minors may not work more than two or three hours a day on a school day, or more than eight hours on a non-school day.

### Can I work on a farm in Canada?

Yes. Minors may work on farms in Canada.

### Do child labour laws apply to farm work in the same way as to other jobs?

In some provinces, child labour laws do not apply, or only partly apply, to farm work. What follows is a summary of the basic child labour laws for farm work in each Canadian province. Employers everywhere in the country have a duty of care and must ensure that the health and safety of young workers are protected.

## Province

## Restriction

### Alberta

Generally, restrictions on child employment do not apply to most farm and ranch employees.

Children under 16 must attend school during normal school hours, unless they have a special permit.

### British Columbia

Workers must be 15 years old or hold a permit from the Employment Standards Branch to work in any sector, including farm work.

### Manitoba

Most restrictions on child employment do not apply in the agricultural sector. However, children under 16 cannot work during school hours without a permit. Children under 15 may not get such a permit.

### New Brunswick

Youths under 18 may not work during school hours unless they have graduated from high school.

Youths under 16 cannot work on a farm or in other sectors:

- more than 6 hours/day;
- more than 3 hours/school day;
- on any school day when work and school add up to more than 8 hours;
- between 10 p.m. and 6 a.m.

Youths under 14 cannot be employed in the forestry industry, including tree-planting, brushing and spraying, without a permit from the Director of Employment Standards.

**Province****Restriction****Newfoundland and Labrador**

- Youths under 16 cannot work on a farm or in other sectors:
- if the employer has not received the written consent of a parent or guardian;
  - if the work will impair school attendance or the capacity to benefit from school;
  - if the work is harmful to the youth's health or normal development;
  - more than 8 hours per day
  - more than 3 hours on a school day without a permit;
  - if time spent at school and at work adds up to more than 8 hours in a day;
  - between 10 p.m. and 7 a.m.;
  - in circumstances where the child does not get a rest period of 12 consecutive hours/day;
  - during a strike/lockout.

Youths under 14 may not be employed.

**Nova Scotia**

Youths under 16 cannot work in the forestry sector, including treeplanting, brushing and spraying, unless they are employed by a family member.

Youths under 16 must attend school and cannot work during school hours.

**Province****Restriction**

- Youths under 14 cannot work on a farm or in other sectors:
- if the work is harmful to the youth's health or normal development;
  - if the work will impair school attendance or the capacity to benefit from school;
  - for more than 8 hours per day;
  - for more than 3 hours on a school day without a permit;
  - if time spent at school and at work adds up to more than 8 hours in a day;
  - between 10 p.m. and 6 a.m.

**Ontario**

Most restrictions on children's work do not apply in the farm sector. Youth under 16 must go to school and cannot work during school hours without a permit, unless they have completed high school.

**P.E.I.**

- Youths under 16 cannot work on a farm or in other sectors:
- if the work is harmful to the youth's health or normal development;
  - for more than 8 hours per day or 40 hours per week;
  - during normal school hours;
  - for more than 3 hours on a school day, without a permit;
  - between 11 p.m. and 7 a.m.

Except for the prohibition concerning harmful work, these rules do not apply in a business or on a farm where only the employer's family works. If certain conditions are met (e.g., parental consent), an inspector of labour standards may also exempt a young person from these limitations.

## Province

## Restriction

When employing youth workers, employers must:

- identify potential dangers;
- give proper instructions;
- supervise the youth's work or ensure that a qualified adult supervises;
- provide adequate training.

## Quebec

Youths under 18 cannot be employed on a farm or in other sectors when:

- the work is likely to be harmful to the youth's health, education or normal development;
- the work is disproportionate to the child or youth's abilities .

If a child or youth is subject to compulsory school attendance, he or she cannot be employed:

- during school hours or during hours that make attendance at school; difficult or impossible;
- between 11 p.m. and 6 a.m.

At the request of his or her parents, a student may be excused from attending school for up to six weeks during the school year to carry out urgent work.

Youths under 14 cannot be employed unless an employer receives written consent from the child's parent or tutor.



## Province

## Restriction

**Saskatchewan** Youth workers must be 16 years old to operate powered mobile equipment on a worksite or to work in areas where they may be exposed to dangerous chemicals or biological substances.

Youths under 16 cannot work during school hours without the permission of their school's principal.

**Harmful child labour is everybody's business**  
Provincial officials who enforce labour, health and safety standards will accept good faith complaints about harmful child and youth labour from any person.

## Provincial contact information

### Alberta

For information about youth employment, to apply for a permit, or to make a complaint, contact the Human Resources and Employment Office nearest you, or dial: (780) 427-3731 in Edmonton or toll free (province-wide) 310-0000 (780) 427-3731.

If you believe that a child is working in dangerous conditions, or if you would like information about worker health and safety, contact Workplace Health and Safety:

- 1-866-415-8690 (province-wide toll free number).

### British Columbia

For information about youth employment, to apply for a permit, or to make a complaint, contact the Employment Standards Branch nearest you, or dial:

- 1-800-663-3316 (province-wide toll free number).

For information about worker health and safety contact the Workers' Compensation Board of British Columbia:

- 1-888-621-SAFE (1-888-621-7233, province-wide toll free number).

**Manitoba**

For information about youth employment, to apply for a permit, or to make a complaint, contact the Labour and Immigration Employment Standards Office nearest you, or dial: (204) 945-3352 in Winnipeg or toll free 1-800-821-4307.

If you believe that a child is working in dangerous conditions, or if you would like information about worker health and safety, contact the Workplace Health and Safety Division:

- 1-800-282-8069 (province-wide toll free number).

**New Brunswick**

For information about youth employment, or to make a complaint, contact the Employment Standards Branch nearest you, or call:

- 1-888-4-LABOUR (1-888-452-2687, province-wide toll free number).

**Newfoundland and Labrador**

For information about youth employment or to make a complaint, contact the Labour Standards Division:

- 1-877-563-1063 (province-wide toll free number).

**Nova Scotia**

For information about youth employment or to make a complaint, contact the Labour Standards Division:

- 1-888-315-0110 (province-wide toll free number).

**Ontario**

If you believe that a child is working in dangerous conditions, or if you would like information about worker health and safety, contact the Occupational Health and Safety Branch:

- 1-800-268-8013 (province-wide toll free number).

**Prince Edward Island**

For information about youth employment, or to make a complaint, contact the Labour and Industrial Relations Division:

- 1-800-333-4362 (province-wide toll free number).

If you believe that a child is working in dangerous conditions, or if you would like information about worker health and safety, contact the Occupational Health and Safety Branch:

- 1-800-237-5049 (province-wide toll free number).

**Quebec**

For information about labour standards, or to make a complaint, contact the Commission des normes du travail:

- 1-888-708-9188 (province-wide toll free number).

If you believe that a child is working in dangerous conditions, or if you would like information about worker health and safety, contact Quebec's workplace safety commission, the CSST (Commission de la santé et de la sécurité du travail):

- 1-800-667-7585 (province-wide toll free number).

**Saskatchewan**

The Saskatchewan Labour Farm Safety Program promotes safe farm practices and offers advice on the employment of youth and children in the agricultural sector:

- 1-877-419-3510 (province-wide toll free number).

If you believe that a child is working in dangerous conditions, or if you would like information about worker health and safety, contact the Occupational Health and Safety Division:

- 1-800-567-7233 (province-wide toll free number);
- 1-800-667-5023 (in Saskatoon).



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# Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance

in Canada

All Canadian provinces, territories and the federal government have minimum employment standards.

Minimum employment standards protect the rights of employees and ensure that they are being treated fairly and with respect.

Foreign workers, including workers without a valid work permit, are usually covered by employment standards laws in most provinces.

## What is the minimum hourly wage in Canada?

All provinces and territories in Canada have set an hourly minimum wage that must be paid by employers. Minimum wages vary by province. You should call your provincial employment or labour standards office to find out the minimum wage where you are working.

You cannot waive your right to a minimum hourly wage.

- In some cases, your boss may deduct the cost of room and board from your wages.
- Sometimes young or inexperienced workers may earn a lower minimum wage. For more information, contact the employment or labour standards office in the province where you are working.



## Is there a limit on the number of hours my employer can make me work each week?

The federal, provincial and territorial governments all have laws that limit the number of hours your employer can make you work per week at regular pay. Some laws also require employers to give minimum periods of rest to their employees and restrict the amount of overtime that an employee may be required to work.

### What is overtime pay?

After you have worked the maximum allowable hours at regular pay, your employer must normally pay you one and one-half (1.5) times your hourly wage. In some provinces, the overtime rate is one and one-half times the provincial *minimum wage*. In British Columbia, employees can be entitled to two times their wage rate when they work more than 12 hours in a day. This is called overtime pay.



### Must my employer pay me for holidays when I am not working?

You may qualify for a paid holiday on certain days that are designated as “general” or “statutory” holidays. These days include:

- New Year’s Day (January 1);
- Good Friday (the Friday before Easter);
- Canada Day (July 1);
- Labour Day (the first Monday in September 1), and;
- Christmas Day (December 25).

The following holidays are also recognized by a majority of provinces and the federal government:

- Victoria Day (the Monday following the third Sunday in May);
- Thanksgiving Day (the second Monday in October);
- Remembrance Day (November 11).

Most provinces and territories have specific additional paid holidays. Contact your nearest employment or labour standards office for more information.

### Must my employer give me notice before dismissing me from my job?

Usually, your employer must give you notice or give you pay instead of notice, prior to dismissing you from your job. Your employer does not have to give you notice when dismissing you for just cause. If you have a contract for a fixed term or task, your employer does not have to give you notice when your contract ends. Notice of termination provisions vary for each province. Contact your nearest provincial employment standards office for more information.

### Am I entitled to a paid vacation in Canada?

The federal, provincial and territorial governments require employers to provide vacations to employees who have worked for a certain length of time. In most cases, the vacation must be paid. There are some exceptions in some provinces and territories. Call your provincial employment or labour standards office to find out the requirement where you work.

### What happens if I lose my job?

You may be entitled to receive Employment Insurance benefits if you lose your job. Employment Insurance is a federal program that pays benefits if you are out of work and looking for a job. For information about how and where to apply and whether you qualify, call the Employment Insurance Commission at 1-800-206-7218. Foreign workers without a valid work permit cannot collect Employment Insurance benefits.



If you are a guest farm worker in the CCMSAWP, you may not be able to collect Employment Insurance benefits because you must leave Canada after a certain length of time. For more information, see [Guide to the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program \(CCMSAWP\) in Canada](#).

## **I am a farm worker. Do I have the same protections as other workers?**

The law is a bit different for farm workers in many Canadian provinces. Here is a list of important differences in each province.



### **Alberta**

If you work on a farm or ranch and your employment is directly related to the production of eggs, milk, grain, fruit, vegetables, honey, livestock, game-production animals, poultry, bees or cultured fish, then you are excluded from most minimum employment standards in Alberta.

You are excluded from the following standards:

- Minimum wage
- Hours of work
- Overtime
- General holidays with pay
- Vacation
- Vacation pay
- Rest periods
- Restriction on employment of children

Call 1-800-232-7215 for more information.

### **British Columbia**

If you are a farm worker in British Columbia, you are excluded from overtime provisions and general holidays with pay.

B.C. farm workers are entitled to the minimum wage. The province also sets out the piecework rates for farm workers who hand-harvest certain crops.

Contact the employment standards office at 1-800-663-3316 for minimum wage rates with respect to your task.

A farm labour contractor cannot charge you for his or her services.

If your farm labour contractor transports you to an area for work but does not supply you with work, he or she must pay you the minimum hourly wage for the longer of:

- 1) two hours; or
- 2) the time it took to go to and from the job site.

However, this doesn't apply if you cannot work because of bad weather or due to another cause outside the farm labour contractor's control.

Call 1-800-663-3316 for more information.

### **Manitoba**

If you are employed as a farm worker you are excluded from the following minimum standards:

- Minimum wage
- Hours of work
- Overtime
- Paid general holidays
- Vacation
- Vacation allowance
- Rest periods
- Notice of termination
- Maternity leave and parental leave
- Restriction on the employment of children

Your employer must pay you on time for the work you do.

Your employer must pay men and women equally for the same work.

Call 1-800-821-4307 for more information.

### **New Brunswick**

If you work on a farm that has three or fewer employees for a substantial part of the year (not counting close relatives of the employer), then you are excluded from the following minimum standards:

- Minimum wage
- Hours of work
- Overtime
- Paid general holidays
- Vacation
- Vacation pay
- Rest periods
- Notice of termination
- Maternity leave and parental leave

Restrictions apply to the employment of persons under the age of 16.

Call 1-800-4LABOUR (1-800-452-2687) for more information.

### **Newfoundland and Labrador**

If you are a farm worker in Newfoundland and Labrador, you are entitled to all employment standards in that province except overtime.

Overtime provisions do apply if you work in a greenhouse or nursery producing fruit or vegetables.

Call 1-877-563-1063 for more information.

### **Nova Scotia**

If you are a farm worker in Nova Scotia whose work is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, maple products, honey, tobacco, pigs, cattle, sheep, poultry or animal furs, you are excluded from the following minimum standards:

- Hours of work
- Overtime
- General holidays with pay

But these standards do apply if you work in a place that produces flowers, fruit, grain, seeds, tobacco or vegetables under cover (like in a greenhouse).

Certain farm workers, notably those paid on a piecework basis to hand-harvest certain crops, are not entitled to the minimum wage.

Call 1-888-315-0110 for more information.

### **Ontario**

If you work on a farm that is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, maple products, honey, tobacco or herbs, or the raising and keeping of pigs, cattle, sheep, goats, poultry, deer, elk, ratites, bison, rabbits, game birds, wild boar or cultured fish, then you are not covered by the following minimum employment standards:

- Minimum wage
- Hours of work
- Overtime
- General holidays with pay
- Vacation
- Vacation pay

If you are harvesting fruit, vegetables or tobacco, you are entitled to the minimum wage (piece rate) and, after 13 weeks of employment, to public holidays and vacation pay.

Sometimes workers do both harvest work and general farm work. In that case, the application of the law depends on what tasks you perform the most during the workweek. If you spend more time doing harvest work, then the rules that apply will be those of a harvest worker.

Call 1-800-531-5551 for more information.

### Prince Edward Island

If you are a farm worker you are excluded from the following minimum employment standards (unless you are employed in a commercial operation):

- Minimum wage
- Hours of work
- Overtime
- General holidays with pay
- Vacation
- Vacation pay
- Rest periods
- Notice of termination

You must be paid on time for the work you perform. You are also entitled to maternity and parental leave, as well as protection from sexual harassment.

A commercial farm is a farm that purchases at least 50 percent of its product from other farms. You are covered by minimum standards if you work on a commercial farm.

Call 1-800-333-4362 for more information.

### Quebec

If you are a farm worker in Quebec you are not entitled to the following labour standards:

- Hours of work
- Overtime

Employees principally involved in the hand-harvesting or processing of vegetables and fruit are not entitled to the minimum wage.

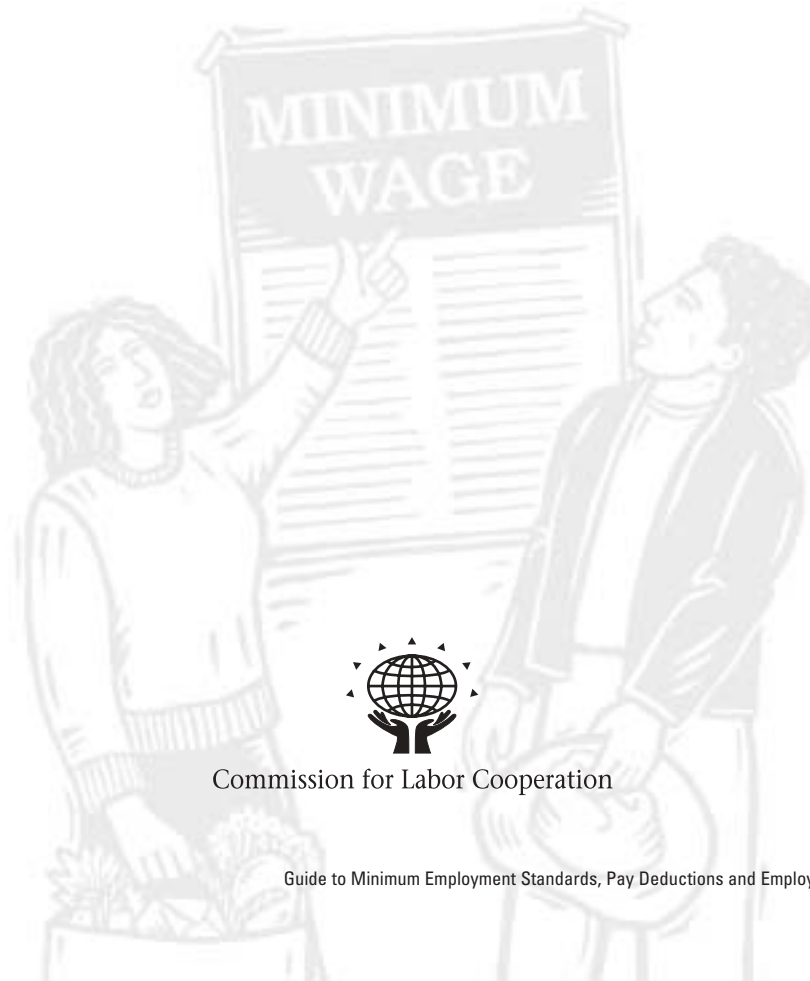
Call 1-800-265-1414 for more information.

### Saskatchewan

If you are employed primarily in farming, ranching or market gardening, then you are not covered by the minimum labour standards law of Saskatchewan, except for provisions concerning the recovery of unpaid wages.

If you are employed in the operation of egg hatcheries, greenhouses or nurseries, bush clearing operations, or commercial hog farms then you are not considered to be employed in “farming, ranching or market gardening” and are covered by the *Saskatchewan Labour Standards Act*.

Call 1-800-667-1783 for more information.



Commission for Labor Cooperation

# Guide to Employment Discrimination Laws

in Canada

**E**mployers must respect the dignity of their employees and must make sure that their actions and workplaces are free of harmful discrimination.

Human rights laws across Canada prohibit employers from discriminating against individuals in hiring, firing, or the terms and conditions of employment because of certain personal characteristics (unless it is for a valid job requirement).

With some exceptions, workers in Canada are protected from discrimination based on:

- national or ethnic origin, race, ancestry, place of origin, colour;
- disability (physical and/or mental);
- religion, creed, political belief, association;
- sex, sexual orientation, pregnancy;
- age (with exceptions for minors and seniors in some cases);
- marital or family status.

The provinces, the territories, and the federal government all have slightly different laws. Some jurisdictions protect workers from discrimination on additional grounds, such as language, social status, or previous convictions for which a pardon has been granted. For more information, contact the human rights commission that covers you.

## **Provincial or federal: which law applies?**

Unless you work in a federally regulated industry, the human rights laws that apply are those of the province or territory in which you work. Federally regulated industries are governed by federal human rights laws.



## **Am I protected from discrimination based on union activity?**

Canadian labour laws prohibit discrimination against any person for union activity or because of union membership. You cannot be treated unfairly or differently because of your association with a union.

If you are represented by a union (whether or not you are a member), you have a right to expect that the union will act in good faith and provide you with fair representation free from discrimination.

### **Foreign workers are protected.**

Almost all employees in Canada are protected by human rights laws, even if they do not have a permit to work in Canada.

### **Human rights law at a glance**

- Canadian human rights laws protect people and groups from discrimination based on factors that do not relate to personal merit or valid requirements of the job.
- Canadian human rights laws share many similarities and are based on the same core principles.
- These laws are usually referred to as human rights codes.
- Human rights commissions help to promote and protect equality between Canada's workers.

### **You are protected from discrimination at every stage of your relationship with an employer.**

- **Before you are hired:** hiring practices are covered, including advertising, application forms, interviews, and employment agency referrals.
- **While you are working:** many working conditions are covered, including training, wages, benefits and benefit plans, discipline and suspension, dress codes, promotions, and seniority.
- **When your work ends:** dismissals and layoffs are also covered by human rights laws.

### **What if a supervisor or a co-worker insults me or makes me uncomfortable because of my race or sex?**

Comments or actions that are abusive and unwelcome make a workplace unhealthy and may constitute workplace harassment.

You have the right to a work environment free of sexual and racial harassment. Your employer and your employer's managers must ensure that demeaning, offensive, or intimidating language or actions do not take place in the workplace.



### **What if I have a disability or a special need? Am I protected by human rights laws?**

Your employer must try to accommodate your disability or special need, and cannot discriminate against you.

Employers cannot exclude workers from normal participation in the workplace when it is possible to make arrangements, such as changes to the workplace or working conditions, to include them.

When a worker's special needs are covered by human rights laws, an employer must modify working conditions to meet those special needs where it is possible to do so without serious hardship to the operation of the business.

This duty is called the duty of reasonable accommodation.

Here are some examples of reasonable accommodation:

- adding wheelchair access to an office;
- providing visual and hearing aids;
- modifying work activities during pregnancy or an illness;
- providing flexible work hours to allow for religious observance.

### **Employer liability**

Employers must provide a healthy work environment and must take steps to prevent discrimination and harassment in the workplace. Otherwise, they may be held responsible for the damage caused to employees when they allow discrimination to happen in the workplace.

Because employers have control over the work environment, they may also be held responsible for the conduct of a supervisor, an employee or, in some cases, a customer, when such conduct occurs at work or during work-related activities.

### **Pregnancy discrimination**

Women cannot be discriminated against in any aspect of employment because of pregnancy. To ensure the health and safety of mother and child, an employer must modify the working conditions of a pregnant worker when necessary, unless doing so would cause the employer undue hardship.

### **Retaliation prohibited**

If you make a complaint or act as a witness in a human rights case, your job is protected.

Canadian human rights laws prohibit employers from threatening, intimidating, or discriminating against employees because they have co-operated with a human rights commission or tribunal.

### **What do I do if discrimination is a problem in my workplace?**

The first step is to see whether you can resolve the problem informally with your employer or co-workers. If you cannot resolve the issue with your employer or co-workers, you can ask the relevant human rights commission for help. In British Columbia you must go to the Human Rights Tribunal instead.

Human rights commissions investigate complaints of discrimination. When the commission finds that discrimination is a problem in a workplace, it will help workers and employers find solutions to end the discrimination.

If a solution cannot be found through negotiation, the commission may take the issue to a human rights board or tribunal, where a formal hearing of the complaint will decide the issue.

The steps involved as a complaint proceeds from the commission stage to an independent tribunal vary. Usually, the commission remains involved and acts on the complainant's behalf.

A tribunal decision may be appealed in most provinces and territories, but appeals are usually limited to certain aspects of the tribunal's decision.

### **Do human rights commissions do more than investigate discrimination complaints?**

Human rights commissions in Canada do much more than just investigate complaints of discrimination. The commissions are involved in awareness and training activities. They provide information and advice to the public, and help employers and organizations create their own human rights policies.

**For information or to make a complaint, contact your local human rights commission**

**Alberta:** Alberta Human Rights and Citizenship Commission

Edmonton phone: (780) 427-7661

Calgary phone: (403) 297-6571

Toll free: 310-0000 (in Alberta)

Internet: <http://www.albertahumanrights.ab.ca>

**British Columbia:** British Columbia Human Rights Tribunal

Vancouver: (604) 775-2000

Toll free: 1-888-440-8844

Internet: <http://www.bchrt.bc.ca>

**Manitoba:** Manitoba Human Rights Commission

Winnipeg phone: (204) 945-3007

Toll free: 1-888-884-8681

Brandon phone: (204) 726-6261

Toll free: 1-800-201-2551

The Pas phone: (204) 627-8270

Toll free: 1-800-676-7084

Internet: <http://www.gov.mb.ca/hrc/>

**New Brunswick:** New Brunswick Human Rights Commission

Phone: (506) 453-2301

Internet: <http://www.gov.nb.ca/hrc-cdp/>

**Newfoundland and Labrador:**

Newfoundland Human Rights Commission

Phone: (709) 729-2709

Toll free: 1-800-563-5808

Internet: <http://www.gov.nf.ca/hrc/>

**Nova Scotia:** Nova Scotia Human Rights Commission

Halifax phone: (902) 424-4111

Toll free: 1-877-269-7699

Internet: <http://www.gov.ns.ca/humanrights>

**Ontario:** Ontario Human Rights Commission

Toronto phone: (416) 326-9511

Toll free: 1-800-387-9080

Internet: <http://www.ohrc.on.ca>

**Prince Edward Island:** Prince Edward Island Human Rights Commission

Phone: (902) 368-4180

Toll free: 1-800-237-5031

Internet: <http://www.gov.pe.ca/humanrights>

**Quebec:** La Commission des droits de la personne et des droits de la jeunesse

Montréal phone: (514) 873-5146

Toll free: 1-800-361-6477

Québec phone: (418) 643-4826

Toll free: 1-800-463-5621

Internet: <http://www.cdpcj.qc.ca>

**Saskatchewan:** Saskatchewan Human Rights Commission

Regina phone: (306) 787-2530

Toll free: 1-800-667-8577

Saskatoon phone: (306) 933-5952

Toll free: 1-800-667-9249

Internet: <http://www.gov.sk.ca/shrc>

**Yukon:** Yukon Human Rights Commission

Phone: (867) 667-6226

Toll free: 1-800-661-0535

Internet: <http://www.yhrc.yk.ca>

**Federal Sector:** Canadian Human Rights Commission

Toll free: 1-888-214-1090

Internet: <http://www.chrc-ccdp.ca>



Commission for Labor Cooperation

# Women's Guide to Pregnancy on the Job

in Canada

**I**n Canada, the law protects the rights of working women who are pregnant and those who have or plan to have children.

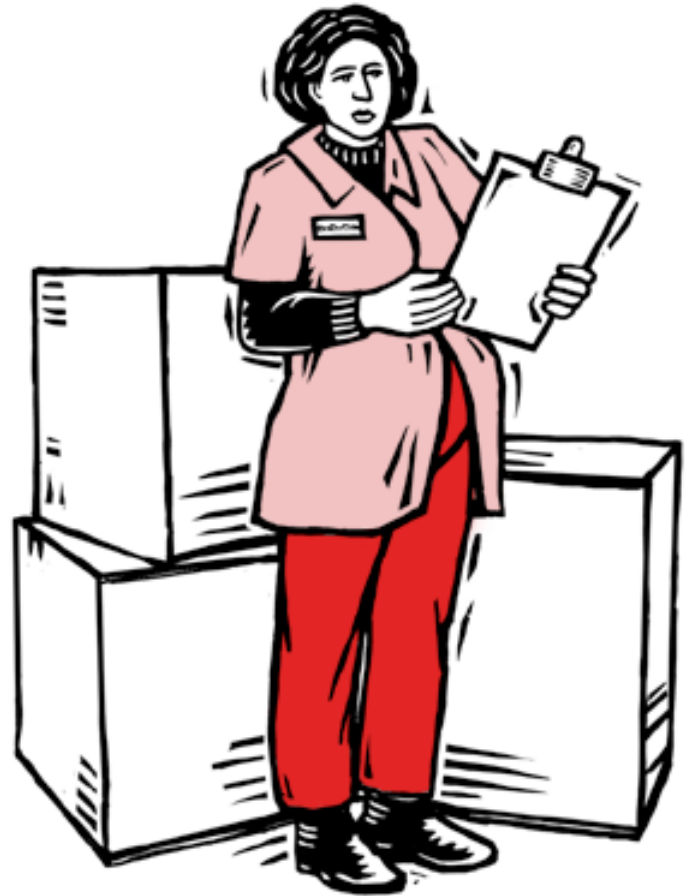
In all provinces and territories, there are human rights laws that make it illegal for an employer to fire, mistreat or refuse to hire any worker because she is pregnant. Workers are protected regardless of their immigration status.

## Applying for and keeping a job during pregnancy

- It is against the law in Canada for an employer to refuse to hire a woman because she is pregnant if she is able to perform the “essential duties” of the job.
- If you are pregnant when you apply for a job, you do not have to tell the employer that you are pregnant.
- An employer may not ask you whether you are pregnant or plan to become pregnant in the future.
- Your employer cannot force you to take a pregnancy test or any kind of medical exam unless the test will be used to determine your ability to do your job or to determine any health risks related to your employment.

## How long may I work during my pregnancy?

- In most jurisdictions, you have the right to keep working during your pregnancy as long as you are able to perform the essential or main duties of your job.
- Your employer may not penalize you (like firing you, forcing you to take a lower paying job, or forcing you to take leave) simply because you are pregnant.



## What can I do if my employer discriminates against me because I am pregnant?

- The federal government and all provinces have human rights commissions that handle complaints of employment discrimination, including discrimination on the basis of pregnancy. Employment and labour standards laws in many jurisdictions also prohibit employers from discriminating against pregnant employees.
- If you have been the victim of pregnancy discrimination, you can file a complaint with your local human rights commission or labour/employment standards office.

For more information about how to file a complaint, see *Guide to Employment Discrimination Laws in Canada*.

### **What if I become sick and can no longer work during my pregnancy?**

- **First:** You can use up any sick leave time that your employer provides, which will normally allow you to receive 100 percent of your normal pay. In some jurisdictions, you are entitled to job protection for a certain period of time while you are on sick leave.
- **Second:** Your employer may provide insurance for workers with temporary disabilities (including pregnancy-related illnesses), which may pay a portion of your wages while you are too sick to work.
- HOWEVER, the law allows your employer to insist that you apply for your Employment Insurance benefits instead, if both benefits would be about the same amount.

### **What is Employment Insurance?**

In Canada, if you meet certain eligibility requirements, you can get Employment Insurance (EI) benefits if you:

- are pregnant;
- have recently given birth;
- are adopting a child; or
- are caring for your newborn baby.

Your partner may also be entitled to parental benefits.

- You can get maternity benefits while you are not working during pregnancy and/or right after a delivery and parental benefits while you are at home caring for your newborn or adopted child.
- In some cases, you may also be entitled to sickness benefits if you are too ill to work.

### **How do I qualify for EI maternity and parental benefits?**

You are entitled to Employment Insurance benefits if you meet these requirements.

- You must apply.
- You must have paid into the EI account (through premiums taken out of your pay).
- You must have done at least 600 hours of insured work within the last 52 weeks or since the start of your last claim (whichever is shorter), or roughly 12 hours a week for the past year.
- “Insured” work means any work for which EI premiums were deducted from your pay.

### **When can I receive EI maternity benefits?**

- You can start collecting maternity benefits up to eight weeks before you are scheduled to give birth.
- You can collect up to 15 weeks of maternity benefits.
- You and your partner can share up to 35 weeks of parental leave after the day your child is born or comes into your care for the first time. You can receive parental benefits only within the first year (52 weeks) after childbirth or adoption.
- You can collect up to 15 weeks of sickness benefits.
- You can combine maternity, parental and sickness benefits up to a maximum of 65 weeks.
- There is a two-week waiting period before benefits are paid (only one waiting period needs to be served for each birth or adoption). Some employers provide payments to their employees to cover this period.

### **Employment Insurance for migrant and seasonal farm workers**

- You do not have to be a citizen of Canada to get Employment Insurance benefits, if you are authorized to work in Canada.
- Migrant and seasonal farm workers and other foreign temporary workers can receive EI maternity and parental benefits as long as they have worked the hours they need to qualify.
- Because most migrant farm workers work in Canada for only a portion of the year, they may not work enough hours to receive EI benefits.
- Foreign workers without a valid permit may not receive Employment Insurance.

### **Safety of pregnant workers**

- Federal and provincial laws require employers to maintain a healthy and safe work environment for all workers, not just pregnant workers.
- Your employer cannot force you to work in an environment that is a danger to your health and safety.
- For more information, see *Guide to On-the-Job Safety and Health in Canada*.

### **What can I do if my work is unsafe for my unborn child?**

- If you or your doctor believes that your work may be dangerous for your unborn child, the law gives you the right to ask for a “reasonable accommodation.”
- This means that your employer must remove any threats to your pregnancy by making temporary changes in your job duties or work area.
- The law says that your employer must make accommodations for pregnant workers as long as it does not place “undue hardship” on your employer.
- Under the labour standards laws of Quebec and the federal government, your employer may be required to give you another position or offer you a special leave. In Quebec, you can receive financial compensation from the Commission de la sécurité et de la santé du travail while you are on this special leave.

### **Can my employer stop me from working out of concern for my pregnancy?**

In most cases, your employer can force you to start your maternity leave only if you are no longer able to reasonably do your job.

Under Quebec’s law, your employer is also required to transfer you to another job if your working conditions are dangerous for you or for your unborn child. You may refuse such a transfer only if you have a medical certificate proving that the conditions are not dangerous.

### **Does my employer have to give me my job back after maternity and parental leave?**

- Normally, federal and provincial law requires your employer to place you in the same job when you return to work.
- If your job has been given to someone else or is not available, you must be given another job that is similar in duties, pay and benefits, etc.
- In a number of jurisdictions, the employer must maintain your benefits during your leave.

### **What is a reasonable accommodation?**

- You have the right to ask for a temporary transfer to another job or to have dangerous duties temporarily stopped or changed.
- It is your responsibility to explain exactly what kind of help you need.
- Your employer must accommodate you even if you are pregnant when applying for the job.

### **What about prenatal health care?**

In Canada, each province provides health insurance for its residents. If you are covered under a provincial health plan, then your prenatal care will be covered as well.



### Health care for foreign temporary workers

To get health insurance under a provincial plan, you must be a resident of that province.

“Resident” usually means that:

- you are a Canadian citizen or a lawful permanent resident who makes his or her home in the province; and
- you are present in that province for at least some part of the year (usually six months or more).

Many foreign temporary workers, including farm workers, do not meet the residency requirements of most provinces, BUT...

- if you are a temporary worker in Manitoba, you may enroll in the health plan if you have an Employment Authorization that is valid for at least 12 months.

### CCMSAWP workers:

If you are a migrant farm worker in Canada under the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program (CCMSAWP), you have the right to health insurance under the employment agreement that you signed when you began working.

Employers of other migrant and seasonal workers working under private labour contracts are not required to provide health insurance for their workers.

### Migrant farm workers: Tips for a safe and healthy pregnancy

#### Pesticides

- Being around pesticides while you are pregnant can be very dangerous to both you and your unborn baby. Make sure you read and follow all pesticide labels and warning signs.
- Wash your hands each time you use the bathroom and before eating to avoid getting germs or pesticides inside your mouth.
- For more information on how to protect yourself from pesticides, see [Guide to Pesticide Safety in Canada](#).

#### Dehydration

- Dehydration can be dangerous to the health of your unborn child, especially if you work with pesticides.
- Dehydration is a loss of water and other important fluids in the body. Half of a woman's weight is made of water. The body needs to maintain a certain amount of water to work properly.
- Working outside in the sun for long periods of time without drinking water can easily cause dehydration.
- You must drink plenty of water throughout the day for a healthy pregnancy.



#### Diet

- Remember to eat a well-balanced diet, especially foods that have a lot of iron in them.
- Make sure you take the iron tablets that your doctor gives you. This will help you feel less tired.

#### Prenatal Care

- It is important to visit the doctor often during your pregnancy.



Commission for Labor Cooperation

# Guide to On-the-Job Safety and Health

in Canada

**E**mployers and employees share the responsibility for health and safety in the workplace.

The federal, provincial and territorial governments all regulate and enforce safety and health in the workplace.

## What do I need to know?

- The federal government and all Canadian provinces and territories have adopted safety and health laws and regulations.
- You are entitled to work in a safe workplace where your health will be protected for your sake and for the sake of your family and the other workers in your place of employment.
- The federal government or the provincial/territorial government protects your health and safety at work.

## Does the federal or the provincial law protect me?

Unless you work in an industry that is federally regulated, the laws that govern you with regard to occupational safety and health are those of the province or territory where you work.

## Why should I care about workplace safety?

The purpose of work safety laws is to protect workers like you. If employers and workers all follow the rules, you are more likely to avoid getting hurt and you can keep earning money to support yourself and your family.



## What are my responsibilities?

- You must follow the regulations on safety and health in the province or territory where you work.
- You must wear and learn to use protective equipment that is needed for your particular task.
- You must report any health hazard to your supervisor immediately.
- You must protect yourself and your co-workers as much as possible.



You are entitled to a safe workplace even if you are a foreign worker and/or do not have a valid work permit.

**Federal industries subject to the *Canada Labour Code* include:**

- industries that cross provincial and national borders (bus operations, trucking, pipelines, ferries, shipping, etc.);
- air transport, aircraft and airports;
- telecommunications (radio and TV broadcasting, telephone and cable systems);
- banks;
- works declared by Parliament to be for the general advantage of Canada (e.g., grain elevators, uranium mining and processing);
- most federal Crown corporations.

**I am a farm worker. Is my work covered?**

- The farm industry is covered in every province except Ontario, Alberta and Prince Edward Island.
- In all other provinces and territories you are covered by occupational health and safety (OSH) regulations and have the same rights as a worker in any other industry.
- In Alberta contact OSH at 1-866-415-8690 for information on coverage and your rights. Ask for information about the Farm Safety Program.
- In Ontario contact OSH at 1-800-268-8013. Ask for information about the Farm Safety Program.

**Field sanitation standards for farm workers**

Unless you are in Ontario, Alberta, Manitoba or Prince Edward Island, you have the following rights.

- Your employer must provide you with clean drinking water while you are working.
- You are entitled to have easy access to toilets that are kept in good condition.
- You are entitled to have easy access to washing facilities that must be kept in good condition.
- In British Columbia, only some employers must ensure these rights. In B.C., call the local office of the Workers' Compensation Board to find out if your employer is covered.

**What are my employer's responsibilities?**

- Your employer must follow all workplace health and safety rules.
- Your employer must make sure that all equipment is kept in safe working order.
- Your employer must ensure that you have the skill and training needed to perform the task you have been assigned.
- Your employer must make sure that you are not harassed or retaliated against for reporting unsafe conditions.
- Your employer must make sure that you are aware of safety and health hazards before you take on any task or project.



### What is a joint committee?

- Joint committees give you a voice and allow management and employees to work together to promote a safer and healthier workplace.
- Joint committees must be established in certain circumstances, such as when 20 or more workers are employed (10 or more in Newfoundland and Labrador, and Saskatchewan) or when they are required by OSH authorities.
- Generally, at least half of the committee must be made up of workers.
- For more information about joint committees in the province or territory where you are working, contact your local OSH office.

### Where do I go to complain about unsafe or dangerous conditions?

- If you believe your workplace is unsafe or dangerous, or if you or someone else is hurt on the job because of unsafe conditions, you can complain to the OSH office.
- Inspectors will be sent to investigate the problem.
- Inspectors make sure that your work environment is safe and healthy.
- When you file a complaint or refuse work because it is dangerous, inspectors must inspect your workplace and work with the employer to fix the problem and ensure that you do not put yourself in danger. Inspectors may issue compliance orders and have dangerous equipment shut down or replaced. Employers who fail to comply with OSH laws can be fined.
- Inspectors have access to the workplace at any reasonable hour.
- Be sure that you let the inspectors know all of your concerns about safety and health in your workplace.

### How can I tell if my work is unsafe?

Ask yourself the following questions:

- Are you properly trained for the task you are performing?
- Are you supplied with the correct safety equipment when performing your task?
- Is the work you are doing unusually stressful because of the risk involved?
- Do you fear for your life or your safety when performing your job?
- Are you provided with eye protection if you work near chemicals?
- Do you work close to hazardous materials?

These are just some of the questions you should be asking yourself to see whether your work is unsafe.

#### Construction workers in Ontario

- Certain provinces have special health and safety regulations for construction workers. Most construction workers in Canada are employed in Ontario.
- You may not work at a construction site in Ontario if you are younger than 16 years of age.
- You and your employer must complete a registration form from the Ministry of Labour in Ontario.
- Your employer must write down emergency procedures in case there is an emergency in the workplace. These procedures must be placed where you can easily find the information.
- Your employer must ensure that you have access to a telephone or a two-way radio in case of an emergency.
- You must be trained for protection from falling and be protected by the use of one of the following mechanisms:
  - guardrails;
  - protective coverings;
  - a travel-restraint system;
  - a fall-restricting system;
  - a fall-arrest system;
  - a safety net.

### **The right to refuse dangerous work**

- If you believe the work you are doing or have been assigned is dangerous, then you are entitled to refuse this work.
- You must be paid until the danger you speak of is removed, you are satisfied that the problem has been corrected or no longer exists, or an inspector tells you that it is safe to do the work.
- Your employer cannot retaliate against you when, acting in good faith, you refuse to work in a dangerous workplace or refuse to perform dangerous work.
- Each jurisdiction has its own investigation and appeal procedures. Contact your provincial or federal OSH office immediately for more information.

### **What if I am hurt on the job?**

- If you suffer an injury on the job, you are entitled to workers' compensation benefits.
- Some provinces exclude farm workers and domestic workers from compulsory coverage, but your employer can easily choose to have coverage.
- For more information see [Guide to On-the-Job Injuries in Canada](#).



Commission for Labor Cooperation

# Guide to Pesticide Safety

in Canada

**P**esticide laws protect the health and safety of all workers in Canada, regardless of citizenship or status. Pesticide regulation exists at all government levels.

Pesticide laws will be enforced in your workplace even if you are a foreign worker or do not have a valid work permit.

## What are pesticides?

Pesticides are chemicals used to kill bugs, weeds, and other pests.

Pesticides can hurt or kill you.

Pesticides can be anywhere on farms and in forests, nurseries, and greenhouses.

### Pesticides can be in:

- plants, dirt or irrigation water;
- farm or irrigation equipment;
- places where pesticides are stored or have been stored;
- places where pesticides are loaded, mixed, or thrown away;
- cars or trucks that carry pesticides;
- gear and equipment used to apply, mix, or handle pesticides.

## What do pesticides look like?

Pesticides come in different shapes, sizes, and forms.

### Pesticides can look like:

- a liquid that is sprayed or poured on plants and soil;
- a powder put on plants and soil;
- little pebbles, pellets, or grain;
- a gas or fog that is sprayed, let go, or injected into plants and soil.



## Are there agencies and laws that cover pesticides?

The Pest Management Regulatory Agency (PMRA) protects human health and safety and the environment by regulating pesticides that are sold, used, or imported into Canada.

The PMRA works with a federal law called the *Pest Control Products Act* (PCP Act). Under this law and related regulations, any pesticide sold, used, or imported into Canada must be registered by the PMRA.

### Who protects workers from pesticides?

Provincial, territorial and federal workplace health and safety agencies help protect workers who work with or near pesticides. Health and safety laws and regulations establish additional safety rules for workplaces in which pesticides are found. For health and safety information, and to find out what laws apply in your workplace, contact your provincial or territorial agency (if you work in a federally regulated occupation, contact the regional office of Human Resources and Skills Development Canada).

### Who enforces pesticide laws?

Federal and provincial pesticide officials make sure the registration requirements under the PCP Act are followed. PMRA and other officials investigate the use, sale and import of pesticides.

Punishments for violating the PCP Act include fines of up to \$50,000 and even imprisonment. Employers are also responsible for violations committed by their employees.

### Who should I call if I have questions about pesticides?

The Pest Management Regulatory Agency provides workers, employers, and the general public with a wide range of pesticide information.

The PMRA can be contacted from anywhere in Canada toll free at: 1-800-267-6315.



### The importance of pesticide regulation

#### Safe pesticide use benefits everyone

- Pesticide safety rules are good for workers' health and good for business.
- Safe pesticide use helps to protect workers, their families, and the public from harmful exposure to pesticides.
- Workers and employers must all make sure that pesticides are being used safely in the workplace.

#### The dangers of unsafe pesticide use are real

- Workers exposed to pesticides under unsafe conditions may suffer short-term and long-term health problems.
- Pesticide poisoning can cause serious illness and even death.
- Pesticides can destroy a worker's ability to have children.
- Workers exposed to unsafe levels of pesticides can endanger their families when they come home from work. Children are often at greater risk from pesticide exposure, and even low levels of pesticides can create serious health risks.
- Unsafe pesticide use damages our environment.

### **Follow the instructions on the label**

The PMRA requires that all pesticides be labelled. This labelling must include instructions for the safe storage and use of the pesticide. These instructions must be followed to ensure your safety and the safety of others.

### **Provincial and territorial pesticide laws**

Provincial and territorial governments make rules regarding the sale, use, storage, transportation, and disposal of pesticides.

These laws help to ensure the safe and responsible use of pesticides.

- These laws work together with the federal PCP Act.
- Provincial and territorial laws can create stricter requirements but cannot reduce the requirements of federal laws in this area.

These laws generally provide that:

- agricultural employers and workers who buy, store and apply pesticides must go through a training and certification process;
- pesticide users must follow the rules that describe under what conditions pesticides may be purchased, transported, stored and applied;
- workers must have and use all the protective equipment that is required when using a specific pesticide;
- vendors must also be trained and certified to sell certain products;
- permits are required for the application of certain pesticides as well as for the mode of application.

These laws are enforced by investigators who inspect pesticide practices in workplaces. Inspectors can refuse, cancel and suspend licenses when they find that pesticides are being mishandled. Inspectors can also issue penalties for violations of pesticide laws and regulations. Penalties generally include both fines and imprisonment.

### **How can I protect myself from pesticides?**

The best way to stop pesticides from harming you is to protect yourself.

Ask whether pesticides are used at your job.

Always read the label on the pesticide and follow all the safety rules.

Wear clothes to protect yourself.

#### **Cover your skin with clothes like:**

- Hat or cap
- Long-sleeved shirt
- Gloves
- Long pants
- Shoes and socks

#### **Wash your hands and face before:**

- Eating or drinking
- Touching another person
- Smoking
- Chewing gum or tobacco
- Using the toilet

#### **You should:**

- never put pesticides on yourself;
- stay out of places where pesticides are being used;
- get out of places where pesticides drift onto you;
- never take pesticides or pesticide containers home with you;
- wash your whole body and put on clean clothes after work;
- keep dirty work clothes away from family clothes before you wash them;
- keep children away from pesticides at all times.



## How do I know if I have been harmed by pesticides?

Pesticides can be very dangerous, and they can harm you in many ways.

Pesticides harm both men and women.

### Pesticides can:

- Hurt your nose
- Hurt your throat
- Hurt your eyes
- Cause rashes on your skin
- Cause your muscles to twitch
- Cause your urine to look smoky
- Cause your nose to run
- Cause your body to shake
- Cause your stomach to hurt
- Cause permanent brain damage
- Cause problems with seeing
- Cause problems with thinking
- Give you a headache
- Give you muscle pains
- Give you cramps
- Give you blisters
- Give you ulcers
- Give you a heart attack
- Make you feel sick
- Make you sweat a lot
- Make you feel dizzy
- Make you drool
- Make you have trouble breathing
- Make it hard for you to speak
- Make you confused

There is not enough room in this guide to list all the ways that pesticides can hurt you!



**Protect yourself  
at all times and  
follow all safety  
rules!**

### Pesticides can hurt you years later

Pesticides can hurt you months or years after they get on your skin or in your eyes, mouth or lungs.

### Pesticides can:

- Give you cancer
- Hurt your kidneys
- Hurt your liver
- Hurt your nervous system
- Cause birth defects in your children

## Contact your provincial and territorial pesticide and health and safety agencies

### Alberta

Pesticide Agency: Alberta Environment

- 1-800-222-6514 (toll free in Alberta)
- (780) 944-0313

Workplace Health and Safety: Human Resources and Employment, Workplace Health

- 1-866-415-8690 (toll free in Alberta)
- (780) 415-8690

### British Columbia

Pesticide Agency: Integrated Pest Management Program

- 1-800-663-7687 (toll free in BC; ask to be transferred to the Integrated Pest Management Program)
- (250) 387-4441

Workplace Health and Safety: Workers' Compensation Board of British Columbia

- 1-888-621-SAFE (toll free in BC)  
1-888-621-7233
- (604) 276-3100

### Manitoba

Pesticide Agency: Manitoba Agriculture and Food, Soils and Crops Branch

- 1-800-282-8069 (toll free in Manitoba; ask to be transferred to 945-7067)
- (204) 945-7067 or 7706

Workplace Health and Safety

- 1-800-282-8069 (toll free in Manitoba)
- (204) 945-3446

**New Brunswick**

Pesticide Agency: Pesticides Management,  
Department of the Environment and Local  
Government

- 1-800-561-4036 (toll free in New Brunswick)
- (506) 453-2690

Workplace Health and Safety: Workplace Health,  
Safety and Compensation Commission

- 1-800-222-9775 (toll free in New Brunswick)
- (506) 632-2200

**Newfoundland and Labrador**

Pesticide Agency: The Pesticides Control Section  
(PCS), Department of Environment:

- St John's: (709) 729-5782 or 2556

Workplace Health and Safety: Workplace Health,  
Safety and Compensation Commission

- 1-800-563-9000 (toll free in Newfoundland)
- (709) 778-1000

**Northwest Territories and Nunavut**

Pesticide Agencies:

Northwest Territories: Environmental Protection  
Service, Department of Resources, Wildlife and  
Economic Development

- (867) 873-7654

Nunavut: Department of Sustainable  
Development, Environmental Protection Service

- (867) 975-5907

Workplace Health and Safety: Northwest  
Territories Workers' Compensation Board

- 1-800-661-0792 (toll free across Canada)

**Nova Scotia**

Pesticide Agency: Department of Environment  
and Labour

- (902) 424-5300

Workplace Health and Safety: Occupational  
Health and Safety Division

- 1-800-9-LABOUR (1-800-952-2687, toll free in  
Nova Scotia)
- (902) 424-5400

**Ontario**

Pesticide Agency: Public Information Centre,  
Ministry of the Environment

- 1-800-565-4923 (toll free in Ontario, press 0  
and ask for the Pesticide Agency)
- (416) 325-4000 (outside Ontario)

This pesticide agency deals only with licensing  
issues. Workers wanting information or help  
have to go to the Ministry of Labour (below).

Workplace Health and Safety: Occupational  
Health and Safety Branch

- (416) 235-5330 (Central Region: Toronto,  
Peel, York, Barrie, Durham)
- (613) 228-8050 (Eastern Region: Ottawa,  
Kingston, Peterborough)
- (705) 564-7400 (Northern Region: Sudbury,  
Timmins, Sault Ste. Marie, Thunder Bay,  
North Bay, Elliot Lake, Dryden, Kirkland  
Lake, Kapuskasing)
- (905) 577-6221 (Western Region: Hamilton,  
London, Brant, Halton, Niagara,  
Kitchener/Waterloo, Windsor)

Farm Safety Association

- 1-800-361-8855 (toll free in Ontario, for  
safety information for farm workers)

**Prince Edward Island**

Pesticide Agency: Agriculture and Forestry

- 1-800-454-3231 (toll free in PEI)
- (902) 368-4880

Workplace Health and Safety: Occupational  
Health and Safety Branch

- 1-800-237-5049 (toll free in PEI)
- (902) 368-5562

**Quebec**

Pesticide Agency: Ministry of the Environment

- 1-800-561-1616 (toll free in Quebec; ask for  
the regional pesticide office)
- (418) 521-3830

Workplace Health and Safety: Répertoire  
Toxicologique de la CSST

- 1-888-330-6374 (toll free in Quebec)
- (514) 906-3080

**Saskatchewan**

Pesticide Agency: Saskatchewan Agriculture and Food, Inspection and Regulatory Management, Pesticide Unit

- (306) 787-2195

Workplace Health and Safety:

Saskatchewan Labour, Farm Safety Program

- 1-877-419-3510 (toll free in Saskatchewan)
- (306) 787-0920

Occupational Health and Safety Division:

- 1-800-567-7233 (toll free in Saskatchewan)
- 1-800-667-5023 (toll free in Saskatoon only)
- (306) 787-4496

**Yukon**

Pesticide Agency: Renewable Resources, Environmental Protection and Assessment

- (867) 667-5683

Workplace Health and Safety: Workers' Compensation, Health and Safety Board, Occupational Health and Safety Branch

- 1-800-661-0443 (toll free in Yukon)
- (867) 667-5450



Commission for Labor Cooperation

# Guide to On-the-Job Injuries

in Canada

## I got hurt on the job. What can I do?

- If you are hurt on the job, you are entitled to workers' compensation benefits.
- You have a right to workers' compensation whether the accident was your fault, the fault of one of your co-workers, or your employer's fault.
- Do not drink or take drugs on the job. You may lose your right to workers' compensation if you do this. Even if your drinking or use of drugs did not cause your accident, you may still be excluded from workers' compensation.

## What is workers' compensation?

- Workers' compensation is a provincial and territorial program that provides help if you are hurt on the job or as a result of your job.
- Workers' compensation is governed by an independent board that ensures that your rights are protected.
- You are guaranteed medical and wage benefits if you are hurt on the job or because of your job.
- You are entitled to benefits even if the company you worked for is now bankrupt. This is called "collective liability."

## How do I know if I can get workers' compensation?

- Almost all workers in Canada can get workers' compensation if they are hurt on the job. Certain industries do not have to provide coverage. But employers in these industries can choose to provide coverage anyway.
- Coverage applies equally to both men and women.

You have a right to workers' compensation in most Canadian provinces even if you are a foreign worker or do not have a valid worker permit.



## What about workplace stress?

- A mental disability arising from a physical injury or industrial disease is included.
- Mental stress as a result of a physical disability may be compensated. Contact the Workers' Compensation Board (WCB) worker advisor in your province.
- A mental condition that results from mental stress is rarely compensated.

Contact the WCB office in the province where you are working for more information.

### **I am a farm worker. Am I covered?**

- If you are a farm worker, Alberta, Manitoba, Nova Scotia, Prince Edward Island, and Saskatchewan do not require your employer to provide workers' compensation.
- You can still receive benefits if your employer chooses to include you. Ask your employer to find out whether he or she has workers' compensation coverage for you.

### **I am a domestic worker. Am I covered?**

- You are a domestic worker if you work at your employer's residence (cleaning, cooking, gardening).
- Yukon and Saskatchewan do not require employers to have coverage. You should arrange for coverage by speaking with your employer.

### **Does the payment of workers' compensation come out of my paycheque?**

No. Your employer must make the payments for your workers' compensation contributions. It is against the law for your employer to take contributions from your paycheque.

### **Are all of my on-the-job injuries covered?**

- Yes. Injuries that occur in the course of employment are covered.
- An injury in the course of employment can be either a sudden event like a fall from a ladder, getting burnt, chemicals in eyes, etc. It can also be caused by performing a task over and over again for a long time, like typing too much or being exposed to materials like asbestos in the workplace over time.
- Both of these types of injuries are covered by workers' compensation.



### **What medical expenses are covered?**

Coverage varies between provinces, but all provinces cover:

- hospital and/or physiotherapy costs;
- treatment by a doctor;
- repair of dentures, clothing or glasses and lost income from losing these things;
- artificial limbs, canes, hearing aids, and other needed aids that are prescribed by your doctor.

### **Is workers' compensation like welfare?**

No. Workers' compensation is an insurance program. You have a right to workers' compensation.

You receive workers' compensation benefits for two primary reasons.

- 1) Your loss of earnings. Because of your injury you are no longer receiving your salary. Workers' compensation replaces part of your lost salary. You will be paid until you recover and once again receive a salary to support your family and yourself.
- 2) Loss of physical ability to work. If you lose some physical or mental ability because of your accident, all WCBs will compensate you for that loss.

You should contact your provincial worker adviser or office for help.

### What if I get injured outside the province where I work?

- If you are injured outside the province where you are employed, don't panic.
- You are entitled to receive benefits.
- Provinces have entered into agreements to make sure workers are taken care of outside their home province.

#### You must:

1. see a doctor and report your injury immediately;
2. contact your employer and report your injury immediately;
3. contact your home province and report your injury immediately.

### What rights do my family members have?

- If a worker dies as a result of a work injury, all provinces allow for a payment to the widow or widower.
- This includes common law widows and widowers.
- If the worker's children are the only surviving dependants, they can get workers' compensation benefits.
- In some provinces, payments can be made to the children in addition to the payments to the widow or widower.
- Each WCB has different payment levels and procedures. Family members should contact the WCB in their province for information.

### Know your rights

- Your employer may not retaliate against you if you choose to file a claim for workers' compensation.
- You have a right to an appeal if your claim for workers' compensation is denied.
- You have the right to a fair hearing with an impartial judge.

### What benefits will I receive?

- 1) **Medical benefits.** You will be entitled to have all your medical bills paid. You will be provided with treatment to help you return to good health.
- 2) **Wage benefits.** If you suffer a workplace injury you will get a portion of the income you have lost as a result of your injury. There is a minimum and maximum in most jurisdictions, and you should contact your provincial office to find out what they are. The length and amount of payment depends on the seriousness of your injury.
- 3) **Rehabilitation.** All WCBs cover both vocational and physical rehabilitation.
  - *Vocational Rehabilitation:* You can get training or retraining so you are able to go back to work.
  - *Physical Rehabilitation:* You can get treatment for a handicap that your injury created.

### What do I have to do to get my benefits?

There are three steps to follow in order to receive benefits.

- 1) First, tell your supervisor or employer of your accident immediately.
  - If you are experiencing pains as a result of your task but no accident has taken place, notify your employer and go see a doctor immediately.
  - **Important:** Make sure that the doctor is independent and has your best interests in mind. Your doctor can tell you whether the pain resulted from your work.
  - You will have between three and five days to make this report, depending on the province where you work.
- 2) Your doctor must file a report with the WCB. The time limit for this is different from province to province, so you and your doctor should contact the WCB in the province where you work for that information.

### **Prevent injury by working safely**

- Safety in the workplace is a shared responsibility between you and your employer.
- You must follow the safety instructions on all equipment and materials on site.
- Failure to do so may result in actions taken against you by your employer.
- Employers have to follow safety standards for their and your benefit.
- Failure to follow safety procedures could lead to an accident and increased WCB premiums for your employer. Employers are aware of this, and it is in their best interest to maintain a safe and healthy work environment by making sure employees follow the safety instructions.
- By not following safety procedures you will be putting yourself, your co-workers and your job in jeopardy.

For more information, see [Guide to On-the-Job Safety and Health in Canada](#).

- 3) You must file a claim with the WCB. You have between six and 12 months to file this claim. Contact the WCB in the province where you work to find out what the time limits are.

### **What must my employer do after learning I was hurt on the job?**

- Your employer must notify the WCB of your injury or disease between three and five days after you give your notice of injury. If this deadline is not met then your employer will be fined by the WCB.
- Your employer must provide and pay for transportation to a place for you to recover.
- In all provinces your employer must have first-aid facilities on site.

### **Does it matter what health care provider (doctor) I choose?**

- Yes. In worker's compensation circles doctors and other professionals (like physical therapists) are called "health care providers."
- Selecting a health care provider is an important step toward your goal of being properly compensated and treated for your workplace injury. The health care provider is important not only for your recovery, but also in establishing your condition before and after your injury. Be honest and open with your health care provider in order to get a report that is a true statement of your medical condition.
- The provinces of Alberta, British Columbia, Manitoba, Quebec, and Ontario permit you to select a health care provider of your choice.
- In addition, the WCBs of Alberta, Nunavut, Nova Scotia, Quebec, Yukon, and Ontario may require you to undergo a medical investigation by a health care provider picked by the board.

### **Worker inquiry numbers**

#### **Alberta**

*General claims enquiries*

Tel: (780) 498-3800

Fax: (780) 427-5863 or toll free: 1-800-661-1993

*Injury Reporting*

Tel: (780) 498-3800

Fax: (780) 427-5863 or toll free: 1-800-661-1993

#### **British Columbia**

Tel: (250) 717-4301 or toll free: 1-888-922-6622

Fax: (250) 717-4334

Internet: <http://www.worksafebc.com/workers/workerscontact/default.asp>

#### **Manitoba**

Workers' Compensation Board of Manitoba  
Exchange connecting all departments

Tel: (204) 954-4321

Within Canada toll free: 1-800-362-3340

Within Canada toll free fax: 1-877-872-3804

**New Brunswick**

*Health and Safety Services*  
Toll free: 1-800-442-9776  
*Claims Inquiry*  
Toll free: 1-800-222-9775  
Fax: (506) 632-6972

**Newfoundland and Labrador**

Tel: (709) 754-3927  
Toll free: 1-800-563-1998  
Fax: (709) 754-1220

**Northwest Territories and Nunavut**

Worker's Advisor is available at (867) 873-4345  
or toll free at 1-877-816-2167

**Nova Scotia**

Legal Services: (902) 491-8900  
*General Enquiries*  
Tel: (902) 491-8999  
Fax: (902) 491-8002  
Internet: <http://www.wcb.ns.ca>

**Ontario**

Tel: (416) 344-1000  
Toll free: 1-800-387-5540  
Ontario toll free: 1-800-387-0750  
TTY: 1-800-387-0050  
Internet: <http://www.wsib.on.ca/wsib/wsibsite.nsf/public/contact>

**Prince Edward Island**

Worker's Advisor  
Tel: (902) 368-6460  
Fax: (902) 368-6576

**Quebec**

Commission de la santé et de la sécurité du travail  
Tel: (514) 906-3780  
Fax: (514) 906-3781

**Saskatchewan**

Tel: (306) 787-4370  
Toll free: 1-800-667-7590  
Fax: (306) 787-7582  
Toll free fax: 1-888-844-7773  
Internet: <http://www.wcbsask.com/>

**Yukon**

Tel: (867) 667-5645  
Fax: (867) 393-6279  
Internet: <http://www.wcb.yk.ca/worker/>



Commission for Labor Cooperation

# Guide to Social Security and Retirement

in Canada

The Canadian government has a retirement income system that pays monthly benefits to:

- 1) retired workers;
  - 2) workers with a disability;
  - 3) survivors of deceased workers.
- Foreign workers with valid work permits and social insurance numbers may collect benefits if they otherwise qualify.
  - Workers without valid permits and valid social insurance numbers do not qualify for retirement benefits.
  - Retired workers can get benefits under the Old Age Security program (OAS) or the Canada Pension Plan (CPP) or both. Both programs are run by Social Development Canada (SD).
  - Quebec has its own, separate program for people who work in that province. It is called the Quebec Pension Plan (QPP), which is run by the Quebec Pension Board.

This guide will give you information about retirement and survivor benefits. For information about disability insurance and health care see [Guide to Disability and Health Care in Canada](#).



## How can I qualify for Old Age Security benefits?

- The Old Age Security program provides retirement benefits only.
- You must be aged 65 or older and you must be a Canadian resident.
- Residency requirement:
  - 1) If you are now living within Canada, you must have been a legal resident of Canada for at least 10 years after age 18.
  - 2) If you are now living outside Canada, you must have been a legal resident of Canada for at least 20 years after age 18 before leaving the country.

- OAS benefits are based on residency in Canada, so even people who have never worked at all in Canada may be able to collect benefits.

## How do I qualify for the Canada Pension Plan?

In addition to OAS benefits, you may be able to get a second monthly retirement pension from the Canada Pension Plan.

The CPP is different from OAS because benefits are based on money you have earned from working.

- To receive the CPP, you must be at least 65 years old. You may receive the CPP if you are 60 to 64 and your work income is less than a certain amount. In 2003, that amount was about \$800 per month.
- You are eligible only if you have worked long enough and paid enough into the system.
- You must have worked in Canada for at least one year and earned at least \$3,500 that year.

### **What happens if I have paid into the Quebec Pension Plan in the past?**

- Workers pay into the plan of the province where they work, not where they live.
- If you have worked in Quebec and now work in another province, then you probably have paid into both the Canada Pension Plan and the Quebec Pension Plan.
- The two plans are very much alike. When you retire, you must apply to the plan according to where you are living.
- If you are living outside Canada, you apply for benefits according to the province where you last lived in Canada.

### **How do I contribute to the CPP?**

- The CPP (and the QPP) is supported by premiums paid by employers and workers (from age 18 until age 70).
- If you make at least \$3,500 in any year, by law your employer must deduct CPP premiums from your pay, match the amount equally, and send the funds to the government of Canada.
- The CPP uses your social insurance number to keep track of your earnings and give you “pension credits,” which determine how much you get in benefits.

### **How does the CPP keep track of my earnings?**

- The Canada Pension Plan keeps a record of earnings for people who pay into both the QPP and the CPP.
- The Canada Customs and Revenue Agency (the government office that collects taxes) provides the CPP with the information about your earnings.

- To make sure that your contributions are paid into your CPP account, check to make sure that your name and social insurance number are the same on your T-4 slip and your social insurance card.

### **What is the T-4 slip?**

The T-4 slip is a document showing how much you have earned in the year while you worked in Canada. Your employer sends the T-4 slip to you each year.

- Your employer sends out the T-4 slips annually. You should receive one from each employer you worked for.
- Your employer should keep a record of your earnings and CPP payments. Then he or she should report these amounts to the government of Canada.
- It is very important that your employer report all of your earnings and CPP contributions.
- If you find a mistake, or if you change your name, contact the Social Development Canada office nearest you right away.

### **I am in Canada on a temporary work visa. Do I have to contribute to the CPP?**

Yes. If you have a valid work visa, your employer must make CPP deductions and report your earnings.

### **If I die, will my family be able to get my CPP benefits?**

- If you have worked in Canada and made contributions to CPP for three years, your spouse and children may be able to get survivor benefits if you die.
- Survivor benefits are paid to the deceased worker’s surviving spouse or common-law partner and dependent children.
- The amount of the benefit will depend on how long and how much you paid into the system.
- There are three types of benefits.
  1. The one-time death benefit goes toward funeral costs.
  2. The survivor benefit is a monthly benefit paid to the surviving spouse or common-law partner of the deceased contributor.

3. The children's benefit is a monthly payment to dependent children under age 18 or children who are between 18 and 25 and in school or university full-time in Canada.

### **Are there any other government programs that might help me?**

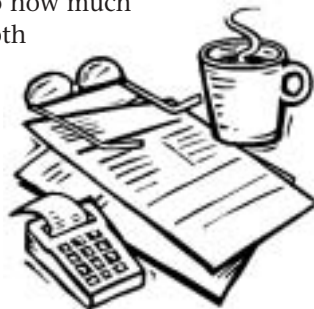
- If you receive an Old Age Security pension and have little or no other income or resources, you may be able to get an extra monthly "allowance" from the Guaranteed Income Supplement (GIS) program.
- Both married and single persons who receive OAS can apply. The amount of your benefits depends on your income and whether you are married.

### **How can I make sure that my employer is making contributions into the system?**

- You should receive a Statement of Contributions from the CPP every once in a while. But you can request up to one extra copy per year.
- The statement tells you the total amount of your contributions and your earnings by year. If you are age 30 or older, it will also show how much your monthly CPP benefits would be if you were eligible now.
- If you notice any mistakes on your statement, contact the CPP at your nearest Social Development Centre right away. A mistake can affect your future benefits under the CPP.

### **How much will my benefits be?**

- The amount will depend on how long you have worked and the amount you have paid into the system during your contributory period (age 18-70).
- Usually, workers who earn more get more.
- There are limits to how much you can get for both OAS and CPP.



### **What about my health care costs?**

For information on health care for retired and disabled workers in Canada, see [Guide to Disability and Health Care in Canada](#).

### **How do I apply for retirement benefits?**

- If you reside in Canada you can apply for CPP or OAS benefits at your nearest Human Resources Centre or call 1-800-277-9914. If you reside in the United States, you can apply by calling the same number.
- If you reside outside Canada and the United States, you can do any of the following.
  1. Contact CPP or OAS directly by writing to the government regional office in the province where you last worked.
  2. Contact the Canadian Embassy in the country where you reside.

### **What happens if I apply for benefits and I am denied or do not understand the decision?**

You have the right to ask for an explanation or review of your case if your application is denied or if you have a concern about the amount of your pension.

You should be aware that each stage in the appeals process may take months to complete and that rules for the process are specific and complicated.

For the Canada Pension Plan, you can appeal in writing.

- 1) Request reconsideration from the Minister of Social Development within 90 days.
- 2) If you do not agree with the Minister's decision, appeal within 90 days to the Office of the Commissioner of Review Tribunals.
- 3) If you still do not agree with the decision, appeal within 90 days to the Pension Appeals Board. They can choose not to review your case. Their decision is final.

For Old Age Security, you can appeal in writing in the following manner.

- 1) Request a reconsideration or explanation from the Regional Director of Income Security Programs within 90 days.

- 2) If you do not agree with that decision, request an appeal from a Review Tribunal within 90 days. BUT, if your problem deals with the amount of your income, then your appeal will be sent to the Tax Court of Canada.

For the Quebec Pension Plan, you can appeal in writing.

- 1) Request review by La Régie des rentes du Québec (Quebec Pension Board) within one year.
- 2) Your request for review must be filled out on the “Application for Review” form.
- 3) If you do not agree with the new decision, you have 60 days to file an appeal with the Quebec Administrative Tribunal, whose decision is final.

For more information on appeals made to the QPP or any matters relating to the QPP, call 1-800-463-5185.

### **Can I receive my CPP payments outside of Canada?**

Yes. If you are eligible you can receive your benefits anywhere in the world if you lived at least 20 years in Canada after age 18.

All payments are made in Canadian dollars.

### **Can I get benefits if I live in Canada now but worked in another country?**

- If you or your deceased spouse lived or worked in another country, you may be able to get benefits from Canada or from the other country if there is an agreement that makes this possible.
- If you have not worked long enough in Canada to qualify for benefits, the time you worked in the other country might count.
- To find out if a country has an agreement with Canada, call: 1-877-454-4051

For more information on the Old Age Security Program and the Canada Pension Plan, call

1-800-277-9914 (1-800-277-9915 for French speakers). For more information on the Quebec Pension Plan call 1-800-463-5185 Calls can be made toll free from anywhere in Canada or the United States. From other countries, contact the government of Canada through a regional office in the province where you last worked, or contact the Canadian embassy in the country where you currently reside.

#### **What about migrant and seasonal farm workers?**

- If you are a migrant or seasonal farm worker, it is possible that you work only during parts of the year.
- This might make it hard for you to pay enough into the CPP system to get pension benefits later.
- Farm workers must earn at least \$250 a year and work more than 25 days a year for the employment to be counted.

#### **CCMSAWP workers**

- If you are working in Canada as a foreign temporary worker under the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program (CCMSAWP) you may have a better chance of getting benefits.
- Your government agent should be able to assist you with any questions you have about receiving CPP or OAS benefits.
- Most CCMSAWP workers return to Canada each year. Over time, many CCMSAWP workers will pay enough into the CPP system to get retirement benefits later.
- For more information on your rights as a CCMSAWP worker, see [Guide to the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program \(CCMSAWP\) in Canada](#).
- Only residents of Canada are eligible for Old Age Security benefits, so most migrant and seasonal farm workers are not able to get OAS benefits when they retire.
- *Foreign workers who have entered Canada illegally are NOT eligible for any retirement benefits.*



Commission for Labor Cooperation

# Guide to Disability and Health Care

in Canada

If you become sick or injured and cannot work, you may be able to get temporary disability benefits from the government while you are not working.

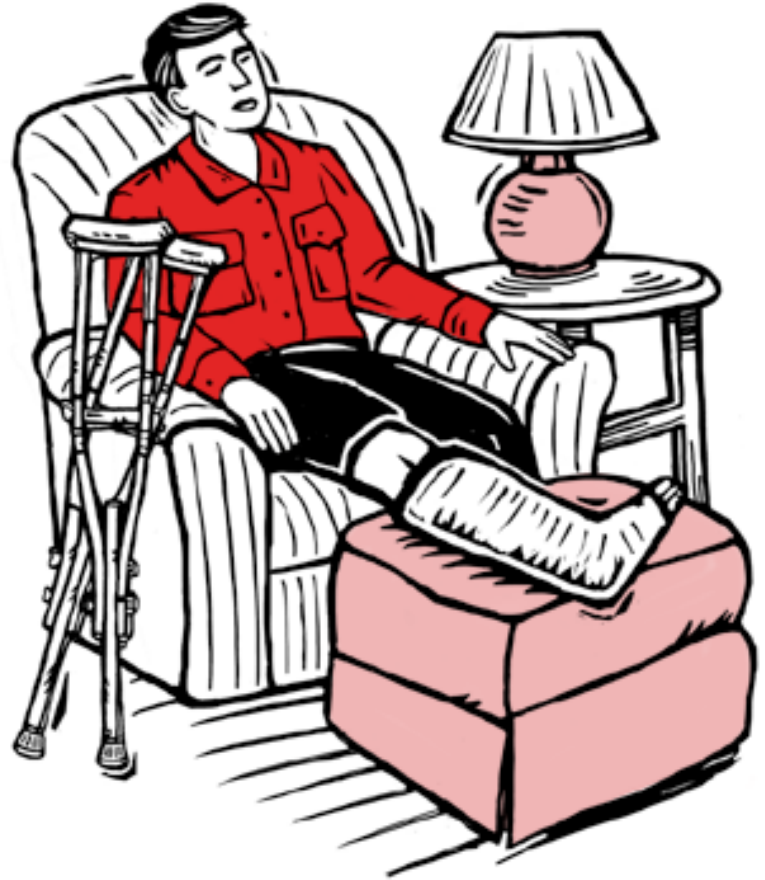
In Canada, there are federal and provincial programs that provide income support to disabled workers until they are well enough to go back to work.

This guide will help you understand the two main programs for workers with disabilities in Canada:

- Canada Pension Plan (CPP)
- Employment Insurance (EI)

Foreign workers with valid work permits may collect benefits if they otherwise qualify.

Workers without valid permits do not qualify for CPP or EI benefits.



## What is the Canada Pension Plan (CPP)?

The CPP is a federal government program that pays monthly benefits to retired workers and to workers who cannot work because of a **disability**.

## How do I qualify for the CPP?

- As you work and earn money on your job, you and your employer pay special premiums that go into the CPP system.
- To qualify for disability benefits, you must:
  - have worked at least four of the last six years;
  - be considered “disabled” by the CPP;
  - have earned at least the minimum salary allowed per year and paid enough into the CPP system. (In 2001, the minimum salary was \$3,740.)
- Quebec has its own similar plan called the Quebec Pension Plan (QPP) for workers in Quebec.

For more information on the CPP (and the QPP) and how to qualify for benefits, see [Guide to Social Security and Retirement in Canada](#).

## What does “disabled” mean?

- You can get CPP disability benefits only if you have a disability that is severe and prolonged.
- “Severe” means that you are unable to work at any job – not just your regular job.
- “Prolonged” means that your condition is expected to last a long time or to cause death.

### How long can I get CPP benefits?

Your CPP disability benefit is not a permanent benefit. From time to time, CPP may check to see if you have become able to work. You must let the CPP know if you return to work or if your medical condition changes to the point that you could return to work.



### Can I get other CPP retirement and disability benefits at the same time?

- No. Once you turn age 65, your disability payments will stop and you will start getting retirement benefits only, which are usually lower.
- HOWEVER, if your spouse dies and if you qualify, you can get both disability and survivor benefits under the CPP.

#### **I am in Canada on a temporary work visa. Do I have to contribute to the CPP?**

Yes. If you have a valid work visa, your employer must make CPP deductions and report your earnings.

This means that when you retire, or if you become disabled, you may be able to qualify for benefits even if you are not living in Canada at the time.

If you have either worked or lived in another country and want to know how you may still qualify for CPP benefits, see [Guide to Social Security and Retirement in Canada](#).

### How much will my benefits be?

- The amount will depend on how long you worked and the amount you paid into the CPP system before you became disabled.
- Usually, workers who earned more get more benefits, BUT workers with lower incomes usually get a higher proportion of their normal wages.

### Will my family be able to get CPP benefits?

- Once you start getting CPP disability benefits, your dependent children may be able to receive children's benefits.
- "Dependent" means that the child is:
  - age 18 or younger OR age 18 to 25 and going to school or university full-time; AND
  - either your natural or adopted child, or any child that is under your care or control.

### What happens if my disability is not permanent, but I am still too sick to work for a while?

- Canada's Employment Insurance (EI) is a program that gives weekly income support to help workers who have lost their jobs through no fault of their own.
- The program is paid for through insurance premiums taken out of your pay and through premiums from employers.
- If you lose your job or are unable to work for a while because of sickness, injury or quarantine, you can apply for Employment Insurance.

### How do I qualify for EI sickness benefits?

You may apply for and receive EI benefits, if:

- you stop working due to sickness, injury or quarantine;
- you have a valid work visa and are willing to work but cannot because of your disability;
- you worked at least 600 hours during the past 52 weeks and had EI premiums deducted from your pay during this period.

### How long can I get EI sickness benefits?

You may qualify to receive EI sickness benefits for up to 15 weeks.

### Will I be able to collect benefits if I get hurt or sick on the job?

If your job caused your temporary disability, you may be able to get help under workers' compensation insurance.

For more information, see the [Guide to On-the-Job Injuries in Canada](#).

### What about medical costs from my disability?

Each province provides free or low-cost health insurance for its residents. If you are covered under a provincial health plan already, then normally any medical care for your disability should be covered as well.



### Health care for foreign temporary workers

To get health insurance under a provincial plan, you must be a resident of that province.

“Resident” usually means that:

- you are a Canadian citizen OR a lawful permanent resident who makes his or her home in the province; AND
- you are present in that province for at least some part of the year (usually 6 months or more);
- many foreign temporary workers, including farm workers, do not meet the residency requirements of most provinces, BUT... if you are a temporary worker in Manitoba, you may enroll in the health plan if you have an Employment Authorization that is valid for at least 12 months.

### CCMSAWP workers:

If you are a migrant farm worker in Canada under the CCMSAWP program, you have the right to health insurance under the Employment Agreement that you signed when you began working.

Employers of other migrant and seasonal workers working under private labour contracts are not required to provide health insurance to their workers.

### What about migrant and seasonal farm workers?

If you are a migrant or seasonal farm worker, then you probably work only during parts of the year.

### Canada Pension Plan

- Working only part of the year may make it hard for you to pay enough into the CPP system to get benefits later. Also, the CPP requires that you pay CPP contributions for at least four of the last six years to be able to receive benefits.
- You must earn at least \$3,500 a year to contribute to CPP for retirement benefits, and \$3,900 a year for disability benefits.

### Employment Insurance

- HOWEVER, it may be easier for you to get Employment Insurance if you need it, so long as you qualify.
- This is because the EI program counts the hours that you worked, and there is no required number of working years as for the CPP.

### CCMSAWP workers

- If you are working in Canada as a foreign temporary worker under the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program (CCMSAWP), then you have a better chance of getting benefits.
- Most CCMSAWP workers return to Canada each year. Over time, many CCMSAWP workers will pay enough into the CPP system to get retirement benefits later.
- For more information on your rights as a CCMSAWP worker, see [Guide to the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program \(CCMSAWP\) in Canada](#).
- Foreign workers who entered Canada illegally are NOT eligible for either CPP disability benefits or Employment Insurance.

### How do I apply for disability benefits?

- For CPP benefits: You must apply in writing. To receive an application kit, call the CPP at: 1-800-277-9914. The kit contains all the information you will need to apply.
- For Employment Insurance: You may apply at your local Employment Centre, Human Resources and Skills Development Canada office (or online at [www.hrdc-drhc.gc.ca](http://www.hrdc-drhc.gc.ca)).

### Can I get help once I decide to go back to work?

- The CPP's Disability Vocational Rehabilitation services help workers with disabilities return to work.
- The services can provide: job counseling, job training, or help with job searching skills.



Commission for Labor Cooperation

# Guide to the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program (CCMSAWP)

in Canada

The CCMSAWP is a temporary work visa program for farm jobs in Canada.

The program matches farm workers from Mexico and the Commonwealth Caribbean with Canadian farmers during particular planting and harvesting seasons.

## Who can work in Canada under the program?

The government of the supply country recruits and selects the workers. Workers must have experience in farming. Also, a person may qualify to work only if she or he:

- is at least 18 years of age;
- is a national of one of the participating supply countries;
- satisfies the immigration laws of both Canada and the worker's home country;
- accepts and signs an employment agreement.

Both men and women can work in the program.

## How much will I be paid as a CCMSAWP worker?

Your employer must pay you the greatest of:

- the provincial minimum wage; OR
- the prevailing wage identified by Human Resources and Skills Development Canada (HRSD); OR
- the same rate that the employer pays to Canadians for the same type of work.

Contact HRSD or the Government Agent to find out the minimum wage for CCMSAWP workers in the province where you are working.



## What is the employment agreement?

- The employment agreements were created by the governments of Canada and the supply countries.
- The employment agreement is a contract between the employer and the worker.
- There are separate agreements for the Mexican program and the Caribbean program.
- The agreements establish the rights and duties of both parties.

- The agreement must be signed by the employer, the worker, and the Government Agent. The signatures must be witnessed.

### Where in Canada will I be working?

Workers are placed in eight provinces: Ontario, Quebec, Alberta, Saskatchewan, Manitoba, New Brunswick, Prince Edward Island, and Nova Scotia. Almost 90 percent of workers are located in Ontario.

### How long can I work under this program?

- You must be given at least 240 hours of work in any period of six weeks or less.
- You can only work up to eight months per year under this program.
- Workers begin arriving as early as February and all workers must have left on or before December 15.

### How long can I remain in Canada?

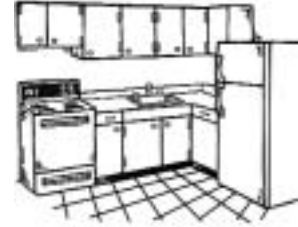
Once your contract has ended, you must return to your home country within seven days of your last day of work. Your employer will arrange your flight home.

### Will my employer provide housing?

Yes. The employer must provide free housing that meets municipal building requirements and any health standards set by the province where the work is located.

### Will I have to provide my own meals?

- Your employer must provide you with proper and sufficient meals, or if you choose to provide your own meals, your employer must provide pots and pans, fuel and a cooking area.
- You must be given at least 30 minutes of meal time.
- Your employer may deduct no more than \$6.50 from your daily wages to pay for meals he or she provides.



### Will I receive health insurance?

- Yes. The employment agreement requires an employer to provide medical insurance in case of illness or accident not related to work.
- Your employer may not take deductions from your pay for medical coverage where you benefit from free provincial health insurance (in Ontario and Quebec).
- If the province you are working in does not provide free provincial health insurance, or if there is a waiting period to receive coverage, your employer must provide you with health insurance through an independent insurer. The government of your home country will select the insurer. Your employer may deduct a portion of each paycheck to recover some of the cost.
- Your employer must also provide insurance for on-the-job injury and illness. You do not pay for this kind of insurance.



### **What happens if I get injured on the job?**

- You must report your injury to your employer immediately and apply for workers' compensation.
- All CCMSAWP workers are covered for work-related accidents, either through provincial workers' compensation programs or through their employer's work injury insurance.
- Employers can not deduct money from your paycheck to recover the cost of purchasing workers' compensation insurance.

#### **What is workers' compensation?**

- If you are hurt on the job or become seriously ill because of your job, you are entitled to receive medical and wage benefits.
- You must report your injury to your employer immediately.
- Your employer must then report your injury to the Government Agent and the provincial workers' compensation board within 48 hours of the injury.
- If you need medical help, the employer must immediately arrange for you to see a doctor.

For more information on workers' compensation, see [Guide to On-the-Job Injuries in Canada](#).

### **May I bring my family with me to work in Canada?**

No. Only the worker receives a work visa to enter Canada.

### **Will my employer pay for my travel costs?**

Yes. The employer must pay for travel between the airport (or other point of arrival) in Canada and the place of employment.

Employers must pay the round-trip airfare between your home country and Canada. The employer may recover part of the cost from your pay.

### **I have worked under the program before. Will I work for the same employer again?**

"Named" workers are those workers that a farmer requests by name and who have worked for that farmer before. Most workers in the program are named workers.

The "unnamed" workers are workers selected and recruited by the supply country's ministry of labour.

### **What can I do if my employer does not follow the employment agreement?**

There is a Government Agent from your home country. The Government Agent is stationed in Canada, usually in your country's consulate.

- The Government Agent represents all of the workers from that particular country.
- If your employer does not follow the employment agreement, you have the right to make a complaint to your Government Agent.

Workers can reach their Government Agents at the following numbers:

- Workers from Mexico: 1-888-351-2690.
- Workers from Jamaica: 1-888-898-3951.
- Workers from Eastern Caribbean countries: 1-888-518-3257.
- Workers from Barbados: (905) 851-3083
- Workers from Trinidad and Tobago: (905) 987-3001

### **What happens if I decide to leave the job?**

- If you decide to leave the job, or if your employer decides to let you go after the trial period, you will have to pay for some or all of your travel costs, depending on a number of factors, such as how long you have worked for the employer.
- You should call your Government Agent immediately to be informed about who will pay your ticket home.

### **The Government Agent**

The Government Agent from your home country helps CCMSAWP workers in many ways. The person is also called the consulate liaison officer and is normally located at the consulates. He or she can:

- make sure that you have decent housing;
- make sure that the employer complies with the employment agreement;
- make sure that you are provided health insurance and workers' compensation insurance;
- receive reports of workers' injuries;
- receive pay records from employers;
- approve transfers of workers;
- consult with employers who wish to fire a worker.

### **What if my employer wants to transfer me to another employer?**

- After your first term of employment has ended, another employer may wish to hire you.
- The new employer must get prior approval from HRSD to make the transfer.
- If you are sent to a second employer without permission, the HRSD considers this to be a serious violation of Canadian immigration law.
- If this happens, you may face prosecution and you may not be allowed to work under the program in the future.

### **Does the new employer have to provide me with the same benefits?**

- The new employer must provide the same benefits (minimum wage, housing, health insurance).
- In some cases the second employer will pay for your return trip, and in others the first employer will pay. It depends on the employment agreement.
- The new employer must provide you with at least 240 hours of work in any period of six weeks or less.

### **SUMMARY OF YOUR RIGHTS**

The CCMSAWP requires employers to provide their workers with:

- at least minimum wage;
- safe and clean housing at no cost;
- proper meals;
- at least half of the cost of transportation
- medical insurance;
- workers' compensation if you are injured on the job;
- one day of rest for every six consecutive days of work;
- a trial period of 14 days (seven days for a transferred worker).

You employer must keep accurate attendance and pay records.



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