

## **Table of Contents**

Acknowledgements.....	5
Introduction.....	6

### **Section 1 Applying for CSIL**

#### **Part 1: Preparing for CSIL**

a.	What is CSIL and Who is Eligible.....	10
b.	Things to Consider Before You Apply for CSIL.....	11
c.	Creating a Personal Care Plan.....	13
d.	Creating a Task Sheet.....	14
e.	Employee Guidelines.....	15
f.	Your Home as the Workplace.....	17
g.	Liability.....	18

#### **Part 2: Application Process for CSIL Phase I**

h.	Steps to Applying.....	20
i.	The Appeal Process.....	21
j.	Being Accepted on CSIL Phase I.....	23
k.	CSIL Contract Phase I.....	24

#### **Part 3: Application Process for CSIL Phase II**

l.	What is a Client Support Group?	
m.	Additional Information for People Applying for CSIL Phase II	
n.	Incorporating a Non-Profit Society	
o.	Being Accepted on CSIL Phase II	
p.	CSIL Contract Phase II	

### **Section 2 Managing CSIL**

#### **Part 4: Payroll and Financial Reporting**

q.	Prerequisites for Hiring Staff	
r.	Budgeting	
s.	Payroll Deductions	
t.	Termination Pay	

- u. Record of Employment Form (ROE)
- v. Monthly Financial Statement

## **Part 5: Hiring Process**

- w. How to Run an Ad
- x. Other Ways to Find Home Support Workers
- y. How to Select People to Interview
- z. How to Conduct an Interview
- aa. Maintaining a List of Backup Staff
- bb. Trial/Training Days
- cc. Criminal Record Check
- dd. Medical Record Check

## **Part 6: Managing Staff**

- ee. Working Relationship
- ff. Confidentiality
- gg. Scheduling
- hh. Employee Leaves of Absence
- ii. Communication
- jj. Disciplining and/or Firing staff
- kk. Disputes

## **Section 3 Summary of Relevant Legislation**

### **Part 7: *Employment Standards Act***

- ll. Information about the *Employment Standards Act*
- mm. Definitions
- nn. Hiring Employees
- oo. Wages and Payroll Records
- pp. Hours of Work and Overtime
- qq. Statutory Holidays
- rr. Leaves and Jury Duty
- ss. Annual Vacation
- tt. Termination of Employment
- uu. Variances
- vv. A Brief Summary of Complaints, Investigations and Appeals

## **Part 8: *The Human Rights Code of BC***

### 8.1 Summary of the *Human Rights Code*

## **Part 9: *Workers Compensation Act***

- ww. Information about the *Workers Compensation Act*
- xx. How to Contact the *Workers Compensation Act*
- yy. The Employers' Advisors Office
- zz. Compensation
- aaa. Accident Fund and Assessments
- bbb. How to Apply for WCB Compensation
- ccc. Occupational Health and Safety
- ddd. Accident Reporting and Investigation
- eee. Inspections, Investigations and Inquiries
- fff. Complying with Regulations
- ggg. Appeals

## **Part 10: *The Employment Insurance Act***

- hhh. Definitions
- iii. Unemployment Benefits
- jjj. Premiums
- kkk. Rulings and Appeals
- lll. Overpayments and Refunds

## **Part 11: *The Income Tax Act***

- mmm. Information about the *Income Tax Act*

## **Section 4 Appendixes**

### **Appendix A: Sample Material for the Application Process**

- A1 Letter to Apply for CSIL Phase I
- A2 Letter to Apply for CSIL Phase II
- A3  
Backup Plan
- A4 Personal Care Plan
- A5 Task Sheet
- A6 Employee Guidelines

- A7        Job Description
- A8        Employment Contract

**Appendix B: Sample Material for Payroll Requirements**

- B1        Contents of the Payroll kit
- B2        Monthly Budget
- B3        Monthly Financial Statement

**Appendix C: Sample Material for the Hiring Process**

- C1        Home Support Worker Application Form
- C2        Interview Questions
- C3        Checking References
- C4        Criminal Record Check
- C5        Medical Record Check

**Appendix D: Sample Material for Managing Staff**

- D1        Disciplinary Letter
- D2        Letter of Termination

**Order Form**

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## **Introduction**

The Choice in Supports for Independent Living (CSIL) program is a form of individualized funding whereby the consumer is given money to hire home support staff and manage their own care. We, at the VCP, strongly support this program because it empowers people to take control over their own lives. It allows you to choose who will be working for you, the hours that they work and what they will be doing. People with disabilities often experience a sense of lack of control over their lives due to dependence on others and having bodies with a will of their own. Any control that we can exercise is greatly valued.

Up to about six months prior to being accepted on CSIL myself and two other people from the group home in our co-op were hiring our own staff. We ran ads, interviewed staff and then sent them to the agency office to collect their paycheques. This system worked well for a number of years. We began doing this because, as a group, we were unhappy with the staff the agency was sending us. Suddenly, the agency announced that it was switching from live-in attendants to hourly attendants and we would no longer have a choice as to the who the staff would be. This change meant that I had two different attendants each day and had absolutely no say as to who they were. They also had set hours of work and one supper I missed desert because the attendant ran out of time.

We had a meeting with the group home supervisor to express our concerns about these changes, especially having no say in who worked for us.

She replied, "Well Laurette, I don't have a say about who I work with in my office."

"Excuse me," I said, "You can't compare an office setting with a personal residence. Do you invite people into your home that you do not like?" I left the meeting and said I was going on CSIL.

It seemed to me that people don't consider a disabled person's home and privacy in the same way they see their own. Agencies make arbitrary decisions that affect the lives of people with disabilities without consulting them or listening to their concerns. In my experience, most people put up with unsatisfactory treatment from agencies because they are either intimidated about going on CSIL or they don't know this

option is available.

With the right information anybody can go on CSIL. You don't have to have extensive management or bookkeeping experience to know how to best manage your own care.

When I was accepted on CSIL I was given information about how to apply but there was not any information about how to effectively manage staff or any consumer-friendly information about the legislation employers must be aware of.

We wrote this book to be the compressive guide to CSIL that I wished I had had available to me, when I began my CSIL journey.

This resource guide is divided into four main sections.

The first section contains information and practical advice about how to apply for CSIL phase I and II. The best way to ensure being accepted onto CSIL is to be well prepared.

The second section contains information about how to hire staff, be an effective employer, budgeting and payroll.

The third section is a summary of all the legislation that you need to know as a CSIL employer. It is meant as a simple and quick reference of the laws that apply to you. We have included the original section numbers for each Act so you can easily cross-reference it with the legislation if you need to.

In the forth section we have attached examples of things referred to in the first two sections. You can use these examples as they are presented or modify them to suit your own circumstances.

It is our hope that this will both inspire people to become consumers of the program and be a useful resource for current consumers.

For the purposes of clarity, in this resource guide, words in one gender include all genders.

To receive additional copies of this resource guide from the VCP, fill out the order form at the back of the book and mail it to us at #103-577 East 8<sup>th</sup> Avenue, Vancouver B.C, V5T 1S9 or:

- Phone us at: 604-874-1741 Monday to Friday from 12 - 4 pm
- Fax us at: 604-874-1746
- E-mail us at: [vcpgv@vcn.bc.ca](mailto:vcpgv@vcn.bc.ca)

This book has been printed on ancient forest friendly paper.



# †Section 1†

# Applying for CSIL

## **Part 1: Preparing for CSIL**

### **nnn. What is CSIL and Who is Eligible**

The Choice in Supports for Independent Living (CSIL) program is for adults who

require significant hours of personal care per day. It is a form of individualized funding whereby the consumer directly receives money to hire home support staff.

People apply to get on CSIL because they want more control over who their home support staff will be, what hours they work and what they can do.

**CSIL Program Phase I** is for people who can hire and manage their own home support workers.

**There are four eligibility requirements for the CSIL Phase I:**

**I. You must be an adult** (i.e. 19 years of age or older) with a physical disability.

**II. You must be assessed by a Case Worker at Continuing Care as requiring a significant amount of personal care per day.** The number of hours you need per day to qualify for CSIL varies from region to region.

**III. You must show an ability to manage your own care.** A good way to demonstrate this is by developing employee guidelines, a personal care plan, and a task sheet prior to applying.

**IV. You must write a letter to your Case Worker** describing the reasons why you want to go on the CSIL program. If you have any prior experience managing employees or if you were on CSIL or another similar program elsewhere, you should include this in your letter. (See Appendix A1 Application Letter for CSIL Phase I pg. 106)

**CSIL Program Phase II** is for people who are unable (or not always able) to hire staff and manage their own care.

**There are five eligibility requirements for CSIL Phase II:**

**v. You must be an adult** (ie. 19 years of age or older) with a physical disability.

**II. You must be assessed by a Case Worker at Continuing Care as requiring a significant amount of personal care per day.** The number of hours you need per

day to qualify for CSIL varies from region to region.

**III. A Client Support Group (CSG) must be created** to manage the hiring, payment, scheduling and supervision of your home support workers. The direct funding is transferred to the CSG. (See Part 3.1 What is a Client Support Group pg. 29)

**IV. The CSG must write a letter to your Case Worker** describing the reasons why you want to go on the CSIL program. (See Appendix A2 Letter to Apply for CSIL Phase II pg. 107)

**v. The members of the CSG must demonstrate an ability to manage staff and understand and communicate your care needs.** We recommend that your CSG create a set of employee guidelines, a care plan and a task sheet prior to applying for CSIL.

### ooo. **Things to consider before applying to the CSIL program**

CSIL is your tool to pursuing the lifestyle that you choose. On CSIL you are the one who is in charge of all your home support staff. You are no longer obligated to follow the rules set out by your agency. Before you develop your own management style and employee guidelines you must look at what is important to you.

This is the time for you to seriously think about your priorities in life and how you want to meet them. Look at who you are. CSIL will not change who you are, it will only assist you to have more control over your daily living activities. You can ask yourself a number of questions such as:

- What does my ideal day look like?
- What daily needs or activities are currently not being met by the agency?
- What are my goals? Do I want to find a job or continue my education?
- How can hiring my own home support workers assist me in reaching my goals?

Answering these questions will help you to decide how to use your home support staff to best meet your needs.

Managing staff is an individualized process because every person is different. You

may not have had previous experience managing staff. It helps to know who you are and how you have dealt with people and situations in the past. The more you are aware of your own behaviour the easier it will be to manage your staff.

- Are you easygoing or do you like things done a specific way?
- Are you good at giving clear directions or do you give general directions and let your home support workers do things their way?
- How do you handle stress? Are you calm and rational or do you get upset and emotional?
- How do you deal with conflict? Are you afraid of confrontation? Do you deal with things as they come? Do you fly off the handle?

It is important to seriously look at your personal strengths and weaknesses. This will be key in identifying the areas where you need help building skills. CSIL gives you an excellent opportunity to learn new skills and improve on ones you already have. No one is good at everything. Each of us enters this program with our own unique skills that we have developed. Are you good with budgets and book-keeping? If you are not, you might want to take a course, ask for help from family and friends or from a non-profit society. Are you an excellent meal planner? If you are not, seek out people who are, perhaps begin collecting recipe books. Look at this as an adventure where you and your staff can experiment with new cooking ideas.

**The keys to success on CSIL are to be well organized and to develop excellent interpersonal skills.** Throughout this resource guide we will be offering you suggestions to help you be an effective employer. Use and/or modify these suggestions to meet your own personal situation.

### **1.3 Creating a Personal Care Plan**

Before you apply to CSIL you should get your hours of care reassessed by your Case Manager. The amount of money you receive per month is based on the amount of care hours you require. Therefore, the more care hours you require the more money you receive. It is easier to hire and retain staff if you require a significant amount of care hours per day.

The personal care plan is an effective tool to take with you to your reassessment. Make a list of all the personal care that you require in a day and how long each task

takes. (See Appendix A4 Personal Care Plan pg. 109) This approach is especially helpful if you require extensive personal care each day.

A care plan will also help when you hire new staff. You can go through the list with your staff and they will know what your personal care routine is.

The list of personal care requirements includes such things as:

- Dressing
- Bathing/showering
- Feeding
- Bowel and bladder routines
- Transferring
- Exercise/physio
- Cooking
- Assistance eating
- Shopping

Additional things to consider adding to your list include, whenever necessary:

- Assisting with correspondence
- Assisting you to do recreational activities
- Accompanying you on outings where you require personal assistance
- Driving your vehicle

Make this list as broad as possible to meet your ideal of daily activities. You do not want to limit the number of activities you require assistance with.

## **1.4 Creating a Task Sheet**

Once you have finished developing your care plan, you may consider creating a task sheet that lists all the daily and weekly cleaning and other chores to be done in your household. (See Appendix A5 Task Sheet pg. 111)

It is helpful in ensuring that all the household tasks get done and that all your home support workers are doing their fair share of the workload. This task list can be modified to include tasks that are specific to you such as pet care, physio/exercise, etc. You can create a task sheet that is weekly or monthly. You could show your task

sheet to your Case Manager when you are discussing your application for the CSIL program.

You may consider trying to arrange the workload so that everyday is more or less balanced. For example, if you require your home support workers to do your laundry and housework, try to spread the work out over a few days so that they are not doing all of your laundry and housework on the same day. We recommend having set days for laundry and housekeeping because it makes it easier to schedule your home support workers' time. If you choose not have set days, then be aware of not piling everything onto one day, unless you decide to hire a home support worker exclusively for cleaning and housework.

## 1.5 Employee Guidelines

We recommend creating a set of written employee guidelines before you apply for CSIL. This shows your Case Manager that you are committed and capable of effectively managing your home support staff. By setting prior guidelines, you will avoid potential misunderstandings between you and your staff. These employee guidelines will also help in the rare case that one of your employees disputes a termination of employment. (See Appendix A6 Employee Guidelines pg. 113)

Try to set the terms and conditions of employment as broadly as possible so that your home support workers are not unduly restricted in the tasks they perform while they work for you.

You must have a clear expectation of how you want your home support workers to do their job, and then clearly state that to your staff. Your expectations can be expressed in the form of written and/or verbal guidelines. Some people are good at expressing themselves verbally. Others are better at putting things in writing. Still others may prefer using a combination of both. Choose the approach that works best for you. **Whatever approach you choose, be consistent in how you apply the guidelines.**

Because of the intimacy of the work, the relationship between the employer and employee can sometimes become stale after an extended period of time. Some people who hire full time staff choose to have them work for a specific length of time, such as two years. If you choose to set a time limit, you should write up a contract

that both parties sign stating the end date of employment. (See Appendix A8 Employment Contract pg. 120) You can choose to review and renew or extend the contract at your discretion.

## **Outings**

If you require your home support workers to accompany you on outings such as dining out or going to the theatre, you must be clear as to whether or not you expect your home support workers to pay their own way. If you expect them to pay their own way, then you must clearly state this before hiring them. As a rule, staff should not be forced to pay for extraordinary expenses while on the job.

If you require your home support workers to drive your vehicle, you must set guidelines as to when they can use your vehicle. Be sure that they understand that they are driving it on your behalf.

## **Additional Policies**

Depending on your lifestyle you may have to set additional policies which may be added to your employee guidelines.

Whether or not you smoke will determine whether you allow your staff to smoke while they are working for you. The Workers Compensation Board has set a non-smoking policy in the workplace. If you choose to smoke in your home, your staff have the right to refuse to work for you.

You need to decide whether or not you will allow your staff to drink alcohol while on the job. Some people on CSIL have a policy that none of their staff can drink while they are working for them. Other people may offer their staff a drink on a social occasion, outing etc. However, seriously consider the possible ramifications of employees becoming intoxicated while on the job. The risk to the safety of both yourself and your staff may not be worth it. If an employee comes to work drunk, you may have difficulty immediately terminating their employment if you allowed them to drink while working for you.

You must set a policy regarding the staff use of your personal phone. As a rule your staff should not use your phone for personal business without your permission. Your staff should not give out your home phone number to other people without your permission.



If you are sharing home support workers with other CSIL clients, you should avoid calling those clients at their homes to talk to the home support workers. You should not give out your staff's phone numbers without their permission.

You will have to decide whether or not to let your staff use your electronic equipment such as stereo, DVD, TV, computer, Internet connection etc.

## **1.6 Your Home as the Workplace**

Under the *Workers Compensation Act* your home is designated as the workplace. As the employer, you are responsible for the safety of all your staff. Before applying for CSIL you must ensure your home is safe for employees.

You must regularly ensure that all the appliances in your home are in proper working condition so that your workers can safely use them. If you own your own home you are responsible for repairing and buying new appliances. You are also responsible for fixing any structural damage in your home. If you rent, you must tell your landlord about any faulty or malfunctioning appliances and also about any repairs that must be made to your home.

It is up to you to adequately train your entire staff on how to properly and safely use all the equipment that you need for daily living. This equipment may include: ventilators, transferring devices, electric battery chargers etc. In some cases where you need specialized home support care you may be required to have professionals such as occupational therapists, physiotherapists and/or nurses involved in the training. You should contact your community health centre whenever you need these people involved in training your new staff.

Make your workers aware of proper hygiene procedures such as washing hands, wearing protective gloves, handling disinfectants used for cleaning urinary and bowel equipment etc.

You should also have an evacuation plan in place in case of fires. You must ensure that all your workers know what to do in case of emergencies such as choking, asphyxiation, seizures, falls etc. Have a list of phone numbers your worker can call in an emergency, such as poison control, your doctor, pharmacy, and anyone else who could assist in such a situation. You may also consider hiring staff who have first aid

and CPR training.

It is in your best interest to always exercise “due diligence”. You must do everything in your power to ensure that your workplace is safe and healthy for your staff. In the unlikely event that you are the subject of a WCB investigation, inspection or inquiry, you must prove that you exercised due diligence.

## **1.7 Liability**

You are urged to buy household insurance before you get accepted onto CSIL. The insurance covers you against personal liability and loss of, and/or damage to, the contents of your home. It is recommended that you notify your insurance company that you will have home support workers working in your home because they could be viewed as an additional risk. The insurance company may put an extra clause or “rider” in your policy to that effect. By notifying the insurance company, you greatly reduce the possibility that it could deny a claim you make on the policy. You should also tell the insurance company that you will be registered with the Workers Compensation Board (WCB) which will cover any work-related injuries. If you own your home, you should buy Home Owners Insurance. If you rent, you should buy Tenants Insurance. Remember that insurance is not an allowable expense under the CSIL program. **Therefore, you cannot buy insurance with CSIL funds.**

For insurance agency referrals you can contact the **Insurance Brokers Association of B.C.**

Insurance Brokers Association of B.C  
#1300-1095 West Pender Street  
Vancouver B.C V6E 2M6  
Phone: 604-606-8000  
Fax: 604-683-8497

You must also let your workers know about any dangers in your home that you are aware of to the best of your ability. You could be considered negligent if you fail to do so. In cases where your workers are injured on the job they will receive compensation from the Workers Compensation Board. Criminal negligence is the wanton reckless disregard for the lives or safety of others. If the police/crown council

lay criminal charges, you could be charged with criminal negligence. The chances of you being charged are very small.

You must also be aware that if you are the victim of personal injury or loss, the onus is on you to take the appropriate action to rectify the situation and to access any assistance or treatment which you may need. For example, if one of your home support workers beats you, you can take a number of actions. Physical abuse is “just cause” for immediate termination of employment. You will need to access medical treatment for physical injuries and counselling for psychological trauma. You may lay criminal charges against your worker and pursue the case through court. Once you lay a criminal charge you may also apply for compensation through the *Criminal Compensation Act’s* Criminal Compensation Fund, which is administered by the WCB. You have to show that a crime was committed and that you suffered financial damage. The WCB will determine whether or not you qualify for compensation. Awarding compensation does not depend on a conviction in the court case.

## **Part 2: Application Process for CSIL Phase I**

### **2.1 Steps to Applying**

There are a number of steps which you must follow before you can get on CSIL.

We highly recommend that you have your hours of care reassessed before you apply for CSIL. You will have to contact your Continuing Care Case Manager to set up an appointment. The amount of money that you receive on CSIL to hire home support workers is based on the number of care hours per day that you are assessed. Therefore, try to have the number of hours you receive increased if at all possible.

The Personal Care Plan is an important tool to take to the reassessment. This plan lists all your daily personal care and activities that you need assistance with and how long they take. (See Appendix A4 Personal Care Plan pg. 109) The minimum hour requirement to qualify for CSIL varies from region to region. In many cases two hours per day is used as minimum to qualify. People who only have the minimum hours per day often have difficulty hiring and keeping staff because they cannot afford to pay them a decent wage.

When you are getting reassessed, it is important to be as realistic as possible. If, for example, you are asked whether or not you can do your own laundry, you have to consider if you can realistically do it in a reasonable amount of time without undue stress on yourself. If it takes you four hours to do laundry and you are left physically exhausted, then you realistically cannot do laundry.

After your hours have been reassessed, your Continuing Care Case Manager will ask you to write a letter requesting to get on the CSIL program. Your letter should state why you want to get on CSIL and how you propose to manage your staff. (See Appendix A1 Letter to Apply for CSIL Phase I pg. 106)

You should also keep receipts for any expenses you incur in the application process. Such expenses include setting up a separate bank account and buying cheques with stubs. You can get reimbursed for these expenses once you are accepted on the CSIL Program. However, if you are not accepted, you must personally pay for these expenses.

Your Continuing Care Case Manager will then decide whether or not to recommend to the CSIL Co-ordinator that you be accepted on the program. This process can take up to three months. We recommend that you regularly phone the CSIL Co-ordinator to check on the status of your application.

The hardest part of the transition from an agency to CSIL is the time that you are waiting for formal approval of your application. You should start looking for potential employees. However, it is difficult to offer them work until you know whether or not your application is approved.

You may ask the agency who is providing your home support to continue providing your care for a short time after you are accepted on CSIL. During this time you can formally hire your staff and get organized. If you have included the agency in your backup plan, then the agency will probably agree to assist you during your transition.

You can appeal decisions regarding your application and care assessment hours. Your CSIL Co-ordinator will deal with your complaint first and attempt to resolve it. If you are still unhappy you can appeal.

### ppp. **The Appeal Process**

The secret to being accepted on CSIL is to be well prepared and organized. It is much better to make a good first impression on your CSIL co-ordinator than to attempt to appeal a decision that you are not happy with. Each health region has its own appeal process. This process is internal, which means that all decisions are reviewed by the staff who administer CSIL in your health region and not by a separate review committee or panel. If you want to appeal a decision, you should contact your particular health region.

Not all decisions can be appealed. The Vancouver Coastal Health Authority (VCHA) allows you to appeal application decisions and care assessments but not policy decisions. For example, you can appeal a decision not to accept you on CSIL, but you cannot appeal to change the rules regarding who is eligible.

In the VCHA, there are two types of appeals, **informal and formal appeals**. People are encouraged to seek an informal appeal first. If you decide to ask for an **informal**

**appeal** you should let your Case Manager at Continuing Care know that you are unhappy. If you are not satisfied with the decision made by your Case Manager, you can talk to the manager of the CSIL program. The manager can either uphold or amend the decision or recommend a formal appeal. If you are unhappy with the manager's decision you can then seek a formal appeal.

There are three levels to the **formal appeal** process. You can request a **Level I** appeal either verbally or in writing to the manager of the CSIL program. You can also have other people make the request for you. You must appeal within 90 calendar days of the decision that you are unhappy with.

**Whenever you submit anything in writing you must always keep a dated copy of each document for your own records. It is also advisable that you fax, hand deliver or send your documents by registered mail or courier to ensure that they arrive promptly.**

After you request a formal appeal, the manager of the CSIL program will complete an appeal request form and provide you with a copy. This manager will contact a manager from another Community Health Area within the VCHA, who will then assign someone to review your complaint. The VCHA calls this an independent review because this person has had no prior contact with you. Your manager will receive the independent review recommendations and discuss them with you. Based on this discussion, a decision will be made and you will be notified of the outcome of your appeal within five business days.

If you are still unhappy with the decision, you can go on to **Level II** where your appeal is forwarded to the Appeals Review Panel c/o the Appeals Review Secretariat. You must include a written statement as to why you are unhappy and what your desired outcome is. You can get a third party, such as an advocate or lawyer, to help you. You must state that you want to appeal the decision from Level I within 30 days of receiving the decision. The review panel consists of CSIL managers and consultants. You will receive the decision of the review panel within 10 business days of their meeting.

If you believe you were not fairly treated or that there was a lack of due process, you can proceed to a **Level III** appeal within 30 calendar days of receiving the decision.

You must put your complaint in writing to the Director of Client Relations and Risk Management. The Director will make a decision within 15 working days or longer as circumstances require.

If you are still dissatisfied with the outcome you can take your concerns or complaints to the office of the Provincial Ombudsman, the Ministry of Health or Human Rights Tribunal.

### **2.3 Being accepted on CSIL Phase I**

Once you are accepted on CSIL, the CSIL Co-ordinator will mail you a CSIL employer information package that includes:

- Two copies of the CSIL contract
- Direct deposit forms
- A sample copy of a monthly financial statement and blank forms

If you have not already done so, after you receive the package you must set up a separate chequing account for the direct deposit of CSIL funds. **It is absolutely imperative that you are the only one who can access this account. This account must be accessed only through writing cheques. You must only use this money to hire your home support staff. If this money is used for any other purpose, you will lose your CSIL funding.**

Then you must send to the CSIL Co-ordinator:

- A voided cheque
  - A signed direct deposit form
  - The two signed copies of the CSIL contract
  - A backup plan of people you can call in case one of your staff is unable to work.
- (See Appendix A3 Backup Plan pg. 108)

Photocopy all the documents that you send for your own records.

If you move out of the area where you live now, you will most likely be required to reapply for the CSIL program. You will definitely have to reapply if you move to a completely different health region, and you may have to reapply if you move to a different area within your health region.

## **2.4 CSIL Contract Phase I**

The CSIL Contract is a legally binding document that sets out the terms and conditions for receiving direct funding to hire your own home support workers under the CSIL Program. Failure to meet the terms and conditions at any time will result in your CSIL funding being stopped. Every year you must sign a new contract for that particular year. It is very important that you carefully read each contract. Contracts may change from year to year and may vary from region to region.

### **An example of an actual CSIL contract**

The following is a summary of a CSIL contract for the Vancouver Coastal Health Authority for April 1, 2004 to March 31, 2005. It is meant to be an example of the CSIL contract to help familiarize you with what to expect.

#### **Section 1 - Terms of the Agreement**

- This section states that this contract is in effect for one fiscal year i.e. from April 1<sup>st</sup> to March 31<sup>st</sup>.

#### **Section 2 - Definitions**

- This section defines terminology within the agreement.
- A “Home Support Worker” is defined as a person you hire to provide your care. You can hire relatives to be your home support workers so long as they are not your parents, children, a spouse, including common-law spouses, or a relative that lives with you.

**Note:** Under some extraordinary circumstances you may be able to hire a close relative. As of the writing of this resource guide the Ministry of Health will review each request on a case-by-case basis.

#### **Section 3 - Assessment of Needs**

- This section explains that a Case Manager from your local health unit must assess



how many hours per day of care you require. This assessment determines how much money you receive per month. Your care needs may be reviewed and revised by the Case Manager at any time.

#### **Section 4 - Payment by the Health Authority in Lieu of Providing Services**

- CSIL funding is subject to the government setting aside the money for the Program.
- You must manage the funds provided by the Program to hire your staff so that you never have a negative balance, nor a surplus that exceeds \$1000. If the balance exceeds the allowable limit the Health Authority will reduce your funding until the surplus is below \$1000. (The allowable surplus may change from time to time and region to region. Check with your Case Manager.)
- You must open a separate bank account for the CSIL funds. This account shall not be accessed via a bankcard.
- You may be required to contribute your own money towards the CSIL funds if you are employed or married and have an income that exceeds a set amount. Your contribution is to be deposited into your CSIL account on a monthly basis, and you are required to report the amount on the monthly financial statement.
- You may hire a bookkeeper or accountant to do your payroll and monthly financial statements. As of April 2005, in Vancouver, you can only pay her a maximum of \$100 dollars per month. The amount that you can pay your bookkeeper may vary from region to region.

#### **Section 5 - Responsibilities of the Client Employer**

- You are solely responsible for recruiting and training staff, ensuring they are qualified to meet your needs, setting the terms and conditions of employment, paying your staff and making all the necessary payroll deductions, complying with any applicable employment laws, and having a backup plan in place.
- CSIL funds must be used only to pay for home support workers' wages and expenses related to hiring staff.

#### **Section 6 - Adjustments of Payments**

- You must tell your Case Manager when you do not require home support services for any periods exceeding 14 consecutive days so that your funding can be appropriately adjusted.

### **Section 7 - Client Employer Records**

- You must keep a detailed bookkeeping record of all the expenses of hiring your own staff and submit a monthly financial statement to your local health board. You may be audited. You must provide any and all documents requested.
- You may request a reassessment by your Case Manager if you believe that your care needs have increased. You may receive increased funding only if you have used up the surplus in your account and your Case Manager increases your care hours.

### **Section 8 - The Health Authority is Not Liable for Injury, etc**

- The Vancouver Coastal Health Authority is only responsible for providing you with the funding for your personal care. It is not liable for any injury or loss of property suffered by you or your staff, for your failure to comply with applicable laws, and/or your failure to make any remittances.

### **Section 9 - Indemnification by Client/Employer and Insurance Requirements**

- You and/or your home support workers cannot sue the Health Authority for any claim or liability as laid out in section 8.

### **Section 10 - Termination**

- You or The Vancouver Coastal Health Authority may terminate this contract at any time by giving 30 days notice in writing.
- The health board can immediately terminate this contract in writing if you fail to abide by its terms and conditions, including mismanaging funds.
- If your Case Manager believes your health or safety is at risk, she can terminate this contract by giving 14 days notice in writing.
- You can appeal a decision to terminate this contract.

- Upon termination, the Vancouver Coastal Health Authority pays off all justifiable expenses up to the date of termination and then keeps any money that is left over.
- Upon termination you can receive care from an agency.
- Upon termination of this contract, or if you die, any unused funds will be returned to the Health Authority.

## **Section 11 - General Provisions**

- Under this contract the Vancouver Coastal Health Authority only provides you with the funding to hire your own staff. You must ensure that your Home Support Workers understand the nature of CSIL and that you, and not the Vancouver Coastal Health Authority, are the employer.
- You cannot incur any expenses or debts on behalf of the Health Authority.
- This agreement is only between you and the Health Authority and is non-transferable.
- No amendment or change to this contract, except for the allowable surplus amount, is valid unless it is in writing and signed by you and the Health Authority.

## Part 3: Application Process for CSIL Phase II

### 3.1 What is a Client Support Group?

A CSG is a small group of people who must register as a non-profit society to act as the volunteer employer on your behalf. The CSG must be a minimum of five people. You can be sixth director of the society. Ideally, it should consist of people who know you well and fully support your lifestyle and preferences. As a group they should have administrative, management and bookkeeping skills. They can be your relatives, friends, neighbours, a doctor or anyone else who is committed to helping you. They must be at least 19 years of age and most must live within your community.

You cannot pay anyone on your CSG to be your home support worker or accountant or for any services. Following the official registration as a society, only three out of five original members of the society are required to carry out the day-to-day responsibilities of the society. Your CSG can only manage your personal care, and no one else's.

To ensure some continuity, the people on your CSG should be willing to commit at least one or two years to assist you. People who are forming a CSG must consider choosing additional people who can step in if someone on it is no longer willing or able to remain on the CSG. Before people agree to sit on a CSG they must fully understand and accept the major responsibility that they are about to undertake. **The CSG is totally responsible for the home support and well being of the person on CSIL Phase II. The funding will cease if the CSG is disbanded.**

Because the people who are on your CSG are acting as the employer on your behalf, they must follow employment guidelines as set out by such legislation as the ***Employment Standards Act***, and ensure the payroll is properly done.

### **3.2 Additional Information for People Applying for CSIL Phase II**

Whenever possible you should be involved in the application process, but your CSG will probably do most of the work. In order to apply, you and the people in your CSG must contact the Continuing Care Manager and your Case Manager to tell them that you are interested in going on CSIL. If the Manager agrees that your application is appropriate, your CSG should then write a letter to the Continuing Care Manager outlining why you want to go on CSIL and how the CSG plans to manage your care. If they have any management experience they should include those qualifications in the letter. (See Appendix A2 Letter to Apply for CSIL Phase II pg. 107)

### **3.3 Incorporating a Non-Profit Society**

Before direct funding can begin, the CSG must be registered as a non-profit society. Your CSG must wait until you are formally accepted on CSIL to send in all the paperwork to officially incorporate as a non-profit society. The cost of incorporating is an allowable CSIL expense. Send in a copy of your receipt with your monthly financial statement.

The application for incorporation will consist of four documents: the Constitution, the Bylaws Modification Form, the List of the First Directors of the Society and the Notice of the Address of the Society. As of July 2004, the cost of incorporating a society is \$100, plus \$30 to reserve the society's name. Make your \$130 cheque payable to the Minister of Finance. (These fees may change.) You mail the forms and the cheque to:

The Corporate Registry  
Registrar of Companies  
P.O Box 9431  
Stn Provincial Government  
Victoria B.C, V8W 9V3

Or you can drop them off in person in Victoria at 940 Blanchard Street on the second floor.

For additional assistance, you can call the Societies/Co-operatives Examination Unit of the Corporate Registry at 1-250-356-8673. Photocopies of the four incorporation

documents must also be sent to the Co-ordinator of the CSIL Program at Continuing Care.

Copies of the *Society Act* can be purchased by writing to:

Crown Publications Inc.  
106 Ontario Street  
Victoria, BC V8V 1M9

The cost of each copy of the *Society Act*, as of April 2005, is \$19.47, GST and shipping included. This price includes a copy of the regulation dealing with financial statements. If you do not want this regulation the cost is about \$5 less. Call Crown Publications at 1-250-386-4636 to confirm the price. Make your cheque payable to Crown Publications Inc. You can also download a copy of this legislation at [www.qp.gov.bc.ca/list\\_statreg.html](http://www.qp.gov.bc.ca/list_statreg.html).

A Constitution and Bylaws must be developed. The constitution contains two articles. One of these is the name of the society. The standard procedure is to identify your name as the one receiving home support services, followed by the words "Client Support Group Society", for example, "The Robert Smith Client Support Group Society".

The other article lists the purposes of the society as follows.

The purposes of the society are:

- To establish and maintain, as a non-profit institution, a health society.
- To promote well being through choice and control of (client's name) home support services so far as circumstances may warrant.
- To assist (client's name) in managing his home support services.
- To assist (client's name) in managing the hiring, payment, scheduling and supervision of his home support workers or attendants.
- To employ such qualified personnel as may be required to carry out the purposes herein.

The Bylaws of the society will be those of the Society Act with the modifications

enclosed in the Employer Information Package.

The List of First Directors form must include the Directors' names and residential addresses (street addresses only, or street and mailing addresses)

The Notice of the Address of the Society form specifies the address for service and where the financial and society records will be kept.

For a more detailed description of CSIL Phase II, the incorporation process and documents you can refer to the Employer Information Package.

### qqq. **Being Accepted on CSIL Phase II**

Once you are accepted on CSIL Phase II the Coordinator of the CSIL Program will send your CSG an Employer Information Package that includes:

- Two copies of the CSIL contract
- Direct deposit forms
- A copy of an example of a monthly financial statement and blank forms

The package also contains the following forms required to incorporate as a society:

- Notice of Address of the Society
- List of the First Directors
- Bylaws Modification Form
- Constitution (with a blank for your society's name)

Your CSG must fill out the forms and send them to the Corporate Registry as outlined in "Part 3.3 Incorporating a Non-Profit Society" on page 30.

Your CSG must send the following items to the Co-ordinator of the CSIL Program:

- The two signed CSIL contracts (your CSG must sign the contracts)
- A completed direct deposit form
- A voided cheque
- A backup plan for you listing people to call in case your home support worker cannot work for you

- A copy of all the completed forms needed to incorporate a society

If you move out of the area where you live now, you will most likely be required to reapply for the CSIL Program. You will definitely have to reapply if you move to a completely different health region, and you may have to reapply if you move to a different area within your health region.

### rrr. **CSIL Contract Phase II**

It is very important that your CSG carefully reads each contract. The contract sets out the terms and conditions for receiving direct funding. The contract is in effect for one fiscal year and may change from year to year. The contract for CSIL Phase II is the same as that for CSIL Phase I except that Phase II gives the CSG sole responsibility for arranging for, co-ordinating and managing home support services required to meet your needs. You may refer to Part 2.4 CSIL Contract Phase I on page 24, but keep in mind that the CSG, and not the client, is being referred to.



# †Section 2†

## Managing CSIL

### **Part 4: Payroll and Financial Reporting**

**Remember that you, as the employer, are ultimately responsible for ensuring**

**that your payroll and bookkeeping are done properly whether you hire a bookkeeper or do the books yourself.**

On CSIL you have a choice of either doing all of the payroll yourself or hiring a bookkeeper to do it for you. If you choose to do it yourself, you cannot pay yourself. If you choose to hire a bookkeeper, you are allowed to pay them a set amount of money per month. This amount varies from region to region. You must check with your CSIL coordinator as to how much you are allowed to pay a bookkeeper.

Unless you are extremely familiar with bookkeeping and budgeting, it is highly recommended that you hire a bookkeeper. You can find a bookkeeper in a number of ways:

- Look in the phone book under bookkeepers
- Ask for recommendations from people on CSIL
- Ask a non-profit society that works for people with disabilities for recommendations

If you choose to hire a bookkeeper and you want to keep the cost down, it is helpful if you can do some of the payroll yourself.

## **4.1 Prerequisites for Hiring Staff**

Before hiring staff, there are several things you must do. These include registering with the Canada Revenue Agency (CRA), registering with the Workers Compensation Board (WCB), and opening a separate bank account for CSIL funding.

### **A. Registering with the Canada Revenue Agency**

You must contact the CRA to get a business number, which you require in order to register with the CRA. You use this business number when you fill out the monthly remittances or payments to the Receiver General for things like Income Tax, Canada Pension Plan and Employment Insurance, that are deducted monthly from your home support workers' paycheques. The phone number for all of B.C. is **1-800-959-5525**.

When you phone you must:

- Give them your name, address, telephone number and Social Insurance Number (SIN).
- Register as a **sole proprietor hiring domestics**.
- Let them know the date you expect to have employees working for you and the estimated number of employees.
- Select a pay period. It is recommended that you choose the Semi-Monthly pay period, which is on the 15<sup>th</sup> and the last day of the month.

You will receive your business number within 10 minutes.

After you have registered by phone, the CRA will mail out a form to verify the information that was taken down over the phone. When you receive this form, check to see that the information is correct, and make any necessary corrections. Then sign the form and send the original copy of this form back.

Once you have your business number, phone the CRA forms request line at **1-800-959-2221** to request a payroll kit and the most up-to-date payroll table of deductions. (See Appendix B1 Contents of the Payroll Kit pg. 121)

CRA has numerous help sheets online at [www.cra-arc.gc.ca](http://www.cra-arc.gc.ca). You can request copies of these publications in Braille, large print, computer diskette or audiocassette by phoning 1-800-267-1267.

## **B) Registering with the Workers Compensation Board (WCB)**

You can request a registration form from the WCB in the following ways:

- By phone. The phone number for the Greater Vancouver area is 604-244-6182 or for the rest of the province call toll free at 1-888-922-2768.
- By fax 604-276-3191
- Online at [www.worksafe.bc.com](http://www.worksafe.bc.com)

**You register as an employer of Home Support Services.** The rate you pay in assessments to the WCB may vary from year to year. The cost is totally borne by you, the employer.

You must fill in the following information on the registration form:

- Your name, address and phone number
- The date you expect to have your home support workers begin working for you
- The estimated number of home support workers you will have working for you
- The estimated amount of gross payroll per year
- The estimated amount of gross payroll per month

To calculate your monthly gross payroll, multiply your monthly CSIL funding by 80%. Your yearly gross payroll will determine how many times per year you must make remittances to the WCB. If your remittances are less than \$1500 per year, you only have to remit once a year. If it is over \$1500 per year then you have to remit every three months in January, April, July and October. You must also send a year-end report in February of the following year.

### **C) Opening a Bank Account**

Open a restricted investment chequing or equivalent account where surplus cash can earn interest while having a low service charge if the balance is above a certain amount. Request bank statements that end on the last day of the month and that include all cancelled cheques. This package will make it easier to prepare the monthly financial statements. Some financial institutions may not be able to issue statements at the end of the month.

When you open a bank account, pay out of your own pocket first. Then write a cheque to reimburse yourself when CSIL funds are deposited into the CSIL bank account. We recommend that you deposit \$50 to open the account so there is money to issue cheques right away.

To arrange for direct deposit (EFT or Electronic Funds Transfer) into your CSIL account, fill out the Direct Deposit Payment Request form provided in the back of your CSIL Employer Information Package. Enclose a void blank cheque with your **Direct Deposit Payment Request Form**. It usually takes up to four to six weeks to set up an EFT so you may get your first cheque in the mail. You will then have to deposit the money into the bank account yourself. After the EFT is set up, the cheques should be electronically deposited into your account within the last couple of days of the month.

**DO NOT obtain a bankcard or a line of credit for your CSIL account.** Always use cheques so that every withdrawal can be traced. If you have to buy stamps or other supplies, pay out of your own pocket first, and then write a cheque on the CSIL account to reimburse yourself. If your personal bank account is with the same bank, order cheques with a different design than your personal cheques and/or have “**CSIL**” or “**Home Support Worker**” printed on the cheques in order to keep them separated.

When you open your CSIL account put a block on that account so that the only way the account can be debited is by cheques and service charges. **Make sure that your bank understands the nature of your CSIL account and DOES NOT automatically transfer funds from your CSIL account to your personal account if the personal account is overdrawn.**

**We recommend that you open your CSIL account at a different bank or a different branch of your bank to avoid confusion with your personal bank account.**

You may get a T5 slip from your financial institution at the end of the year with the interest earned in the CSIL account. **Do not** include the amount listed on the T5 in your personal tax return because CSIL is not considered your personal income.

## **4.2 Budgeting**

As you read this section you may want to refer to Appendix B2 Monthly Budget on page 123.

The money which is deposited into your CSIL bank account can only be spent on employee wages, employee/employer deductions and any costs directly related to the payroll such as buying cheques, stamps, envelopes, paper etc. You are not permitted to spend this money on personal expenses. If you do so, you will lose your CSIL funding. Technically speaking, the money you receive on CSIL is not yours to spend. It is entrusted to you to pay for employing your staff.

In order to maximize the benefit from your CSIL funding it is very important for you to budget your money wisely. The key to budgeting is:

- know your income
- know your expenses

You must avoid either underspending or overspending your monthly allotment for CSIL. If you consistently overspend, you will risk losing your CSIL funding.

## **Allowable Expenses**

On CSIL you are allowed the following expenses:

- Wages and benefits for home support staff
- Advertising for home support employees
- Mandatory payments to the Canada Revenue Agency
- Payments to Workers Compensation Board
- Bookkeeper services (up to a maximum of \$100 per month)
- Food costs for live-in home support employees (up to a maximum of \$150 per month)
- Orientation pay for new employees
- CSIL administration costs such as photocopying, stamps, envelopes, cheques, etc.
- Disposable gloves
- Transportation costs for employees. These costs include bus fares while they are accompanying you on an outing and taxis fares if they are assisting you in an emergency or travelling at unsafe times.
- Incorporating your CSG as a non-profit society

**Anything not on this list is not an allowable expense.** If you are unsure about what is an allowable expense, contact your CSIL Co-ordinator before making the purchase. **Original receipts are mandatory for all expenses claimed and must be included with your monthly financial statement.**

## **Making a monthly budget**

There are a number of components to consider when you are making your monthly budget:

- Your monthly CSIL allotment
- Employer deductions: WCB, EI, CPP, vacation pay
- Wage rate

- Statutory holiday pay
- Termination pay

Usually people budget between 75% and 80% of their gross monthly CSIL allotment for gross wages. You must allow between 20% to 25% for employer deductions and to create a surplus. This surplus can be used to pay for extra care as needed. If you budget less than 75% for wages, you may have trouble hiring and keeping staff. If you pay more than 80%, you could go into a deficit position.

Once you have calculated the gross monthly wages, divide that number by 32 to calculate the gross daily wages.

As of the writing of this resource guide, people on CSIL living within the Vancouver Coastal Health Authority Region are allowed to accumulate a surplus of \$1000 over and above what they receive monthly. Money will be deducted dollar for dollar from your net CSIL cheque, if you exceed the \$1000 limit. The amount that is allowed to accumulate as a surplus may change from time to time and may vary from region to region.

If you decide to hire only part-time staff, you will have lower employer deductions.

You must know how many hours per day you require services. Once you know the hours then you must set the pay scale. It is advisable to pay all your home support workers, who work the same shift, the same wage. You must decide whether you are going to pay a flat rate per shift or to pay hourly. People often choose a flat rate because it is simpler to calculate.

You are not allowed to pay people below the minimum wage, which is currently \$8 per hour. The minimum wage changes from time to time. You must also pay your home support workers for a minimum of two hours at a rate of at least \$8 an hour even if they work less time.

**You must remember statutory holidays when making your monthly budget.**

According to Section 46 of the Employment Standards Act, if your employees work on a statutory holiday, you must pay them an average day's pay plus 1 ½ times their salary for the first 11 hours and then double for time after 11 hours. This rule applies to all your staff whether they are full time, part time, or casual **as long as they have**

**worked for you 15 out of the last 30 days before the stat.**

If you have full-time staff, your full time home support worker is entitled to have the statutory holiday off with pay. You may then pay some one else to work the shift at 1½ times their salary plus an average day's pay if they have worked 15 of the last 30 days. Thus, for the statutory holiday you could be paying 3 ½ times what you would usually pay your staff on that day.

An average day's pay is calculated by dividing total wages in the 30 calendar days before the statutory holiday. Vacation days count as days worked when determining entitlement to a statutory holiday and vacation pay counts as wages earned when calculating the amount of holiday pay.

The nine statutory holidays are: New Years Day, Good Friday, Victoria Day, Canada Day, B.C Day, Labour Day, Thanksgiving day, Remembrance Day, and Christmas Day. Easter Sunday, Easter Monday and Boxing Day are NOT statutory holidays.

Termination pay must be included in your budget so that if and when you terminate your home support workers, you will have the money to pay them their termination pay.

When you are budgeting you do not need to worry about employee deductions because they come directly off of your employees' pay cheques.

### **4.3 Payroll Deductions**

There is a free government computer program called "Windows Table Of Deductions" (WIN TOD) that automatically calculates your payroll deductions for Income Tax, CPP and EI for your workers. This program can be downloaded online at [www.rc.gc.ca](http://www.rc.gc.ca). The CCRA will provide you with a computer disk upon request.

On every payday you must give each of your home support workers a written statement for the pay period that includes the following information:

- Home support worker's name and address
- Hours worked
- Wage rate



- Overtime pay
- List of all the deductions and the amounts
- Gross and net wages

## Income tax

You must deduct Income Tax from your workers' paycheques based on the most up-to-date Canada Customs and Revenue Agency Income Tax Deduction Schedules.

You must fill in a T4 Income Tax form for all of your employees at the end of each calendar year so that they can properly fill in their Income Tax Form. The T4 Form lists the total wages they earned in each year and the deductions made from their wages.

We recommend that all your regularly employed workers who have more than one job fill out a **TD1 Form** issued by the Canada Revenue Agency and give it to you. The form is entitled "**Personal Tax Credits Return**". The form lists your worker's total income from all sources and all Income Tax exemptions, which she is entitled to. Your workers pay Income Tax based on the claim codes on the form. You can then use this information to deduct the appropriate amount of income tax. When they complete the form, they will return pages one and two to you to keep on file in your records. They keep pages three and four for themselves. There is a list of claim codes on the form. They check off the code that pertains to them based on their total income. You use this code to determine the amount of monthly payroll deductions you or your bookkeeper will deduct from their wages.

As of 2005, all workers in BC are exempt from paying Income Tax for the first **\$8523** that they earn per year. This tax exemption changes periodically. After this point they must pay income tax based on their total gross earnings. If some of your workers have other jobs, they must be aware that they may end up owing income tax if their total gross income is greater than the exemption. If you do not use the TD1 Form, you can ask them to let you know their total gross earnings so that you can calculate their income tax deductions based on their total gross and not just the income they earn from you. Your workers can choose whether or not to tell you what their total gross income is. However, it is in their best interest to tell you and avoid potentially owing income tax at the end of the year.

The following is an example of calculating the income tax your worker owes. You home support worker earns \$100 from you and she earns another \$400 from another job on a weekly basis. Assuming that she is paid every two weeks, her total gross wages are \$1000. You do an Income Tax calculation on the total gross of \$1000, which equals \$177.61. Then you do another calculation on the \$800 she earns from her other job which equals \$125.85. You then subtract \$125.85 from \$177.61, which equals \$51.76. You subtract the Income Tax from her other job because you do not want to double tax her. You must deduct \$51.76 in income tax from the \$200, which you pay her. Your home support worker may end up paying more Income Tax then required but she will get a refund as opposed to owing Income Tax at the end of the year. These income tax deductions will vary from time to time. You must use the most up-to-date income tax deduction schedules.

### **Canada Pension Plan**

Both you and your employees contribute the same amount for CPP for each paycheque.

### **Employment Insurance**

You contribute 1.4 times the amount deducted from each employee's paycheque for E.I.

### **Vacation Pay**

Your home support worker is entitled to two weeks holidays a year, for the first five years. If your worker worked less than one full year, she is entitled to 4% of her total wages, but is not entitled to two weeks holidays. If a home support worker works for you for more than five years, then she is entitled to three weeks holidays a year. Your worker's holiday pay is calculated at 4% of total wages up to and including the fifth year. It increases by 2% every five years thereafter. This amount is calculated each month on your workers payroll.

Vacation pay is paid out:

- From the payroll immediately before their holidays are to start, or
- On an annual date agreed upon within a calendar year, or

- If her employment ends

## Optional Benefits

There are two types of benefits. Taxable benefits are considered to be income and are subject to applicable deductions. Examples of taxable benefits include transportation and food allowance. Non-taxable benefits are not counted as income and do not get added to a home support worker's total gross wages. Examples of non-taxable benefits include extended medical and dental plans.

Some regions do not allow payment of medical and dental benefits. In regions where optional benefits are allowed you may offer them to your home support workers if you have enough money in your budget. If you choose to provide optional benefits for one home support worker, you are obligated to do the same for your other workers.

There are several optional benefits that you can deduct from your employee's pay. They include:

- **Medical Services Plan (MSP)** – the regular monthly rate per individual depends on how much money they earn. Your home support worker gives you her bill from MSP. You then write a cheque from your CSIL account to pay the bill. Photocopy the bill and send the photocopy with the monthly financial statement. Remember this is a taxable benefit, so it has to be added on to your worker's wages when you are calculating payroll deductions.

- **Extended Medical** – You can set up a group medical and dental plan for your home support workers. This is a non-taxable benefit so you will need to provide a receipt from the insurance company to submit to CSIL when you claim this expense.

- **Food Allowance** – If you provide food to any live-in home support workers, you can add \$5 per day to your workers' wages as a taxable benefit. You are allowed to claim \$150 a month from your CSIL account to buy food for your live-in home support workers. This is a taxable benefit and you must get a receipt from your home support worker to submit along with your claim for this item. The Food Allowance allows you to be reimbursed for feeding your live-in home support workers.

●**Transportation Allowance** – Examples of transportation allowance include: paying for a bus pass for a home support worker if frequent bus travel is required in assisting you and/or taxi fare for your home support worker is coming to assist you in an emergency situation or if she is travelling at an unsafe time. Ask that she give you a receipt from the taxi driver. This is a taxable benefit; you must keep all the receipts. If you have a HandyCard, you can take your home support worker with you on public transit for free.

#### **4.4 Termination Pay**

At the time of termination you owe your home support worker the following:

- Outstanding wages, up to and including the day of termination
- Vacation pay
- Termination pay

The money you owe your home support worker must be paid within 48 hours of being terminated or six days if she quits.

Your home support worker who is terminated is eligible for the following compensation:

- One week's pay after three consecutive months of employment;
- Two week's pay after one year
- Three week's pay after three years
- Plus one additional week's pay for every year of work up -to a maximum of eight week's wages

You owe your home support worker no compensation if you give her written notice of termination equal to the number of week's pay she is entitled to, for example, two weeks notice after twelve months of employment.

You may also give your home support worker a combination of notice and money equal to the number of week's pay that she is entitled to, for example, one week's notice and one week's pay after twelve months of employment.

You do not owe your home support worker termination pay if she quits, retires or is

fired for a serious infraction.

The amount you owe your home support worker is payable upon termination. You calculate the worker's average weekly wage for the last eight weeks and multiply that by the number of week's wages you are liable to pay.

Both part-time and casual workers are entitled to compensation upon termination. However, the less time they work for you, the less compensation they will be entitled to.

### sss. **Record of Employment Form (ROE)**

The ROE is a very important form. You or your accountant issues this form to your home support worker when she ends her employment with you, or is terminated. You may also issue an ROE for a part-time, on-call or casual worker who has not worked for an extended period of time. You also fill out this form for any worker who goes on a leave of absence such as parental leave. You include on the form the gross and net wages and total deductions for the last 27 pay periods for a bi-weekly pay schedule or 25 pay periods for a semi-monthly pay schedule. These forms will determine whether or not your worker qualifies for EI, and if so, for how much.

You must issue the ROE within five days of your worker's interruption of earnings when she quits, is laid off or fired, or has seven consecutive calendar days without work and insurable earnings from the employer.

These forms are numbered and recorded by the HDRC as being issued to you. Consequently, they cannot be used by any other employer. These forms, when filled out, contain your business number. Each form has three copies to it. The first one is issued to the employee, the second copy is issued to the HRDC, and you keep the third copy for your records. This form is self-explanatory.

After checking that all the information on this form is true, you sign on the appropriate line. Mail the completed form to the HRDC.

It is your responsibility, to the best of your knowledge, to ensure the accuracy of the information that you submit on the ROE. If you have made a mistake or given the HRDC incorrect information, tell them as soon as you become aware of it.

If you have any questions about how to fill out this form you can go on the Human Resources and Development Canada (HRDC) web site at **www.hrdc-drhc.gc.ca** or phone HRDC for a hard copy.

To get to the relevant section, do the following:

- visit the main page at **www.hrdc-drhc.gc.ca**
- the page has two headings; look on the right side under HRDC
- click on English
- on this new page, look to the right hand side of the screen where it says “Search”
- in this search window, type Record of Employment and hit Enter
- a new page will give you a few choices. The first two are of interest to you:  
Registration to the Record of Employment (ROE) Web and Record of Employment Order/Re-Order Form

By registering for the ROE Web you can create, submit and print ROE's via your computer using Internet technology. To order Record of Employment forms, go to the Record of Employment Order/Re-Order Form option. Click on Important Information (at the bottom) to view information on this site, including how to complete the ROE.

## **4.6 Monthly Financial Statement**

Every client on CSIL must submit a monthly financial statement to her local CSIL contract manager. This form records all of your financial transactions for any given month. These forms may vary from region to region but they all contain the same basic information. The form from the Vancouver Coastal Health Authority is divided in half; the left hand side is called the “**Monthly Financial Reconciliation**” and the right hand side is called “**Bank Reconciliation.**”

The “**Monthly Financial Reconciliation**” is a statement of all the money you have received from CSIL and a record of all your CSIL expenditures.

The “**Bank Reconciliation**” is a record of all the financial activity in your CSIL bank account.

The final entry on the “**Monthly Financial Reconciliation**” must equal the final entry on the “**Bank Reconciliation**.” The monthly financial reconciliation is your own record of income and expenses while the bank reconciliation enables you to balance your books to your CSIL bank account.

In order to accurately fill out your monthly financial statement, you must keep detailed records of all the paycheques and payroll deductions. You can do this either by using an accounting or spreadsheet program on your computer or using a manual ledger. If at all possible, order cheques that have stubs on which you can write the amount of the cheque and who it was issued to for your own records.

You will receive a sample monthly financial statement, which is already filled out, in your CSIL package when you are first accepted on CSIL.

For a detailed description of how to fill in the monthly financial statement with two examples see Appendix B3 Monthly Financial Statement on page 125.

## Part 5: The Hiring Process

As an employer you have the following rights:

- To set the terms and conditions of employment
- To require job-related qualifications
- To hire the most qualified person for the job
- To set salary and wage scales
- To discipline or dismiss incompetent, negligent or insubordinate employees

Some people prefer hiring home support workers who have had experience in the field while other people prefer hiring staff who have had no previous experience. There are pro's and con's to each approach. If you require extensive personal care such as transferring and/or assistance with bowel and bladder routines, you may prefer staff who have experience in those areas. Hiring people with experience can greatly reduce the amount of time you spend training them. Other people prefer home support workers who have no previous experience because they enter the job with no preconceived ideas as to how to carry out their duties. They can be easier to train to do things your way. It is up to you to choose which approach you want to take.

### 5.1 How to Run an Ad

Initially, try running the ad for one or two days at a time. People on CSIL have found that they receive numerous phone calls even weeks after a one-day ad.

Running an ad is expensive. Therefore you must describe the job and the type of person you are looking for in a very short, concise way.

Examples:

Disabled male, living in Kitsilano, requires a home support worker, part-time on weekends. Should live in close proximity. Female preferred. Training provided. Phone #604-555-6767

Disabled couple, living in North Van, require a home support worker to work weekdays. Experience preferred, cooking experience asset. Phone #604-555-4321



## **5.2 Other Ways to Find New Home Support Workers**

Running an ad is not the only way to find home support workers. Word of mouth is often an excellent way of finding people. As a rule, people who already know you will only refer people to you whom they like themselves. Be on the look out for people you think may make good home support workers.

You may consider putting up job wanted posters in your neighbourhood. This approach may be a good way of attracting people who live nearby.

You can talk to people you know who are on CSIL and ask them if they have any staff who would like more hours of work. Do not come across like you are trying to steal their home support workers. Be aware that their staff's priority is working for them. If you refer staff to other people on CSIL, they are much more likely to return the favour. When you are interviewing potential staff, keep in mind that someone who might not work out for you might be appropriate for someone else you know.

## **5.3 How to Select People to Interview**

It is helpful to have a message on your answering machine asking potential applicants to state their name, and phone number twice, so that you can contact them if you so desire. If they can follow these directions and you can understand them, you may decide to phone them back.

After you run the ad be prepared to receive numerous phone calls from people who are interested in the job. It can be overwhelming. You do not want to interview everyone. You must contact the people who you think may be good candidates by phone and describe the job in some detail such as hours, expected duties, pay etc.

You can tell a lot about a potential candidate by their phone manner. If you have a speech impediment can they understand you? Do they ask for clarification if they cannot understand you? Do they treat you with respect? Are they friendly? Can you understand them? Do they ask pertinent questions about the job? Are they more interested in the pay than the actual job?

Doing this pre-screening on the phone will ultimately save you a lot of time officially

interviewing candidates. Some people will decide that this job is not for them. You may decide that the person is not a suitable candidate. If you are both still interested after this initial contact, then you can set a day and a time to interview her at greater length. How you both come across on the phone sets the tone for possible future employment.

It is a good idea to ask the applicant to bring her resume to the interview. Some people choose to send out job application forms either by mail or email to job applicants prior to the formal interview. (See Appendix C1 Home Support Worker Application Form pg.134) You may choose to send out applications before the interview or have people fill out applications before you begin the interview.

You might not want to read a large number of application forms beforehand. However, you might find the form useful in the interview because you have background information about the applicant on hand.

You may want to prioritise the candidates who you want to interview. Always keep the application forms on file, in a private, secure place, in case the other candidates that you interview do not work out.

## **5.4 How to Conduct an Interview:**

An interview is an exchange of information between the interviewer and the interviewee. The ultimate purpose of an interview is to find out whether the applicant is suitable for the job position. In order to do this you must effectively explain the job to the applicant and then find out as much job-related information as possible about the applicant.

There are three steps to conducting a successful interview:

1. Planning the interview
2. Managing the interview
3. Interpreting the interview results

## 1. Planning:

Planning is key to conducting a successful interview. It is very important that the applicants you interview feel that you know what you are doing and that you are in charge.

Prepare a job description that clearly describes the tasks that your home support workers perform.

You must be clear about the qualities that you are seeking in your home support workers. Prepare questions to ask your job applicants, which will reveal the type of qualities that they have. Ask open-ended questions that require more than yes or no answers. (See Appendix C2 Interview Questions pg. 141)

Based on the Human Rights Code of B.C, you cannot discriminate against potential employees based on race, gender, sexual orientation, religion or disability. You can only ask applicants questions that relate directly to their ability to do the job. For example, you can ask whether they are of working age, or whether they have conditions that would limit their ability to do the job such as allergies or back problems. **You can deny employment to applicants who are unable to carry out essential components of the job, without being charged with discrimination.**

Once you have developed a set of questions, ask the same questions to every candidate. You are better able to compare applicants if you consistently ask each one the same questions in the same manner.

Try to behave the same way towards each applicant. If you are warm and friendly to one and cool and detached to another, you will elicit different responses from each one, and will ultimately have a difficult time comparing the two people. Try to be professional and courteous and show a genuine interest in the people you are interviewing.

It is helpful to plan the structure of your interview in advance. You need to pace the interview allowing time to describe and discuss the job with the interviewee, and to find out more about the interviewee.

It may be helpful to practice mock interviews with a friend or family member before actually interviewing job applicants. The way that you ask your questions influences the responses you receive. Therefore, we suggest phrasing the same question in several different ways during your mock interview before you choose the wording that you prefer. During the mock interview you can also practice pacing the interview so that you keep it moving forward and do not wander off topic. You will also find out how long it takes to carry out an interview. As a general rule, you should be talking for about 25% of the time during the interview.

If you are conducting more than one interview in a row, make sure that you allow extra time between interviews. You do not want to feel rushed. You also want to ensure privacy while you are interviewing each applicant.

Choose a day, time and place, which will give you the most privacy. Avoid days and times when you are normally busy with your staff or other activities. Choose a room that is private, preferably one with a door. Do not conduct interviews where other people can hear such as outside or in common areas.

If you need someone to help you with note taking or with communication, then you should make it clear at the beginning of the interview that this person is only here to assist you and is not actively involved in the interview. You may consider tape recording the interview.

## **2. Managing the interview:**

To have a successful interview you need to develop a rapport with the job applicant. Try to set the applicant at ease by introducing yourself and exchanging pleasantries in a short, friendly and professional manner.

Next, explain what is going to take place in the interview. Try to stick with the pre-planned structure of the interview.

You need to pace the interview allowing time to describe and discuss the job with the interviewee, and to find out more about the interviewee. You want to avoid having the interview go off topic and/or drag on for an unnecessarily long time. Allow ample time for the job applicant to ask questions before moving on to the next topic.

Begin the interview by describing the job in detail and the pay scale. Ask if the applicant has any questions and whether she is still interested in the job. If not, you should thank her for coming. If she is still interested, continue with the interview.

Periodically refer to your written questions to keep you on track.

Make sure that the applicants know about the probationary period including trial/training days.

Before you end the interview make sure that the job applicant has a clear understanding of all aspects of the job. Quickly go over the application form to see whether there are any questions that require clarifying. Also ensure that the applicant has written down a few references. Always check the references. It is in your best interest to do so.

If you have any questions regarding the job applicant that were not on your question list, ask them before the person leaves.

Conclude the interview and thank the applicant for taking the time to come. Let the applicant know when you will be making a decision and that she will be contacted then. Find out when she can start if she is offered the job.

### **3. Interpreting the Interview Results:**

Many factors are involved in making your hiring decisions, including:

- First impressions
- Personality
- Willingness to learn new skills
- Qualifications
- References
- Availability

- Flexibility
- Adaptability
- Reason(s) for wanting the job

Quite often your first impressions are a good indication as to whether or not to hire the applicant.

Observe how the job applicants interact with you. How are they when they first come into your home? Do they respect your home, for example do they take off their shoes? Are they at ease or are they self-conscious? Do they listen to what you are saying or just sit there nodding? Are they easy to interact with? Do they interrupt you when you are talking? Do they ask pertinent questions? Allowing for normal nervousness, how the applicants behave with you is a good indication as to how they will be working for you.

Because of the personal nature of the job, a personality mesh is as important as qualifications. A person who is genuinely interested in doing the best that they can and who is willing to learn new skills and adapt to new situations is a good candidate to hire. Avoid applicants whose primary interest is the pay.

You should review the application forms and the notes that you made during the interview to ensure the person meets your criteria for the job. Check their references to ensure that they are reliable and hard working.

If you are looking for staff to fill a particular shift or to act as backup staff, you must look at their availability for the job.

## **5.5 Maintaining a List of Backup Staff**

On CSIL, it is a requirement to maintain a list of backup staff. As you interview potential staff, always keep in mind that you need to hire extra people as backup. These backup staff will fill in when your regular staff are sick or go on vacation. It may be difficult to maintain a list of people who are interested in working backup because you are not always calling them.

If you have an application form, you may include a section on availability for shifts. This is one way to find a variety of people who are free on different days of the week.

You can keep these names on file so you know who to call for a particular shift. Periodically, contacting the people on your list is a good way to keep your staff interested in working as backup and to keep your list up to date. You may consider sharing backup staff with other people on CSIL.

## 5.6 Trial/Training Days

According to the *Employment Standards Act* you are allowed a three- month probationary period. You can either terminate employment or your staff can leave the job at any time during this period.

Many people on CSIL like to have a certain number of trial/training days for potential new staff. It is up to you to decide how many trial/training days you would like. Some people choose one or two days, other people may choose a week. Before having people work you should tell them what your policy is regarding trial/training days. These days are a great way to find out whether or not the new employees can physically do the job and if they are compatible with you.

You should pay people for working on trial/training days and make it clear to them that they do not have the job until after the training days. At the end of these days you should meet with the prospective employee and discuss how you both feel. Then you make a decision as to whether or not to keep that person on staff.

### ttt. **Criminal Record check**

We recommend that you do a criminal record check on each of the home support workers you have hired prior to the commencement of their probationary period.

If you require your workers to have criminal record checks done, you must write a letter to the police explaining what position you are hiring for and why you need the check performed. You must give each of your staff a copy of this letter and a self addressed stamped envelope before they go to the police station. At the station each of your staff will fill out a **Criminal Record Check Authorization Form**. In Vancouver there is only one police station that supplies these forms. The station is located at: 312 Main Street. If you live outside Vancouver, you can contact your nearest police station or Neighbourhood Crime Prevention Office to find out which station has these forms.

The Criminal Record Check fee varies from region to region and can either be paid by you or your worker. If your worker pays, you may decide to repay the fee if the worker works beyond the mutually agreed upon probation period. The process will take approximately 20 days from the time the form is received at the Criminal Record Review Agency until it is processed.

You must be aware that a criminal record check only reveals convictions and not charges that were dropped.

(See Appendix C4 Criminal Record Check pg. 144)

#### uuu. **Medical Record Check**

When you hire your home support workers you have the option of doing a Medical Record Check on each one. This check is strongly recommended for those of you with compromised immune systems, especially if you are ventilator dependant, or if you need a lot of transferring. Your workers will have to pay for all physical exams and the completion of the Medical Record Check Form.

When physical exams are carried out by the doctor or health care worker, they should report any potential problems which could adversely effect job performance such as back injuries, allergies etc.

We recommend that you test your new staff for Tuberculosis if you have a compromised immune system.

Your new staff can choose to go to their family physician for their physical exams and TB tests. If they do not have a family physician or do not want to go to him, they can have the tests done at the following places:

These two free clinics will test for tuberculosis:

- The Willow Chest Clinic (TB Control)  
665 West 12<sup>th</sup> Avenue, Vancouver  
604-660-6108
- The New Westminster TB Clinic



Suite 100, 237 East Columbia Street, New Westminster  
604-660-8826

If you want further information, you can phone these clinics. No appointment is necessary to get tested.

The Health Units in the health regions and local walk-in clinics also do TB tests and physical exams.

Request that your new staff take Medical Record Check Forms with them to be filled out by the doctor or health care worker to certify that they are healthy and fit for work. Your staff will receive all test results because medical information is confidential. You can then request that your home support workers supply you with a copy of the results. **After reviewing the information you should keep it on file in a secure place to ensure complete confidentiality.** (See Appendix C5 Medical Record Check pg. 145)

## **Part 6: Managing Staff**

### **6.1 Working Relationship**

It is extremely important to maintain a friendly but professional working relationship with all of your staff. Remember, the priority of your staff is to assist you in your daily living activities. Your staff are not primarily your friends.

It is important for you to maintain a separate social network from that of your staff. Because this work environment is very personal, it can be quite easy for boundaries between employer and employee to become blurred. When you become too close, it becomes increasingly difficult to exercise your authority over your staff. Your staff may also take liberties such as leaving work early, eating your food, using your computer etc.

### **6.2 Confidentiality**

As the employer, it is your responsibility to keep all information regarding your staff in a safe, private and secure place. This personal information includes:

- Job application forms
- SIN numbers
- Addresses
- Phone numbers
- Employment records
- Payroll and pay checks
- Medical information

If you are unable to handle this information yourself, you should consider hiring one person to assist you with all your correspondence and record keeping. We recommend that you do not have your regular staff assist you in maintaining your records. It can be a conflict of interest for your staff to have access to personal information about other staff members.

As part of the hiring process, your staff must be aware that what happens on the job is private and should not be shared with anyone else. If you decide to share home support workers with other people on CSIL, do not ask them about the other people

they work for and tell your staff that you do not want them talking about the other people they work for.

### **6.3 Scheduling**

Scheduling is critical to insure that your personal care routine and all your daily tasks are met to your satisfaction.

Your shift schedule needs to be flexible for the following reasons:

- To allow for unforeseen events
- Different work speeds of attendants
- Home support workers requesting to start earlier or leave earlier

You should prioritize the duties, which must be done each day. Other duties may be required to be done weekly and should be scheduled accordingly.

Once you have a clear idea of the tasks that you need your staff to do, you must then decide what hours they are going to work for you. The way you schedule your home support workers' shifts depends on the amount of assistance you require each day and what you can afford to pay out. Some people may divide their day into morning shifts, afternoon shifts, evening shifts and night shifts. Others may only require morning shifts and dinner shifts. It is up to you to decide what shifts would best meet all your needs. If you require a number of shifts per day, then you may be required to hire more than one home support worker per day. Each shift must be completed within 12 hours. If you require care beyond a 12-hour time span you must hire additional workers.

If you receive prior notice that one of your shifts will be available to other workers, contact one home support at a time and ask that person if she would like to work the shift. Wait for her answer before you ask another person. The first one who agrees to work the shift gets the shift. Avoid asking a number of people at the same time whether or not they can work that shift. This approach can lead to confusion and hard feelings because a number of people may believe that they each are working that shift.

If one of your home support workers cancels immediately before her shift begins,

you may have to phone a number of people on your backup list before you find someone to work that shift. In this case, the first person to agree to work the shift gets the shift. If you are leaving a message you should let the people know that the first person to return your call has the shift.

You must make it clear to your home support workers that they are required to work the shifts that they agree to work. If they are running late, they must phone you to let you know they are on their way. They must give you sufficient notice if they are not able to work their shift so that you can find replacements from your backup staff. You must let them know that you are in charge of scheduling. Avoid having your staff find replacements without consulting you first.

If one of your home support workers requests to take a course or work at another part-time job during a break in her shift, you must make it clear that you take priority over any other activities during the hours of that shift. If her activities are interfering with your daily care needs, you must tell her to choose between working for you or doing her other activities.

If you want to change the hours of the shift to accommodate your activities, try to give the staff working that shift as much notice as possible. If it is not an emergency, you should give your staff a minimum of 24 hours notice.

Try to slot home support workers into shifts that maximize their strengths. No one is good at everything. Consider having certain staff do specific tasks because they are particularly talented in those areas. For example, you may decide to hire one person to do all your cleaning once a week because she is very thorough in that task. A cooking student should be slotted into shifts where there is more cooking to be done. A gregarious, outgoing person may be great to accompany you on outings. Hiring a variety of people is a good way to meet all your needs.

For payroll and record keeping purposes, you should have each of your home support workers sign a calendar or a work sheet at the end of each shift that they work for you.

### vvv. **Employee Leaves of Absence**

Before a home support worker goes on pregnancy or parental leave, she must notify

you in writing four weeks before she wants to leave. She must give you the dates when her leave begins and when she expects to be back to work. She is entitled to take a year of combined maternity and parental leave and she may receive up to 55% of her regular earnings from Employment Insurance for that period. When you hire replacement home support workers you must tell them that the terms of their employment are only for the duration of the leave.

In cases of jury duty leave, you must give your home support worker time off for the length of time of the court case. When you hire replacement home support workers you must tell them that you do not know how long their employment will last. You may consider hiring backup staff to fill in.

Family responsibility leave entitles your employees to up to five days of unpaid leave per year to deal with responsibilities related to the health or education of their immediate families.

Bereavement leave entitles your employees up to three days of unpaid leave on the death of a member of their immediate families.

In all cases when your home support workers are on allowable leaves their employment is deemed continuous and you must keep their jobs open for them when they return.

## **6.5 Communication**

It is important to keep open lines of communication between you and your home support workers. If you and your staff have a good rapport, there will be less likelihood of conflict.

Some people who have been receiving care from an agency have a tendency to let things slide because it was such a hassle to have your complaint dealt with in a satisfactory manner. You may doubt that your problems are significant because in the past they were often not dealt with when you made the effort. You may also worry about hurting the feelings of a staff member.

It is a recipe for disaster to ignore problems on CSIL. Something that may start out as a small and insignificant annoyance may snowball into a major conflict that can adversely affect you and your home support workers. The best course of action is always to encourage communication so that when things come up that may annoy you or your staff, they can be dealt with promptly before they get out of hand.

It is always a good thing to speak up whenever something bothers you. This makes you a good employer. However, there are professional ways of handling these types of discussions. You should choose a time and a place that is private to ensure confidentiality. Try to sort out your thoughts and emotions beforehand so that you can get right to the point without dragging out the issue unnecessarily. Focus on the problem behaviour rather than the person. Suggest ways the person can change this behaviour. Do not enter the discussion with a closed mind. Be open to hear your home support worker's side of the story and suggestions on how to remedy the situation. However, remember that you have the final say as to what course of action to choose. Do not feel pressured into taking action that you do not agree with.

Always talk directly to the home support worker you are having problems with. NEVER talk about this person behind his back to other staff members because it does not solve the problem. It creates new ones.

## **6.6 Disciplining and/or Firing Staff**

As an employer, disciplining staff in the appropriate manner will probably be the most difficult task that you will have to undertake. You will have to know what constitutes

immediate dismissal and what constitutes issuing a warning.

Generally speaking, any action **which jeopardizes your health, well-being or personal safety is just cause for immediate dismissal**. For example, if your home support worker comes to work intoxicated, you may immediately fire that person, especially if you specify in your employee guidelines that there is no drinking on the job. **When a serious infraction has occurred leading to immediate termination you are not obligated to pay your worker termination pay.**

Failing to show up for a shift without notice may or may not be grounds for immediate dismissal. Failing to show up for a shift shows the home support worker is not reliable or responsible. Therefore, you may not want to keep that person on staff. However, there may be extenuating circumstances that led to your staff not being able to contact you or arrive on time. These circumstances should be considered before taking action.

Issuing warnings is up to the discretion of the employer. For example, if one of your home support workers is chronically late, you should consider giving that person a verbal warning first and then a written one. If that person continues to arrive late, you have just cause to fire her. Other examples that warrant a warning include, breaching confidentiality, betraying your trust, overstepping boundaries and/or disrespecting your person or property. Based on the severity of the infraction you may decide to fire the home support worker. (See Appendix D1 Disciplinary Letter pg. 147)

If you decide to fire a home support worker, do so promptly. Avoid dragging it out unnecessarily. Write a letter of termination to the worker stating what the problem behaviour is and the reasons for termination of employment. If you issued warnings, list them and describe the subsequent failure to change the problem behaviour as the reason for termination of employment. State when the employment ends. (See Appendix D2 Letter of Termination pg. 148)

Upon termination of employment, the keys must be returned immediately.

Keep copies of all correspondence on file including written warnings and letters of termination. These records will support your case for termination of employment with just cause, especially if your worker challenges the termination. (For information

about Termination Pay see Section 4.4 pg. 46)

## **6.7 Disputes**

In extremely rare cases your home support workers may dispute a decision that you make. Your home support workers can go to the Employment Standards Branch if they believe that you treated them unfairly.

However, you are encouraged to resolve disputes with your workers among yourselves. The Director of Employment Standards can refuse to investigate a complaint if a home support worker has not taken steps to resolve the problem themselves. This includes using the self-help kit that is available on the Internet and at all Employment Standards offices.

If a dispute cannot be resolved using the self-help kit complaint forms, the Employment Standards Branch may help you and your home support worker try to reach an agreement before the branch issues a decision. If everyone agrees, then the 'Settlement Agreement' is binding on you and your home support worker.

You can contact the Employment Standards Branch information line at 1-800-663-3316. All forms, fact sheets and additional information are available at: [www.labour.gov.bc.ca/esb](http://www.labour.gov.bc.ca/esb).



# ✚Section 3✚

# Summary of Relevant Legislation

## Information about Section 3

In order to be a responsible employer you must be familiar with the following legislation: ***The Employment Standards Act, The Human Rights Code, The Workers Compensation Act, The Employment Insurance Act, and The Income Tax Act.*** You are obligated to follow these rules that set out the rights and responsibilities for you and your staff. You will look more professional and show your staff that you are in control if you understand the laws regarding employment. It

will also protect you from unintentionally doing something illegal. The five pieces of legislation in this section are summaries of the original acts. They incorporate the titles and the section numbers so that you can refer to the original legislation.

**A complete alphabetical listing and electronic copy of all up-to- date British Columbia Statutes with associated Regulations can be found at:**  
**[www.qplegaleze.ca](http://www.qplegaleze.ca)** and can be downloaded for a fee to your home computer or for free from public library computers.

## Part 7: Employment Standards Act

### 7.1 Information about the *Employment Standards Act*

The *Employment Standards Act* of BC sets out basic rights and obligations of employees and employers. All people who hire home support workers must follow these guidelines. The Act includes the Employment Standards Regulation, which further explains or expands on certain sections of the Act. Both the Act and the Regulation are divided into parts, each of which deals with a specific topic.

The Guide to the Employment Standards Act summarizes the Act and provides helpful employment information. It can be obtained by contacting the Employment Standards Branch in your area or on the Internet at [www.labour.gov.bc.ca/esb](http://www.labour.gov.bc.ca/esb). You can also get forms, fact sheets and additional information from this website.

For general inquiries, contact the Employment Standards Branch Information Line at:

1-800-663-3316 (toll-free in British Columbia)

For Lower Mainland residents contact:

Employment Standards Branch  
Lower Mainland Regional Office  
604-660-4946  
Suite # 210 - 4946 Canada Way  
Burnaby BC, V5G 4J6

### 7.2 Definitions (Part 1 Introductory Provisions)

For a complete list of Definitions refer to the *Employment Standards Act and Regulations*. Included here are relevant definitions for people on CSIL.

**“Day”** means

(a) 24-hour period ending at midnight, or (b) in relation to an employee’s shift that concludes after midnight, the 24-hour period beginning at the start of the employees

shift.

**"Employee"** includes

(a) a person, including a deceased person, receiving or entitled to receive wages for work performed for another, (b) a person an employer allows, directly or indirectly, to perform work normally performed by an employee, (c) a person being trained by an employer for the employer's business, (d) a person on leave from an employer, and (e) a person who has a right of recall;

**"Employer"** includes a person

(a) who has or had control or direction of an employee, or (b) who is or was responsible, directly or indirectly, for the employment of an employee;

**"Live-in home support worker"** means

(a) a person who is employed by an agency, business or other employer providing, through a government funded program, home support services for anyone with an acute or chronic illness or disability not requiring admission to a hospital and (b) provides those services on a 24 hour per day live-in basis without being charged for room and board;

**"Night attendant"** means a person who

(a) is provided with sleeping accommodation in a private residence owned or leased or otherwise occupied by a disabled person or by a member of the disabled person's family, and (b) is employed in the private residence, for periods of 12 hours or less in any 24 hour period, primarily to provide the disabled person with care and attention during the night.

### **7.3 Hiring Employees** (Part 2, Sections 8 and 10)

Legal hiring procedures include: accurately describing the job to future employees, not misleading potential employees and not charging employees for hiring them. If you charge your employees, that payment is considered to be wages owing under this Act. You can pay for an ad to hire home support workers.

### **7.4 Wages and Payroll Records** (Part 3)

This part of the Act deals with the payroll and administrative components. It covers paydays, termination of employees, what to do if you cannot find your employees after they have been terminated or quit, payments of wages, deductions from payroll, wage assignments and payroll records.

**Wages** (section 16, 17, 20 and 27)

You must pay your home support workers the current minimum hourly wage. As of August 1, 2004, the minimum wage is \$8.00 an hour.

According to Part 4, section 16 of the Employment Standard Regulation the minimum daily wage for a live-in home support worker is \$80.00 each day or part day worked.

You must pay wages in Canadian currency.

**Note:** On CSIL you must pay the wages by cheque.

On every payday you must give each of your home support workers a written statement for the pay period for their records, which includes the following information:

- Your name and address
- Home support worker's name and address
- Hours worked
- Wage rate
- Overtime pay
- Any money, or other payment the employee is entitled to such as vacation or statutory holiday pay
- List of all the deductions and the amounts
- Gross and Net wages

You cannot withhold, deduct, or defer payment of all or part of an employee's wages from one pay period to another.

You must have at least two pay periods per month. Your staff must be paid within

eight days after the end of the pay period.

**Note:** The standard procedure on CSIL is to have one pay period on the 15<sup>th</sup> of the month and the other one on the last day of the month.

The exception to this policy is vacation pay (See Part 7.8 Annual Vacation pg. 79).

### **Payroll records** (Section 28)

You must keep the following records in a private and secure place in your home:

- Each home support worker's name, address, phone number and date of birth
- The date employment began
- The hours worked each day
- The wage rate
- Overtime pay
- Benefits paid to employees
- A list of all the deductions and the amount
- Gross and net wages
- The dates of statutory holidays taken by your home support workers and the amounts you paid
- The dates of annual vacation taken by your home support workers, the amount you paid, and the days and amounts owing

You must keep these payroll records for two years after employment ends.

### **If employment is terminated** (Sections 18 and 19)

You must pay your home support worker within 48 hours after you terminate her employment. Your home support worker must be paid within six days after she quits. This time is by the clock and the calendar-not business days or business hours.

If you cannot locate your home support worker, you must pay the wages which you owe her to the employment standards branch within 60 days where they are held in trust for the home support worker.

### **Deductions** (Section 21)

You cannot deduct any of your business costs from your home support workers wages. These costs include breakage, loss or damage to your property. If you make such deductions from her wages, then the branch will force you to reimburse your home support worker.

**Note:** One way to recover damages to property is to have household insurance.

### **Assignments** (Sections 22 and 24)

If your home support worker requests in writing that a certain amount of their wages go to a third party, you must honour that request. Examples include: child support, medical or dental coverage, or donations to a charity. This agreement is called an “assignment” of wages.

Your home support worker can cancel this agreement by notifying both you and the person to whom the wages are assigned in writing.

## **7.5 Hours of Work and Overtime** (Part 4)

This part of the Act deals with the minimum and maximum hours you can ask your home support worker to work, meal breaks, split shifts, hours free from work, flexible work schedules and overtime wages.

### **Meal breaks** (section 32)

A home support worker must not work more than five hours in a row without a

30-minute unpaid meal break. A home support worker who is required to work or be available for work during a meal break must be paid for the meal break. You are not required to provide coffee breaks.

### **Split shifts** (section 33)

If you hire a home support worker to work a split shift, the shift must be completed within 12 hours from the start of the shift. For example if the shift starts at 9:00 am then it must end at 9:00 pm at the latest.

### **Minimum daily hours** (section 34)

A home support worker who reports for work must be paid for at least two hours, even if she works less time.

If work is stopped for a reason beyond your control (for example, a medical emergency), your home support worker must be paid the greater of two hours or the actual time worked.

A home support worker who is scheduled to work more than eight hours must be paid for four hours even if she works less time.

A home support worker who reports for work but is unfit for work only has to be paid for time actually worked.

A home support worker who is intoxicated, or behaving in an unsafe manner only has to be paid for time actually worked.

### **Maximum hours before overtime applies** (section 35)

You must pay overtime wages if your home support worker works over eight hours a day or 40 hours per week.

**Note:** According to the Employment Standards Regulation Part 7, Section 34, night attendants and live-in home support workers are excluded from overtime regulations.

### **Hours free from work** (Sections 36 and 39)



You must ensure that your home support workers have at least 32 consecutive hours free from work each week or pay them 1 ½ times the regular wage for time worked during those 32 hours.

Your home support worker must have at least eight consecutive hours free from work from the end of one shift to the beginning of the next shift. For example, if you require a home support worker to work a night shift which ends at midnight you cannot require the same worker to return to work before 8:00 am the next day.

This eight hours of free time rule does not apply in an emergency or on a split shift because it is one shift on the same day.

You cannot force your home support workers to work excessive hours or hours detrimental to their health or safety.

### **Overtime wages** (Section 40)

If you do not have an averaging agreement, you must pay:

#### **Daily overtime**

- Time and a half after eight hours of work per day
- Double time for hours worked in excess of 12 hours per day

#### **Weekly overtime**

- Time and a half for home support workers who work more than 40 hours a week
- Only the first eight hours worked each day are used to calculate weekly overtime

If your employee works in excess of eight hours per day, they are entitled to **daily overtime**. If your employee works in excess of 40 hours per week **without exceeding eight hours per day**, then you pay **weekly overtime** for those hours in excess of 40 hours. An employee can be entitled to both daily and weekly overtime.

For example, if one of your employees worked the following hours, this is the amount of overtime she is entitled to:

	Mon	Tues	Wed	Thurs	Fri	Sat	Total Hours	Total Overtime
Hours Worked Per Day	10	8	8	8	8	6	48	8 Hours Total
Number of Hours over 8	2							2 hours Daily Overtime
Hours used to calculate weekly overtime	8	8	8	8	8	6	46	6 hours Weekly overtime

This worker is entitled to two hours daily overtime for Monday because she worked over eight hours on that day. She is entitled to six hours of weekly overtime. The weekly overtime calculation is based on the first eight hours worked per day.

### **Agreements to average hours of work** (Section 37)

If for a period of time you require your home support workers to work some longer shifts and you are concerned about overtime pay, you may consider setting up **averaging agreement**.

This agreement must be in writing with a start date and end date. Both you and your home support worker must agree to the terms and conditions of this agreement. This agreement is in place until the expiry date or a later date provided in the agreement to repeat the averaging agreement. **The number of hours your home support worker works per day can vary so long as the total average does not exceed 40 hours per week for the length of time of the agreement.**

**When the total exceeds 40 hours per week you owe your home support worker overtime.** For example, if your averaging agreement is for three weeks, and your home support worker works a grand total of 120 hours then your worker is not entitled to overtime even though one week he may have worked more than 40 hours

## **7.6 Statutory Holidays** (Part 5)

This part of the Act deals with your home support workers' entitlement to statutory holidays and holiday pay, and your obligations for paying them when they work on a statutory holiday or if the day falls on one of their days off. You also have the option of substituting another day for a statutory holiday.

### **List of statutory holidays**

There are nine statutory holidays in BC: New Year's Day, Good Friday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, and Christmas Day. Easter Monday and Boxing Day are not statutory holidays.

### **Entitlement to statutory holiday** (section 44)

Your home support worker must have been working for you for at least 30 calendar days and have worked 15 of the last 30 days preceding the holiday to qualify for statutory holiday pay.

### **Statutory holiday pay** (section 45)

If you give your full-time home support worker the statutory holiday off, then you must pay an average day's pay. This rule applies even if the holiday falls on the employee's regularly scheduled day off.

### **If an employee is required to work on a statutory holiday**

(Sections 46 and 48)

If your home support worker works on the statutory holiday, then you must pay 1 ½ times the regular wage for the first 12 hours and then double pay for any time worked beyond 12 hours plus an average day's pay. Therefore, you must pay 2 ½ times your workers regular pay.

You can substitute another day for a statutory holiday as long as your staff agrees and you follow the above guidelines for a statutory holiday.

## **7.7 Leaves and Jury Duty** (Part 6)

This part deals with pregnancy leave, parental leave, family responsibility leave, bereavement leave, and jury duty.

### **Duties of the employer** (Sections 54 and 56)

While your home support worker is on leave you must keep her job open so that when she returns your worker can resume her job. You cannot fire your home support worker or change the conditions of employment without her written consent.

Her employment is considered to be continuous for purposes of calculating vacation pay and other benefits. Your home support worker is entitled to all increases in wages and benefits that she would have received if not on leave.

### **Pregnancy leave** (Section 50)

If your home support worker is pregnant she is entitled to 17 consecutive weeks of unpaid leave. This leave may be extended by up to six weeks if she is unable to return to work for reasons related to the birth or termination of the pregnancy. You may require your home support worker to provide you with a doctor's certificate in support of the extension. During her pregnancy she must request a leave in writing at least four weeks before the day she wants the leave to begin.

### **Parental leave** (Section 51)

A birth mother who has taken pregnancy leave is entitled to up to 35 consecutive weeks of unpaid leave. A birth mother who has not taken pregnancy leave is entitled to 37 consecutive weeks.

A birth father or an adopting parent is entitled to up to 37 consecutive weeks of unpaid leave. This leave may be extended by up to five weeks if the child requires an additional period of parental care.

You may require your home support worker to provide you with a doctor's certificate in support of the extension.

Parents must give their employers at least four weeks written notice.

### **Family responsibility leave** (Section 52)

Your home support worker is entitled to up to five days of unpaid leave per year to deal with responsibilities related to the care, health, or education of her immediate family.

### **Bereavement leave** (Section 53)

Your home support worker is entitled to up to three days of unpaid leave on the death of a member of her immediate family.

### **Jury duty** (Section 55)

If your home support worker is required to attend court as a juror, she is considered to be on unpaid leave for the period of jury duty.

## **7.8 Annual Vacation** (Part 7)

This part of the Act deals with your home support workers' entitlement to annual vacation and vacation pay. Annual vacation entitlements are based on the anniversary date of the start of employment of each of your workers. However, you may use a common anniversary date to calculate their vacation entitlements. **Both full time and part-time staff are eligible for annual vacations and vacation pay.**

### **Entitlement to annual vacation** (Section 57)

Your home support worker is entitled to an annual vacation, exclusive of statutory holidays, of at least two weeks after twelve consecutive months of employment, and at least three weeks after five consecutive years of employment. Your home support worker is not entitled to take an annual vacation within the first year of employment. You must make sure that your home support worker takes her annual vacation within twelve months of becoming entitled to it. You must allow your home support worker

to take her vacations in periods of one or more weeks. If a statutory holiday occurs during a vacation, the holiday is not counted as part of the vacation. You must give your home support worker another day off with pay for the holiday.

### **Vacation pay** (Section 58)

You must pay your home support worker at least 4% of her total wages as vacation pay.

After five consecutive years of employment, vacation pay increases to at least 6% of her total wages.

Vacation pay must be paid at least seven days before the beginning of your worker's vacation; or on your worker's scheduled paydays, if agreed between you and your workers; or at termination of employment.

Vacation pay is not payable if the employment was for five calendar days or less.

Any vacation pay that your home support worker receives is counted as part of the total wages paid in a particular year.

### **Other payments or benefits do not affect vacation rights** (Section 59)

You cannot reduce your home support workers annual vacation or vacation pay because she was paid a bonus or sick pay, or was given a longer annual vacation than the minimum.

You can reduce your worker's entitlement to vacation pay if you receive and grant her written request to take her annual vacation in advance.

## **7.9 Termination of Employment** (Part 8)

This part of the Act deals with terminating the employment of your home support workers and the compensation that they are entitled to. You may also give your home support workers notice and/or compensation in accordance with the length of time they worked for you.

## Definitions

A “**week of layoff**” means a week in which your home support worker earns less than 50% of their weekly wages.

According to the definition of “**temporary layoff**” in this Act, you can layoff your home support worker for up to 13 weeks within any period of 20 consecutive weeks. This Act prohibits any indefinite layoffs unless you receive a variance to do otherwise. For example, if you know that you will be hospitalised for an indefinite time, you may apply for a variance enabling you to layoff your home support workers until you are discharged. If you do not have a variance and the layoff lasts more than 13 consecutive weeks, the layoff becomes a termination and you owe your worker termination pay. When a temporary layoff becomes a termination, the last day worked is the termination date and your home support worker’s entitlement to compensation for length of service is based on that date.

### **Termination pay entitlement** (Section 63 and 68)

A home support worker who has been terminated is eligible for the following compensation:

1. One week’s pay after three consecutive months of employment
5. Two week’s pay after one year
6. Three week’s pay after three years
7. Plus one additional week’s pay for every year of work up to a maximum of eight week’s wages

You owe your home support worker no compensation if you give her written notice of termination equal in the number of weeks to the pay she is entitled to, for example, two week’s notice after twelve months of employment.

You may also give your home support worker a combination of notice and money equal to the number of weeks pay which she is entitled to, for example, one week’s notice and one week’s pay after twelve months of employment.

You do not owe your home support worker termination pay if she quits, retires or is fired for a serious infraction (just cause), was working backup for you, or was

employed for a definite term.

The amount you owe your home support worker is payable upon termination. **You calculate the worker's average weekly wage, excluding overtime, for the last eight weeks and then multiply by the number of week's wages you are liable to pay.**

Both part-time and casual workers are entitled to compensation upon termination. However, the less time they work for you, the less compensation they will be entitled to.

If you pay a worker termination pay, you are also obligated to pay the worker any other payments they are owed. You must pay termination pay whether or not your worker has obtained other employment or has, in any way, received any money for the notice period.

#### **Rules about notice** (sections 67)

Your home support worker cannot be on annual vacation, leave, or be unable to work due to medical reasons when you give her notice of termination. Once you give the notice of termination, you cannot alter the conditions of the employment without your worker's written consent.



## **7.10 Variances** (Part 9)

This part of the Act deals with applying for a variance to specific sections within this Act. A variance is a change in the time period or requirement as set out in a specified section of the Act.

### **Application for variance** (Section 72)

You and your home support workers may jointly submit a written application to the Director of Employment Standards for the following variances:

- A time period specified in the definition of “temporary layoff”
- Payday (Section 17)
- Split shifts (Section 33)
- Minimum daily hours (Section 34)
- Maximum hours of work (Section 35)
- Hours free from work (Section 36)
- Number of weeks in an averaging agreement (Section 37)
- Overtime wages for employees not working under an averaging agreement (Section 40)

### **Power to grant variance** (Section 73)

The director of the Employment Standards Branch may grant a variance as long as the majority of your staff agrees to it and it follows the intent of this Act. The Director may attach conditions to a variance, specify that it apply to one or more of your workers, and specify an expiry date for the variance. You must display a copy of the variance in plain sight of your staff.

### **How to apply for a variance**

According to Part 7 Section 30 of the Employment Standards Regulation you can apply for a variance by writing a letter to the Director of Employment Standards. The letter can be sent to any Employment Standards Branch office. You and a majority of the workers who will be affected by the variance must sign this letter. The letter must contain the following:

- The employer’s name, address, and telephone number

- The provisions of the Act the Director is requested to vary
- The variance requested
- The duration of the variance
- The reason for requesting the variance
- The name and home phone number of each employee who signs the letter
- The name of each employee who will be affected by the variance

A decision, which is called a determination, will usually be made within two weeks. You must post a copy of this determination in plain sight of all affected employees.

## **7.11 A Brief Summary of Complaints, Investigations and Appeals**

These parts deal with laying a complaint and receiving a determination or judgement. Because it is extremely rare that you will be involved in this process, these parts are only briefly summarized. If you want more details, you can refer the Act.

You are encouraged to resolve disputes with your workers. The Director of Employment Standards can refuse to investigate a complaint if you and your home support worker have not taken steps to resolve the problem yourselves. This includes using the self-help kit that is available on the Internet and at all Employment Standards offices. If the dispute cannot be resolved, then you and your worker can go to an Employment Standards Branch, as a last resort, for a resolution.

### **Complaints, Investigations and Determinations (Part 10)**

Part 10 states that your home support workers can lay complaints against you to the Employment Standards Branch. The Branch will only investigate complaints that are violations of the terms and conditions of this Act. You must be notified of such complaints. The Branch has the power to make determinations. You must receive a copy of the determination if you are a person named in the determination. You must not mistreat or discriminate against any worker who lays a complaint against you, nor can you alter the terms and conditions of his employment.

### **Enforcement (Part 11)**

Part 11 states that the payment of back wages takes precedence over your other debts. You must pay interest on unpaid wages that you owe your home support worker. However, if you receive a determination to pay a worker's wages, there is a 38-day hold on interest accumulation from the date the determination is made. The Director can file a determination of the tribunal in the Supreme Court. The Director may seize your personal assets to pay the amount owing in the determination.

### **Employment Standards Tribunal** (Part 12)

Part 12 outlines the composition and powers of the tribunal. A decision or order made by the tribunal **within its jurisdiction** under this Act is final and is not open to review in a court on any grounds.

### **Appeals** (Part 13)

Part 13 states that you have the right to appeal a determination to the tribunal. The tribunal then makes its decision. If you believe that the tribunal made a decision **outside its jurisdiction**, you can appeal the decision to the Supreme Court of BC.

## Part 8: *The Human Rights Code of BC*

### www. **Summary of the *Human Rights Code***

*The Human Rights Code of BC* prohibits discrimination, whether intentional or unintentional, against people within this province. If there is a conflict between this Code and any other law, this Code prevails.

In the area of employment this means equal access to employment opportunities and fair treatment in the workplace. As an employer, you are only to use job-related considerations such as ability, merit, and responsibility to evaluate applicants and employees.

The purposes of this code are as follows:

- To ensure that there are no impediments to full and free participation in the economic, social, political and cultural life of B.C.
- To promote a climate of understanding and mutual respect where all are equal in dignity and rights
- To prevent discrimination prohibited by this Code
- To provide a means of redress for those who are discriminated against contrary to this Code

### **Discrimination in employment advertisement** (Section 11)

You must not run advertisements seeking people to work as your home support workers which discriminate on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age, unless the limitation, specification or preference is based on a bona fide occupational requirement.

**Note:** You may advertise for certain select people if some of the above attributes legitimately interfere with the applicants' ability to do the job. For example, if you require transferring, you will need home support workers who are strong enough to assist you.

### **Discrimination in wages** (Section 12)

You cannot pay home support workers of different sexes different wages if they are doing the same job and working the same hours within a workday. You cannot reduce workers wages in order to comply with this act. If one of your workers is paid less than other workers doing the same job, then he is entitled to be paid the difference no later than 12 months from his date of termination of employment.

### **Discrimination in employment** (Section 13)

When you hire staff you must not discriminate on the basis or race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or criminal conviction unrelated to the employment. However, this does not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.

**Note:** There are circumstances when some attributes of applicants make them unsuitable for the job. Some examples include, applicants who have very limited English language skills, or applicants who are not in sufficient physical condition to do the job due to age or physical disability. Under such circumstances you can deny them employment because they are unable to carry out the essential components of the job.

As an employer, you are required to accommodate the needs of your home support workers. For example, if a worker requires a certain day off for religious reasons, you must give her that day off. If you do not, you may be found to have discriminated against her because religious belief is protected under this Code.

The exception to this is rule is if your home support worker's request causes you "undue hardship" by jeopardizing your health and safety or by being too costly for you, then you are not required to accommodate her.

### **Complaints** (Sections 21 and 22)

Anyone who believes this Code has been contravened can file a complaint with the

Human Rights Tribunal.

A complaint must be filed within six months.

You can refer to sections 22.1 to 40 of this Act for more information about the process of laying complaints, enforcing settlement agreements and the structure and the powers of the Human Rights Tribunal.

**Protection** (Section 43)

You cannot further discriminate in any way against your home support worker if she lays a complaint against you. This could be considered retaliation against the person for filing a complaint in the first place, and can itself form the basis for a second complaint.

## **Part 9: *Workers Compensation Act***

### **xxx. Information about the *Workers Compensation Act***

The *Workers Compensation Act* of BC, which is administered by the Workers Compensation Board (WCB), sets and enforces occupational health and safety standards and the terms and conditions for compensation for personal injury, disease or death on the job. The majority of this Act pertains to the amount of compensation your workers may be entitled to if they are injured on the job. The parts that are summarized below relate to your responsibilities as the employer.

As an employer on CSIL, you are responsible for paying assessments to the WCB so that home support workers will be covered if they are injured on the job. You are also responsible for ensuring the health and safety of your home support workers in the work environment of your home. We recommend that you contact the WCB if a situation arises where you are not sure what to do.

### **yyy. How to contact the Workers Compensation Board of BC**

For more information about the Workers Compensation Board you can contact them at:

WCB  
6951 Westminster Highway  
Richmond BC  
V7C 1C6  
Phone # 604-273-2266  
Fax # 604-276-3191

For general inquiries, to set up a new account or to pay your account you can call the Employers Service Centre:

1-888-922-2768

For more information about making your home safer for your workers you can contact the Worksafe Call Centre:

604-276-3100

For emergency reporting (after hours) contact:

Phone #: 604-273-7111 or 1-800-922-4357  
Fax #: 604-276-3247

You can find out more information, register for WCB, and pay your assessments online from their website at: **[www.worksafebc.com](http://www.worksafebc.com)**

zzz. **The Employers' Advisers Office**

The Employers' Advisers Office is a Branch of the Ministry of Skills, Labour and Development. The Employers' Adviser position is established under section 94 of the Workers Compensation Act. The Adviser provides advice, assistance and representation on WCB matters including claims, assessments, occupational health and safety, and training. You can contact the Greater Vancouver office at:

Address: #620-8100 Granville Avenue  
Richmond, BC  
V6Y 3T6  
Phone #: 604-713-0303  
Toll Free #: 1-800-925-2233  
Web site: [www.labour.gov.bc.ca/eao](http://www.labour.gov.bc.ca/eao)  
Email: [EAO@eao-bc.org](mailto:EAO@eao-bc.org)

## **9.4 Compensation** (Part 1, Division 2)

### **Compensation for personal injury** (sections 5, 5.1, 10, 13, 14 and 21)

If your home support worker is injured in an accident while working for you and the WCB accepts the claim for compensation, she will receive compensation from the WCB's accident fund the first working day following the accident. She will be reimbursed for any medical expenses that were incurred on the day of the accident.



If your worker is injured on the job you must pay for her transportation to the hospital or to a physician for initial treatment on the day of the accident. WCB may reimburse you for any expenses that you incur at its discretion.

Compensation will not be paid to your home support worker if the accident was the result of her wilful misconduct, unless it resulted in death, serious injury or permanent disability.

WCB protects you and your workers from being sued for a work related injury because you are both covered by WCB insurance. An injured worker has the option to go to court only if a non-worker or non-employer caused the injury.

If your worker goes to court, she will receive at least the same amount as she would from WCB. WCB is your insurance so that you are not personally financially responsible for damages.

A home support worker who had a disability prior to the accident will only receive compensation for any disabilities resulting from the accident.

Your worker can get compensation for “mental stress” if she experiences a sudden and unexpected traumatic event while working for you. Your worker cannot claim mental stress because the conditions of employment have changed, or because you have disciplined the worker or terminated her employment.

You cannot deduct any part of the assessment that you pay the WCB from your workers’ wages. If you do so, you must repay that sum to your workers.

You cannot get your worker to agree to waive any compensation that she may be entitled to.

## **9.5 Accident Fund and Assessments** (Division 4)

### **Accident fund and classification of industries** (sections 36, 37, 39 and 49)

The WCB has an accident fund out of which all compensation outlays and expenses are taken.

All employers are placed into groups that are used to set premium rates. The WCB has the power to create new classes and consolidate or rearrange existing classes.

Most people on CSIL come under the classification unit title of **Home Support Services**. The classification unit description broadly describes Home Support Services as: cleaning your home, cooking, doing laundry, and offering non-medical physical assistance. If you require your workers to provide medical care for you, you will come under a different category.

Each year the WCB sets the rates for assessments based on the payroll of each industry and how well funded the accident fund is. If the WCB determines that the accident fund is low, your assessment will increase. If there is a surplus in the accident fund, the rate might go down.

Assessments may be collected in half yearly, quarterly or monthly instalments or otherwise. The WCB must notify you by mail of the amount of each assessment.

### **Payroll records and assessments** (sections 38, 40, 47 and 52)

You must keep a complete and accurate payroll record which you submit annually to the WCB, or whenever required, so that you can be properly assessed.

When you receive an assessment, you must pay it within the time limit in the notice or else you pay a penalty.

If you do not submit your payroll records or pay your assessments to the WCB and one of your workers is injured on the job, then you will be charged the total cost of the claim, plus your assessment, plus your penalty.

If there was an excusable reason why you did not pay your fees you may be relieved of your liability.

When you owe fees to the WCB the amount you owe takes priority over other debts you may have with the exception of back wages.

## **9.6 How to Apply for WCB Compensation** (Division 5)

Division 5 “Procedure and Miscellaneous” deals with the procedures, which employees must follow in order to get compensation for injuries sustained on the job.

### **Worker’s notification of injury** (section 53)

Your home support worker must inform you as soon as possible of any injury she sustains on the job. She must inform you of the time and place it occurred and the nature and cause of the injury. You may give your worker a form to fill out regarding the particulars of the injury or you may take down the particulars yourself. You receive this form from the WCB and return the filled out form. If your worker does not report the injury promptly, the claim for compensation may not be allowed unless there are extenuating circumstances.

### **Employer’s notification of injury** (section 54)

You must report an injury of one of your home support workers to the WCB within three days of its occurrence. You must report the serious injury or death of a worker immediately by phone and then send the written report. Your report must be written on the form provided by the WCB and contain the following information:

- The name and address of the worker
- The time and place of the injury
- The nature of the injury
- The name and address of the doctor or medical practitioner who attended your worker
- Any other particulars required by the WCB or by the regulations

You must mail this report to the WCB.

If the Board does not receive your report within seven days of an injury or death, the

WCB can decide whether or not to start to provide compensation. If you submit your report late, the WCB may charge you an additional assessment as a contribution to the accident fund. However, the WCB may waive the additional assessment, in whole or in part, if it believes that the delay in reporting was excusable.

**Application for compensation** (section 55, 57 and 57.1)

An application for compensation must be made on the WCB form within one year of the date of the accident and must be signed by the worker. However, under certain circumstances compensation may be paid without an application or if the application is late. If the WCB believes there were special circumstances that prevented the filing of the application within the one-year period, the Board may pay the compensation provided that the application is filed within three years after the date of the accident.

Your worker must be examined by a medical practitioner in order to receive compensation.

Your worker must submit information related to the claim, as requested by the WCB.

**Levy from employer to cover amount of compensation** (section 73)

If the WCB believes that you are:

- guilty of gross negligence
- not taking necessary precautions to prevent injuries to your workers
- not complying with the orders or directions of the WCB or with the regulations made under part 3 of this Act

then you may have to pay a levy to cover the injury up to a maximum amount set for that year. It is extremely rare that you would end up paying a fine.

**9.7 Occupational Health and Safety** (Part 3 - Division 1)

**Definition of workplace**

When your home support workers are on duty, their workplace is in your home as well as wherever they go in the course of carrying out the duties required while working for you.

### **General duties of employers** (section 115)

As an employer you must:

- ensure the health and safety of all your workers
- remedy any workplace conditions that put your employees' health at risk
- let your workers know of any potential hazards in your home
- ensure that all equipment is in working order
- provide your workers with the information, training and supervision necessary to ensure your workers' health and safety

### **General duties of employees** (section 116)

Your employees must:

- take reasonable precautions to protect their health
- ensure that they carry out all of their duties using established, safe procedures
- not engage in horseplay or conduct that could endanger the worker or any other person
- not come to work impaired by drugs, alcohol, or other causes

## **Discrimination of workers prohibited** (sections 151, 152, 153, 156 and 177)

All your home support workers must be free to report an injury or allegation of injury or an illness to the WCB. If you inhibit or prevent your workers from reporting, then you could face an administrative penalty or prosecution.

Administrative penalties are monetary penalties that can be imposed for any violation of this act or non-compliance with a Board order.

You cannot discriminate against a home support worker who laid a complaint against you or provided information during an inspection, investigation or inquiry.

If your worker believes that you have discriminated against her, she can put the complaint into writing and submit it to the WCB. You must prove you did not discriminate against your worker.

**Discrimination includes:** suspension, layoff or dismissal, coercion or intimidation, imposition of any discipline, reprimand or other penalty and the discontinuation or elimination of the job of the worker.

The WCB has the power to require you to stop the discriminatory action, to have you reinstate an employee, and/or to pay back wages.

You must keep medical information, claims, and other such information concerning a worker confidential, unless the worker specifically consents to its release or unless the law requires it to be released.

## **9.8 Accident Reporting and Investigation** (Division 10)

### **Incidents that must be investigated** (sections 173, 174, 175 and 176)

You must immediately undertake an investigation into the cause of an accident that resulted in serious injury or death of your worker.

You must provide all relevant information, including records and witnesses, to whoever is carrying out the investigation.

You must fill in an incident investigation report and send a copy to the WCB.

Following an investigation, you must take appropriate corrective actions required to prevent a similar accident from happening again.

## **9.9 Inspections, Investigations and Inquiries** (Division 11)

### **Restriction to access to private residences** (sections 181 and 182)

Because your home is also your workplace an inspector from the WCB can only enter your home if:

- you consent,
- the WCB has given you at least 24 hours notice of the inspection,
- the inspector has a warrant,
- or the WCB has reasonable grounds for believing that the work activities or workplace conditions are such that there is a significant risk that a worker might be killed or seriously injured or suffer a serious illness.

You and your home support worker are entitled to be present during an inspection.

## **9.10 Complying with Regulations** (Divisions 14, 15, 16 and 17)

The WCB has a variety of powers to make specific orders for compliance with the Regulation, and in some cases to impose administrative penalties on an employer for contravening the Regulation.

Anyone who contravenes this Act commits an offence. A person is not guilty if that person exercised due diligence to prevent committing the offence. A worker is not guilty if he was following your instructions and objected to what you wanted him to do. If a person is convicted of an offence he may be fined, imprisoned or both.

If the WCB issues you an order, it is deemed to be received on the eighth day after it was mailed to you or when you open your email and send an electronic acknowledgment back to the WCB. The WCB can receive a warrant to search your

place of residence if they believe that it is a hazardous work environment.

Government may make regulations to further expand upon this Act. The WCB may make regulations in relation to occupational health and safety and occupational environment.

## **9.11 Appeals**

### **Request for Review** (Part 1, Division 6, 96.2 to 96.6)

In cases regarding reopening claims or discrimination decisions you can appeal directly to the Workers Compensation Appeal Tribunal (WCAT).

In all other cases the first step to appeal a decision you are not happy with is to request a review from the Review Division for the WCB within 90 days of the decision. If you are not happy with the decision made by the Review Division, you can appeal to the Appeal Tribunal.

### **Appeal Rights** (Part 4, Divisions 1, 2, 3 and 4)

You or your workers can appeal an order or a decision to either reopen or not to reopen a case within 90 days after a decision is made or 30 days in cases involving matters of compensation or rehabilitation, assessments or classification, a monetary penalty or a refusal to grant a variance. The chair of the Appeal Tribunal may extend the time to appeal decisions under certain circumstances.

### **How to appeal**

You or your worker must file a notice of appeal to the tribunal. This notice must:

- be in writing
- identify the decision or order that is being appealed
- state why the decision or order is incorrect or why it should be changed
- state the outcome requested



The WCB must supply the Appeal Tribunal with all documents and records regarding the matter being appealed.

The Appeal Tribunal has the same powers as the Supreme Court to call witnesses and collect evidence. The Appeal Tribunal is not bound by legal precedent. If a case is evenly weighted between a worker and an employer, the tribunal must make a decision that favours the worker.

## **Decision**

On an appeal, the Appeal Tribunal may confirm, vary or cancel the appealed decision. The Appeal Tribunal must make its final decision within 180 days after receiving the information from the WCB or, if specified by the government, within a shorter time period. The chair may extend this time period under certain circumstances.

Any decisions or action of the chair or the Appeal Tribunal is final and is not open to question or review in any court. The chair may reconsider a decision if new evidence becomes available or has been discovered.

## **Part 10: *Employment Insurance Act***

This Act set out the terms and conditions for you and your workers to make contributions to the employment insurance fund and also for your workers to collect EI.

### **10.1 Definitions**

**“Employee’s Premium”** means the premium that a person employed in insurable employment (i.e. your worker) is required to pay under Section 67.

**“Employer’s Premium”** means the premium that you, as an employer of an insured person, are required to pay under Section 68.

**“Insurable Earnings”** means the total amount of the earnings, as determined in accordance with Part 4, that an insured person has from insurable employment.

### **10.2 Unemployment Benefits** (sections 30, 31, 32, 33, 39 and 51)

Your workers are entitled to receive EI benefits if they have enough insurable hours and you have laid them off temporarily or permanently.

They also qualify if they are taking a justifiable leave of absence such as a pregnancy or sick leave. They may not qualify if they quit, take a leave of employment without just cause, or are fired for misconduct.

If your worker was fired for misconduct or left the job voluntarily, you may be asked by EI to clarify why the employment of your home support worker ended. In some cases they may still qualify for benefits.

As an employer you must not knowingly give false or misleading information to the Employment Insurance Commission. If you do so, you may receive a warning or be fined. However, it is highly unlikely that you will be fined because there has to be enough evidence to prove that you **knowingly** provided false information.

### **10.3 Premiums** (sections 66, 67, 68, 82, 84, 85, 86, 87 and 88)

The premium rates are adjusted periodically. As of the writing of this resource guide the premium is 1.95%.

Your employees' deductions are calculated by multiplying their insurable earnings by the current premium rate.

You as an employer pay a premium of 1.4 times your workers' premium.

As an employer you must:

- deduct the prescribed amount from your home support workers' cheques, and
- remit both your premiums and your workers' premiums to the Receiver General within the time specified.

You can pay your premiums through a bank.

If you fail to deduct and remit the premiums, you are held liable to pay that amount from the time it should have been deducted. You are required to pay interest on any late payments calculated from the day they were due.

Any deductions that you make on behalf of your workers are deemed to be payments made on time.

If you accidentally deducted less than the required premiums from your worker's cheque, you can make up the difference on any future cheque within a twelve-month period. You may only do this once a year. If you make any other mistakes, you are personally liable to pay for the premium and may not deduct it from your worker's cheque.

If you fail to remit the premiums you may be fined 10% of the amount if it was not intentional or 20% of the amount if it was intentional.

You are not allowed to recover your premiums from your workers' wages. From time to time you may be assessed as to the amount of your premium and be notified by mail. You can be reassessed on any amount owing for up to three years.

If you knowingly submitted false information or committed fraud you can be reassessed at any time.

The mailing date of the assessment is the date of the notice.

If you fail to remit your premiums and/or pay your penalties, you can be taken to court.

You must keep records, which include the payroll information and social insurance number of each insured person, for a minimum of six years. If you or one of your employees is subject to a ruling, you must keep the records pertaining to the ruling until either a verdict is reached or the appeal process is exhausted.

At any time your records can be inspected, audited, or examined. Because your workplace is a private residence, the inspector must have a warrant before he can enter your home to inspect your records without your permission.

If he does not have a warrant, he cannot come into your house without your permission, but he can still order you to give him your records. The inspector cannot require anyone other than you to give him the records unless he has the prior authorization from a judge.

#### **10.4 Rulings and Appeals** (sections 90, 91, 92, 102, 103 and 105)

You or your employee can ask the Canada Revenue Agency to make a ruling on the following questions:

- whether an employment is insurable
- what is the amount of any insurable earnings
- whether a premium is payable
- what is the amount of the premium
- what amount will be refunded if the person's insurable earnings are not more than \$2000

You can appeal any ruling regarding insurability issues within 90 days to the Tax

Court of Canada.

You can appeal for a reconsideration of assessment within 90 days after being notified of the assessment.

All other appeals, including penalties for giving the Commission false information, are heard by the Board of Referees. Further appeals on limited grounds, mainly on issues of law and unfair procedure, are heard by the Umpire, who is usually a Federal Court Judge. There is a 30-day period to appeal to the Board of Referees, which is an informal tribunal that generally hears appeals quickly and decides them on the day of the hearing. There is then a 60-day period to appeal decisions from the Board of Referees to the Umpire.

### **10.5 Overpayments and Refunds** (section 96)

If you have made an overpayment on one of your workers' premiums, the CRA will refund the overpayment as long as your employee applies in writing within three years after the end of the year the overpayment was made.

If your employee makes less than \$2000 per year, she is entitled to a refund of all premiums paid within that year.

**You must let your workers know when they are entitled to a refund.**

Interest will be paid on all refunds.

If you or your employee receives an overpayment on your refund, the government can take back the overpayment at any time.

## **Part 11: *The Income Tax Act***

### **11.1 Information about *The Income Tax Act***

*The Income Tax Act* of Canada sets out the conditions for paying income tax on taxable income. *The Income Tax Act of British Columbia* is a companion to the *Income Tax Act of Canada*. It sets out the tax rate for BC along with tax deductions and credits for BC residents.

The *Income Tax Act* is an extremely long and complicated Act and you are not expected to be familiar with the entire Act. This brief overview tells you what you must do as an employer.

As an employer, you are responsible for deducting income tax from your home support workers' wages. You must fill in a T4 Income Tax form for all of your employees at the end of each calendar year so that they can properly fill in their Income Tax Form. The T4 form lists the total wages they earned in each year and the deductions made from their wages.

Everyone must file a tax return once a year. Your workers must pay income tax on their total taxable income for each taxation year.

As an employer, you are required to keep records of your payroll so that your remittances can be verified.

**As of 2005, the exemption for paying income tax in BC is \$8523.** This exemption may change from time to time. If any of your workers earn less than this amount and have income tax deducted from their cheques, they will get a refund after they fill out their income tax forms.

# †Section 4†

## Appendixes

## **Appendix A Sample Material for the Application Process**

### **A1 Letter to Apply for CSIL Phase I**

Date:

Your Name

Your Address

Your Telephone #

Your Email Address

Your Continuing Care Case Worker's Name

Continuing Care Division

Address

#### **Re: Applying for Phase I of the CSIL Program**

Dear \_\_\_\_\_,

I am writing to you to apply for phase I of the CSIL program. I believe that I can manage my own care and meet my needs far better than any agency can.

I am willing to take on all the responsibilities of being an employer and follow all the CSIL program guidelines.

In preparation to go on the CSIL program I have contacted someone who can do my bookkeeping, developed a backup plan for finding people to fill shifts and developed a set of employee guidelines.

Thank you for considering my application. If you have any questions, please contact me.

I look forward to hearing from you soon.

Sincerely,

\_\_\_\_\_



Your Name

## **A2 Letter to Apply for CSIL Phase II**

Date:

Your Name

Your Address

Your Telephone #

Your Email Address

Your Continuing Care Case Worker's Name

Continuing Care Division

Address

### **Re: Applying for Phase II of the CSIL Program**

Dear \_\_\_\_\_,

We are writing on behalf of \_\_\_\_\_ to apply for phase II of the CSIL program. We have formed a client support group and have filled in the paper work to register as a non-profit society in the name of \_\_\_\_\_.

We want to ensure that \_\_\_\_\_ receives home support services that best supports his lifestyle. The combination of our extensive knowledge of \_\_\_\_\_ needs and our knowledge of managing employees makes us excellent candidates for your program.

In preparation for applying for CSIL phase II we have contacted someone who can do the bookkeeping and have also developed a backup plan for filling shifts. In addition, in consultation with \_\_\_\_\_, we have developed a set of employee guidelines.

Thank you for considering our application. We look forward to hearing from you soon. If you have any questions feel free to contact us.

Sincerely,

\_\_\_\_\_

The CSG Members' Names/Signatures

### **A3 Backup Plan**

I have talked to three people who are willing to work for me when I go on CSIL.

- 1.If one of these people is unable to work for me, the other two will be able to fill in shifts.
- 2.I know other people who are on CSIL. They told me that they can refer some of their staff to me.
- 3.I will continue to look for people who are willing to work on an occasional basis. These people will be added to my list of on-call staff.
- 4.I have contacted an agency and have an agreement in place to hire some of their staff on an emergency basis.

## **A4 Personal Care Plan**

This is a sample Care Plan, which you can modify in any way to suit your own needs. We suggest making copies of a blank chart similar to the one below that two or more home support workers can fill out as you go about your daily routine. It might be helpful to do this for one week. Allowing for people working at different speeds, you can then average out the time it takes to do everything.

A care plan is helpful for the following reasons:

- you have a clear idea about how long each task takes
- you can easily show new staff your daily care routine
- you can more effectively lobby for more hours if you find that all your care needs are not being met

If you require assistance going out during the day, you must schedule these activities into your daily care plan. The number of home support workers you hire each day will depend on how many shifts per day you require.

### Personal Care Plan

Morning Shift	Task	Time	Daily?
8:30 am	Transferring out of bed	10 min	Yes
8:40 am	Bladder	20 min	Yes
9:00 am	Shower	30 min	Every other day
9:30 am	Dressing	20 min	Yes
9:50 am	Grooming	15 min	Yes
10:05 am	Preparing breakfast	15 min	Yes
10:20 am	Eating breakfast	20 min	Yes
10:50 am	Medication	5 min	Yes
10:55 am	Bowel routine	20 min	Yes
11:15 am	Correspondence	15 min	As needed
11:30 am	Housework:	Aprox 1.5 to 2 hours	
	Laundry	2 hours	Monday
	Dishes	15 min	Yes

	Vacuuming	20 min	Wednesday
	Plant care	10 min	As needed
	Pet litter box	10 min	Every other day
	Washing the floor	20 min	Tuesday
	Sweeping	10 min	Yes
	Cleaning Bathroom	30 min	Thursday
	Cleaning Kitchen	45 min	Friday
	Shopping	2 hours	Sunday
Shift over between 12:30-1:30pm			
<b>Dinner Shift</b>	<b>Task</b>	<b>Time</b>	<b>Daily?</b>
4:30 pm	Bladder	15 min	Yes
4:45 pm	Dinner Preparation	30 min-1 hour	Yes
5:30 pm	Eat Supper	30 min	Yes
6:00 pm	Dinner Clean up	15 min	Yes

6:15	Garbage	5 min	As needed
Shift over between 6:15 and 6:30			
<b>Bedtime Shift</b>	<b>Task</b>	<b>Time</b>	<b>Daily?</b>
10:00 pm	Bladder	15 min	Yes
10:15 pm	Dressing for bed	15 min	Yes
10:30 pm	Grooming	10 min	Yes
10:40 pm	Snack	10 min	As needed
10:50 pm	Medication	5 min	Yes
10:55 pm	Transferring to bed	10 min	Yes
11:05 pm	Positioning	5 min	Yes
11:10 pm	Turning out the lights/locking up	5 min	Yes
Shift over between 11:00-11:30			

## A5 Task Sheet

This sample Task Sheet is meant for your home support workers to initial after each shift in order to ensure that all the tasks for that shift were done. The Task Sheet is different than the preceding Care Plan. You may also want to include tasks that are only done periodically such as cleaning the oven, cleaning the fridge, waxing the floor, flipping the mattress, etc.



## Task Sheet

TASK	MON	TUE	WED	THURS	FRI	SAT	SUN
<b>Kitchen:</b>							
Wash dishes							
Wipe down counters and stove top							
Sweep							
Mop							
Wipe out Microwave							
Clean/Wipe out fridge							
Take out garbage							
<b>Bathroom:</b>							
Clean bathtub/shower/tiles							
Wipe fixtures/ counter top/sink							
Clean mirror							
Clean glasses							

Sweep							
Mop							
Clean toilet							
Take out garbage							
<b>Bedroom:</b>							
Change sheets							
Make bed							
Put clothes away							
Wipe dresser mirror							
Dust							
Vacuum							
Clean windows							
Take out garbage							
<b>Dining/Living Room:</b>							
Wipe table							

Dust							
Water plants							
Vacuum							
Wipe windows							
Take out garbage							
<b>Office/Den:</b>							
Filing							
Typing							
Vacuum							
Dust							
Tidy papers							
Clean windows							
Take out garbage							
<b>General</b>							
Laundry							

Shopping							
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## **A6 Employee Guidelines**

These sample Employee Guidelines list a number of areas where it is recommended to have prior agreement. You can also include a job description with these guidelines. You can alter these employee guidelines to meet your own needs. We recommend printing two copies of these guidelines for each home support worker. Your home support worker will sign and date both copies. She will keep one and return the other one to you for your records.

### **Employee Guidelines**

**While you work for me you must follow these guidelines.**

**You report to me**

- When dealing with my friends or family, please do not feel that you are obligated to respond to their criticisms or commands. Always direct your questions to me rather than to a friend or family member.

### **Keys**

- You are responsible for my keys. You cannot lend my keys to anyone else without my permission.
- If you lose my keys, report the loss to me immediately. You are responsible for the cost of duplicating new keys.
- If you arrive at my home at the time you are scheduled to work, please knock before you come in.
- If you are early for your shift, please ring the intercom to announce yourself.
- If you are coming for a visit, please phone in advance.

### **Locking Doors**

- Every time you leave my apartment and no one else is home, you must lock the front door and make sure the patio door and the windows are shut and locked.



## **Security**

- Do not admit strangers into the building just because they are standing at the front door or are asking you to let them in.
- Do not let people into the apartment complex unless I have given you permission to do so.
- Let me know that a guest has arrived before letting them into my apartment unit.

## **Intoxication**

- If you come to work impaired by alcohol, drugs, or other causes, you will be immediately fired.
- If you are taking prescription drugs that impair your ability to function, please make arrangements with me for someone else to work your shift.

## **Cleanliness/Tidiness**

- You are expected to clean up after yourself. You must return all items that you use where they belong, for example mops, pots, tape etc. If you do not know where items belong, ask me.
- You must use proper hygiene when you are preparing my meals and cleaning any of my personal equipment.

## **Proper use of equipment**

- You are expected to operate my equipment in the manner that you have been trained to use it. If you are unsure about how to use a piece of equipment, please ask me before using it.

## **Confidentiality**

- Any personal information that you acquire on this job is not to be passed on to other people without my permission.
- All your personal information such as application forms and employment records are kept in a secure place.

## **Punctuality**

- You are expected to show up on time for your shifts. If you know you are going to be late, you must contact me.
- Chronic tardiness is grounds for dismissal.
- Failure to show up for a shift without notifying me is grounds for immediate dismissal.

### **Shift Changes**

- You must give as much notice as possible if you are going to miss a shift so I can make arrangements for a replacement.
- If you are ill the day before your shift and not sure if you will be able to work, please call me so that I can find a person who will be able to work your shift if you are unable to. If at all possible, avoid calling me at the last minute to say that you cannot work.
- Failure to show up for a shift without notifying me is grounds for immediate dismissal.
- In cases where you know you are going on a holiday, please give me at least two weeks notice.
- Do not change shifts with other home support workers without my prior approval.

### **Flexibility**

- From time to time you may be asked to change a time that you start and or finish your shift. You will be compensated for any additional time worked.

### **Outings**

- As part of your duties you may be asked from time to time to accompany me on various outings including medical appointments, meetings, dining out, the theatre, going for walks, special events, etc. I will pay for your way.
- You must pay for your own personal purchases such as gifts, souvenirs, etc.
- You are expected to assist me while we are out.

### **Travel companions**

- If you accompany me on outings where we go away for more than one day, you will be required to work 24-hour shifts. You will be compensated for the additional work



time.

- When we are travelling I will pay for your accommodation and travelling expenses.
- You are expected to pay for your personal purchases.

### **Proximity**

- Always inform me if you are going somewhere before you leave. For example, if you need to go to the washroom while we are on an outing, please let me know before you leave.
- It is extremely annoying to be searching for a home support worker when I require assistance.

### **Meals**

- You can bring your own food to eat during your shift. I am not responsible for feeding you while you are working at my home.

### **Company**

- Your primary job is to assist me at all times. If there are other people present who are disabled and they ask you for help, you must talk to me first. Depending on the circumstances and whether or not you feel capable to help, we may choose to assist them.
- If I have company, you may be required to prepare additional food for my guests.

### **Home Phone Use**

- You are welcome to use the designated phone for short personal calls at times when I don't need you, but as a courtesy, please ask for my permission.
- Do not make long distance calls.
- You may give out my personal phone number to immediate family members for emergency purposes only.
- Do not give out my home phone number unless otherwise instructed.

### **Driving My Vehicle**

- Remember you are driving my vehicle on my behalf. Any driving you do must be related to assisting me and carrying out your duties as my home support worker.

- You cannot drive my vehicle without my permission.

### **Pay Schedule**

- Employees are paid on the 15<sup>th</sup> and the last day of the month.

***I have read these guidelines and I agree to follow them to the best of my ability. I understand that wilfully disregarding these guidelines may be grounds for dismissal.***

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

## **A7 Job Description**

### **Job Description**

Your job is to assist me in performing all my daily activities including personal care and other duties assigned on daily, weekly, or occasional basis.

#### **Duties:**

##### **Morning Shift**

1. Transferring out of bed
2. Morning shower
3. Dressing/grooming
4. Breakfast preparation
5. Assistance eating
6. Dishes
7. Bathroom routine
8. Cleaning as required:
  - i. Floors
  - ii. Vacuuming
  - iii. Bathroom
  - iv. Kitchen
  - v. Dusting
  - vi. Windows
  - vii. Changing bed linen
  - viii. Garbage
  - ix. Watering plants
9. Laundry as necessary

##### **Evening Shift**

10. Dinner Preparation
11. Assistance eating
12. Clean up
13. Bathroom routine

##### **Bedtime Shift**

14. Snack preparation
15. Bathroom routine
16. Dressing for bed
17. Transferring into bed

**Other duties as required**

18. Correspondence
19. Outings
20. Shopping
21. Driving my vehicle
22. Anything else I direct

## A8 Employment Contract

When you write your own Employment Contract, you should print out two copies for each of your home support workers to sign and fill in. You must also sign both copies. You each keep one copy for your records.

Date: \_\_\_\_\_

I, \_\_\_\_\_, agree to work for **(Your Name)** for a maximum of two years starting on \_\_\_\_\_ to \_\_\_\_\_.

The employer can review this agreement at any time. This contract may be extended, or renewed with the consent of both the employer and employee. Failure to perform the duties of the job can result in termination of employment.

*I have read this employment contract and agree to the terms therein.*

Employer\_name: \_\_\_\_\_

Signature: \_\_\_\_\_

Employee name: \_\_\_\_\_

Signature: \_\_\_\_\_

## **Appendix B Sample Material for Payroll Requirements**

### **B1 Contents of the Payroll Kit**

The Payroll Kit contains the following:

1. **Employers' Guide to Remitting Payroll Deductions**
2. **Employers' Guide to Payroll Deductions (Basic Information)**
3. **Employers' Guide to Filing the T4 Slip and Summary Form**
4. **Blank T4 Forms – “Statement of Remuneration”**
5. **T4 Summary Form – “Summary of Remuneration Paid”**
6. **Remittance Voucher Current Source Deductions**
7. **Employee or Self-Employed?**

#### **1. Employers' Guide to Remitting Payroll Deductions**

This booklet provides you with information about how to remit payroll deductions to the CRA.

#### **2. Employers' Guide to Payroll Deductions (Basic Information)**

This booklet provides you with detailed information about the types of deductions for all the employment categories, the forms you will use and frequently asked questions.

#### **3. Employers' Guide to Filing the T4 Slip and Summary Form**

This booklet explains how to fill out T4 slips for each of your employees and how to complete the T4 summary form.

#### **4. Blank T4 Forms “Statement of Remuneration Paid”**

At the end of each year you must fill out a T4 form for each of your home support workers. This form lists all the payroll deductions and the gross pay, which includes vacation pay, for each of your workers.

#### **5. T4 Summary Form – “Summary of Remuneration Paid”**

This form is a compilation of all the information on the individual T4 slips you give to your staff. It asks you for the number of T4 slips you filled out, the total payroll of your staff and the total deductions.

#### **6. Remittance Voucher Current Source Deductions**

This is the form you fill out and send to the Canada Revenue Agency when you remit your payroll deductions for CPP, EI and income tax. You must send an original copy of this form with your cheque and the government will return a new blank form and confirmation of payment.

#### **7. Employee or Self-Employed?**

This booklet describes the differences between an employee/ employer relationship and a self-employed person. On CSIL you must have an employee/employer relationship.

## B2 Monthly Budget

This sample monthly budget is based on a person who has been assessed as requiring six hours per day of care. This person receives **\$4,500** per month, and has two home support workers, one full-time and one weekend person. This budget shows the difference between allotting 75% and 80% of your total CSIL funding for wages. To calculate the daily pay rate you divide the total gross wages by 32.

<b>Income</b>	<b>\$4500</b>	<b>\$4500</b>
<b>Expenses</b>	<b>Rate at 75%</b>	<b>Rate at 80%</b>
<b><i>Wages:</i></b>		
Wages	3375	3600
Vacation Pay	+ 135	+ 144
<b>(1) "Total Gross Wages"</b>	<b>= \$3510</b>	<b>= \$3744</b>
<b><i>Benefits:</i></b>		
Employer CPP	152.62	163.76
Employer EI	+ 66.82	+ 71.28
WCB	+ 139	+ 148
<b>(2) "Total Benefits"</b>	<b>= \$358.44</b>	<b>= \$383.04</b>



<b>Other Expenses:</b>		
Accounting Fees	100	100
Advertising Costs	+ 25	+ 25
Bank Charges	+ 20	+ 20
Other Costs	+ 50	+ 50
<b>(3) "Total Other Expenses"</b>	<b><u>= \$195.00</u></b>	<b><u>= \$195</u></b>
<b>Total Expenses= (Line 1+2+3)</b>	<b>\$ 4063.44</b>	<b>\$ 4322.04</b>
<b>Surplus</b>	<b>\$ 436.56</b>	<b>\$ 177.96</b>

## 1 Gross wages:

**Wages** refers to the total wages before deductions. Your **Total Gross Wages** is your **total wages** plus **vacation pay**. Vacation pay increases the longer your staff works for you. Vacation pay is 4% for the first five years and it increases to 2% every five years after that. Your **Total Gross Wages** determines the employer's deductions for CPP and EI.

## 2 Benefits:

The Canada Pension Plan rate of deductions is the same for you and your workers. The Employer's Employment Insurance rate is calculated at 1.4 times the employee's rate. Your CSIL contract requires that you pay WCB fees. In some health regions you have the option of paying additional benefits. These include Medical

Services Plan, Extended Medical, Food Allowance, and Transportation Allowance. If you choose to pay additional benefits you will have less money for staff wages.

### **3 Other Expenses:**

You should set aside money each month for advertising expenses. The first month you go on CSIL you will probably spend more than in following months. In this sample budget, advertising fees and bank charges are estimates.

**Your total expenses are your Gross Wages plus your Benefits plus your other CSIL expenses.**

**The surplus is the money that is left after all the wages and expenses have been paid out.**

## **B3 Monthly Financial Statement**

There are two ways to reconcile your Monthly Financial Statement. The following examples show these two options. The forms are from the Vancouver Coastal Health Authority. The forms may vary from region to region but all contain the same basic information. We have included a detailed explanation of the form following the two examples. Refer to the examples as needed while reading our explanation.

### **Definitions of Words Found on the Monthly Financial Statement Form:**

**Accrued:** an accrued item is an expense or cost that is payable in the future and money is put aside for it when monthly revenues are received, for example vacation pay and WCB remittances.

**Funds Disbursed:** payments made from your CSIL money.

# CHOICE IN SUPPORTS FOR INDEPENDENT LIVING

## MONTHLY FINANCIAL STATEMENT

Client Name: John Doe (Sample)  
 Month of: May-03

Return to:

**Lis Letourneau, CSIL Clerk**  
 Vancouver Coastal Health Authority  
 2nd floor, 520 West 6th Avenue  
 Vancouver, BC V5Z 4H5

Have you attached the following:

- ☐ Copy of Bank Statement?  
☐ Copy of Revenue Canada or CCRA Source payment form?  
☐ Copy of WCB payment form?  
☐ Original receipts for all other expenses

### MONTHLY FINANCIAL RECONCILIATION

Cash Balance from last month	(A)	<u>200.00</u>
<b>FUNDS RECEIVED</b>		
VCHA	May	<u>3,000.00</u>
Interest		
Client Contribution		
Other (specify):	June	<u>3,000.00</u>
Total Funds Received for Month	(B)	<u>6,000.00</u>
<b>FUNDS DISBURSED</b>		
Net Wages		<u>2,200.00</u>
Vacation Pay		
WCB		
Revenue Canada Remittances		<u>600.00</u>
Other Benefits		
Payroll/Bookkeeping		
Advertising		
Bank Charges		<u>5.00</u>
Other (specify):		
Other (specify):		
Total Funds Disbursed for Month	(C)	<u>2,805.00</u>
Cash Balance (A+B-C) - must equal		
Bank Balance	(D)	<u>3,395.00</u>

### BANK RECONCILIATION

Ending Bank Balance	(A)	<u>3,795.00</u>
Add: outstanding deposits:		
1)		
2)		
subtotal	(B)	
Less: outstanding cheques:		
1) Wages Chq #21		<u>400.00</u>
2)		
3)		
4)		
5)		
6)		
7)		
8)		
9)		
10)		
11)		
12)		
13)		
subtotal	(C)	<u>400.00</u>
Bank Balance (A+B-C) - must equal Cash Balance		<u>3,395.00</u>

### SURPLUS FUNDS

Cash Balance for Month	(D)	<u>3,395.00</u>
Total Accrued Vacation Pay	(E)	<u>140.00</u>
Total Accrued WCB	(F)	<u>128.00</u>
Other (specify) June funding	(G)	<u>3,000.00</u>
Surplus Funds (D-E-F-G)		<u>127.00</u>

### EMPLOYEE INFORMATION

Gross wages	<u>3,500.00</u>
Total Hours Paid in Month	<u>250.00</u>
# of employees that are relatives?	<u>0</u>
Nature of Relationship if Relative:	<u>N/A</u>
Total of all Gross Wages paid to Relatives	<u>N/A</u>

I certify to the best of my knowledge this form is accurate and complies with the VCHA's C.S.I.L. contract.

SIGNATURE: John Doe

# CHOICE IN SUPPORTS FOR INDEPENDENT LIVING

## MONTHLY FINANCIAL STATEMENT

Client Name: John Doe (Sample)  
 Month of: May-03

Return to:

Lis Letourneau, CSIL Clerk  
 Vancouver Coastal Health Authority  
 2nd floor, 520 West 6th Avenue  
 Vancouver, BC V5Z 4H5

Have you attached the following:

- ☐ Copy of Bank Statement?  
☐ Copy of Revenue Canada or CCRA Source payment form?  
☐ Copy of WCB payment form?  
☐ Original receipts for all other expenses

### MONTHLY FINANCIAL RECONCILIATION

Cash Balance from last month	(A)	<u>200.00</u>
<b>FUNDS RECEIVED</b>		
VCHA	May	<u>3,000.00</u>
Interest		
Client Contribution		
Other (specify):		
Total Funds Received for Month	(B)	<u>3,000.00</u>
<b>FUNDS DISBURSED</b>		
Net Wages		<u>2,200.00</u>
Vacation Pay		
WCB		
Revenue Canada Remittances		<u>600.00</u>
Other Benefits		
Payroll/Bookkeeping		
Advertising		
Bank Charges		<u>5.00</u>
Other (specify):		
Other (specify):		
Total Funds Disbursed for Month	(C)	<u>2,805.00</u>
Cash Balance (A+B-C) - must equal		
Bank Balance	(D)	<u>395.00</u>

### BANK RECONCILIATION

Ending Bank Balance	(A)	<u>3,795.00</u>
Add: outstanding deposits:		
1) <u>June funding</u>		<u>-3,000.00</u>
2)		
subtotal	(B)	<u>-3,000.00</u>
Less: outstanding cheques:		
1) <u>Wages Chq #21</u>		<u>400.00</u>
2)		
3)		
4)		
5)		
6)		
7)		
8)		
9)		
10)		
11)		
12)		
13)		
subtotal	(C)	<u>400.00</u>
Bank Balance (A+B-C) - must equal Cash Balance		<u>395.00</u>

### SURPLUS FUNDS

Cash Balance for Month	(D)	<u>395.00</u>
Total Accrued Vacation Pay	(E)	<u>140.00</u>
Total Accrued WCB	(F)	<u>128.00</u>
Other (specify)	(G)	
Surplus Funds (D-E-F-G)		<u>127.00</u>

### EMPLOYEE INFORMATION

Gross wages	<u>3,500.00</u>
Total Hours Paid in Month	<u>250.00</u>
# of employees that are relatives?	<u>0</u>
Nature of Relationship if Relative:	<u>N/A</u>
Total of all Gross Wages paid to Relatives	<u>N/A</u>

I certify to the best of my knowledge this form is accurate  
 and complies with the VCHA's C.S.I.L. contract.

SIGNATURE: John Doe

## **An explanation of the Monthly Financial Statement form:**

**You should refer to the sample copies of this form while you are reading this explanation.** We are using the monthly financial statement forms issued by the Vancouver Coastal Health Authority as examples. These forms may vary from region to region but contain the same basic information.

At the very top of the left-hand side of the form, there are two lines, one for your name, and one for the name of the month.

Below these two lines, there are three boxes on the left-hand side of the page.

The **first box** contains a checklist entitled: “**Have you attached the following items?**” These items should be photocopied. You keep the original copies of the first three items for your records and you keep the photocopied receipts. The items are as follows:

- A copy of your current monthly bank statement
- A copy of your current monthly Canada Customs and Revenue Agency payment form
- A copy of the current monthly Workers Compensation Board payment form (usually submitted every three months)
- Original receipts that you have for any items or services that you purchased in order to fulfil your CSIL contract.

The **second box** is called **Monthly Financial Reconciliation**. This box contains 17 items, which are divided into four sections. Each item has its own line. The lines on this form that are sub-totals for a section have capital letters attached to them. These sub-totals are then used in a formula to determine the final total.

● **The first section** is the line called **Cash Balance from last month** and is labelled item **A**. The amount on line **A** is both the ending cash balance from last month and this month's opening cash balance.

● **The second section** is called **Funds Received**. There are five items in this category, each with its own line. The lines are as follows:

► **VCHA** is the amount of CSIL funding the Vancouver Coastal Health Authority sends to you at the end of each month to be used for the next month. Include the funds on the statement as funds received only for the month they are intended to be used. For example, if you receive the June funding on May 30, the funds should be included as funds received on the June statement. Therefore, you must subtract the funds from your May statement and add them to your June statement.

**There are two ways to reconcile the financial statement for May:**

1. Enter the amount both on the Monthly Financial Reconciliation **Other (specify)** line and in the **Surplus Funds** box **Other (specify)** on line **G**. You must clearly label each the line as “June Funding”. See the example on page 126.

**Or**

2. Enter the amount on **Add: outstanding deposits** in the **Bank Reconciliation** box and subtract it from the **Ending Bank Balance** on line **A**. You are adding a negative number. You must label the line as “June Funding”. See the example on page 127.

The amount of funds you receive usually stays the same. However, if you accumulate a surplus over what you are allowed, then the amount on this line will be less based on the size of your surplus. You must check with your particular health region to find out how much money you may accumulate, because it can vary from region to region.

► **Interest** is the amount of interest generated each month by the money in your CSIL bank account as shown on your monthly bank statement.

► **Client Contribution** is the amount that you contribute towards CSIL if you are income tested. Your particular health authority will assess the amount that you contribute.

► **Other (specify)** is any contribution from other sources. ***If you choose to reconcile your financial statement as outlined in the first example on page 126, enter next month’s CSIL funds on this line.***

► **Total Funds Received** is the sub-total for this section and is labelled line **B**.

● **The third section** in this box is called **Funds Disbursed**, and has ten items in it. Each of these items has their own line. The items are as follows:

- ▶ **Net Wages** are the wages earned by your home support workers after all the deductions have been made. This is the total of all the cheques issued to your workers this month.
- ▶ **Vacation Pay** is the total vacation pay you have paid out this month.
- ▶ **WCB** is the total you have paid to the WCB for this month.
- ▶ **Revenue Canada Remittances** is the amount of the combined total of the following items: your home support workers' payroll deductions for Employment Insurance, Canada Pension Plan and Income Tax and your deductions for CPP and EI.
- ▶ **Other Benefits** are for items like private medical and/or dental plans your home support workers may be part of, and are having deducted from their wages. Food Allowance and/or Transportation Allowance are also part of this total.
- ▶ **Payroll/Bookkeeping** is the amount paid to whoever is doing your books. The amount that you are allowed to pay may vary from region to region. **You cannot pay yourself to do the books.**
- ▶ **Advertising** is the total paid out for any advertising that you did in the last month. This is only for the hiring and/or replacing of your staff.
- ▶ **Bank Charges** are the total bank charges that are listed on your monthly bank statement.
- ▶ **Other (specify)** is for a variety of expenses that you have each month. These can include things like office supplies, stamps, and the cheques that you order for your CSIL account.
- ▶ **The Total funds Disbursed for Month** is the line labelled **C**, and is the sub-total for this section.

● **The fourth section** is the line called **Cash Balance** and is labelled **D**. It is the sum of the subtotal lines **A + B – C** (Cash Balance + Fund Received – Funds Disbursed) The amount on line **D** must equal the **Bank Balance** from the **Bank Reconciliation** box on the right hand side of the page. This amount becomes **this month's new cash balance** and the next month's opening cash balance.

The **third box** on the bottom left of the page is called **Surplus Funds**. There are five lines in this box. Four of the lines are labelled with capital letters D through G and the



fifth line is the total of the surplus funds. The lines are as follows:

- **Cash Balance for Month** is labelled line **D** and is the same amount as line **D** in the Monthly Financial Reconciliation box.
- **Total Accrued Vacation Pay** is labelled line **E** and is the total vacation pay that has accrued up to this time.
- **Total Accrued WCB** is labelled line **F**. It is the accrued amount you owe WCB and is usually paid out quarterly.
- **Other (specify)** is labelled line **G**. *If you choose to reconcile your financial statement as described in the first example on page 126, you may enter the amount the Vancouver Coastal Health Authority sends to you at the end of each month. This is the same as the amount entered in the “Other (specify)” in the Monthly Financial Reconciliation box in the Funds Received section.* It is also where you enter the total of any accrued optional benefits. Be sure to label each item clearly.
- **The Surplus Funds (D-E-F-G)** is the total surplus funds that you have accumulated this month. You subtract all of your accrued funds and from your cash balance to get the total of your surplus.

The top right hand side of the **Financial Statement** form has the return address where this sheet will be sent to your health region.

Below the address are two boxes. **The first box** is called **Bank Reconciliation**. There are 20 lines in this box and is divided into four sections. Each section has a subtotal that is labelled with a capital letter. These subtotals are used in a formula to determine the final total. The lines are as follows:

- **Ending Bank Balance** is the first section and is labelled line **A**. The amount entered here is the balance in your CSIL bank account as stated in your most recent bank statement.
- **Add: outstanding deposits** lines are the second section. You fill these lines in if you are income tested and are required to contribute towards the cost of your care and have not yet made your deposit at the time the bank issued its statement. *If you choose to reconcile your financial statement as outlined in the second example on page 127, you enter the amount for the CSIL funds for next month on this line. You must subtract this amount from the Ending Bank Balance on line A.* The sub-total amount you contributed is entered on line **B**.

● **Less: outstanding cheques** is the third section where you list all the outstanding cheques you issued in the last month through your account, but have yet to be cashed as of the end of the month. Sometimes you will only have a few outstanding cheques. At other times you may have so many that you have to continue writing on another page. When you are writing this list, it is necessary to include the individual cheque number and the amount of each cheque. The subtotal of your list of outstanding cheques is entered on line **C**.

● **Bank Balance (A+B-C)** is the fourth section. It is the sum of your bank balance plus any deposits minus all outstanding cheques. The amount on this line must equal the **Cash Balance** labelled line **D** on the left-hand side of the financial statement. If these lines do not equal each other, a mistake has been made that must be corrected.

The second box is called **Employee Information** and contains six lines. The lines are as follows:

● **Gross Wages** is the total of all the gross wages paid out to your home support workers for that month.

● **Total Hours Paid in Month** is the total number of care hours you have paid wages for.

● **# of employees that are relatives?** Is the number of your employees who are related to you, such as a cousin or niece?

● **Nature of the Relationship if Relative** is where you describe the relationship.

● **Total of all Gross Wages paid to Relatives** is the total of all the gross wages paid out to your relatives for that month.

At the very bottom of the **Financial Statement** is a line for your **signature** to certify to the best of your knowledge that this form is accurate and complies with the CSIL contract.

## **Appendix C Sample Material for the Hiring Process**

### **C1 Home Support Worker Application Form**

This is a sample application form. You can modify it in any way that suits your own individual needs. You may choose whether or not to include the Social Insurance Number on the application form. Some people wait until they are sure they want to hire the person before they request a SIN.

Also, if you have a pet, you may want to include a question that asks whether or not the applicant is allergic to pets and is willing to help with pet care.

# Home Support Worker Application Form

Please Print

Date: \_\_\_\_\_

## Section 1: General Information

Are you eligible to work in Canada? Yes \_\_\_\_\_ No \_\_\_\_\_

SIN #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
(Optional)

Name: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

Cell or Pager #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

How long have you lived there?

\_\_\_\_\_

Where did you hear about this position?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you have your food safe certificate? Yes \_\_\_\_ No \_\_\_\_

If yes, what level? \_\_\_\_\_

Are you certified in first aid? Yes \_\_\_\_ No \_\_\_\_

If yes, what level? \_\_\_\_\_

Do you have any experience as a home support worker?

Yes\_\_\_\_ No\_\_\_\_

(If yes, please complete **Section 2**. If no, go to **Section 3**.)

## **Section 2: Home Support Work Experience**

Are you physically able to transfer people of different heights and weights? Yes\_\_\_\_  
No\_\_\_\_

Do you have experience using various types of lifts?  
Yes\_\_\_\_ No\_\_\_\_

Is there any type of personal care that you cannot provide?  
Yes\_\_\_\_ No\_\_\_\_

Explain:\_\_\_\_\_

## **Section 3: Related Experience**

Do you have any work or volunteer experience that would be relevant to this job?  
Yes \_\_\_\_ No\_\_\_\_

If so, what and for how long?

---

---

---

What skills do you have that could be applied to being a home support worker, for example, cleaning, handy person, secretarial, cooking experience etc?

---

---

---

Are you willing to learn to do all areas of personal care, for example, transferring, bowel/bladder routines, etc?  
Yes\_\_\_\_ No\_\_\_\_

#### **Section 4: Health Issues**

Do you have any personal health concerns that may impair your ability to do this job, for example, back problems, fatigue, loss of any senses etc.? Yes\_\_\_\_ No\_\_\_\_

If yes, please explain:

---

---

Do you smoke cigarettes? Yes\_\_\_\_ No\_\_\_\_

Do you have any allergies? Yes \_\_\_\_No\_\_\_\_

If yes, please specify:

---

---

Do you have any special requirements or preferences that we should be aware of, for example, a non-smoking environment, no pets, will not cook fish or meat etc?

---

---

---

Are you willing to have a medical exam to ensure your fitness to work as a home support worker?

Yes\_\_\_\_ No\_\_\_\_

Are you willing to be tested for Tuberculosis? Yes\_\_\_\_ No\_\_\_\_

#### **Section 5: Preferences**

Do you like to cook? Yes\_\_\_\_ No\_\_\_\_

If yes, what type(s) of food?

---

---

---

If you had a choice between cooking and cleaning, which would you prefer?

---

---

---

Is there any type of work that you absolutely do not want to do?

---

### **Section 6: Availability**

Are you interested in full-time, part-time or on-call work?

---

Are you willing to work split shifts? Yes\_\_\_\_\_ No\_\_\_\_\_

If no, would you rather work morning, afternoon, or evening shifts?

---

Are you willing to work night shifts? Yes\_\_\_\_\_ No\_\_\_\_\_

Are you willing to accompany me on outings, such as to restaurants, meetings, doctors appointments, the theatre etc.?

Yes\_\_\_\_\_ No\_\_\_\_\_

What days and times are you available?

Days	Mon	Tue	Wed	Thurs	Fri	Sat	Sun
AM							
PM							

## **Section 7: Transportation**

What is your means of transportation?\_\_\_\_\_

Do you have a valid B.C Driver's Licence? Yes\_\_\_\_ No\_\_\_\_

Please list any driving offences you have had over the past five years:

---

---

---

## **Section 8: Criminal Record**

Are you willing to have a criminal record search done?

Yes\_\_\_\_ No\_\_\_\_

## **Section 9: Additional Personal Information**

What do you like to do for fun?

---

---

---

---

Do you have any additional personal information you would like to share?

---

---

---

---

## **Section 10: Job History and References**

Please list the last three jobs you have had and why you left:

---

---

---



---

---

---

List three current references. At least two must be work-related (name, phone number, address, relationship):

1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***It is understood that the employer may at any time verify the information on this form and I hereby consent thereto.***

***I further agree that any omission or misrepresentation with respect to this information may be cause for denial, or immediate termination, of employment.***

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

## C2 Interview Questions

Begin the interview by explaining the job position in detail and the pay scale. You may consider going over the task sheet and the job description you have developed. After you have explained the job position, ask the applicant if she has any questions regarding the job, and whether or not she is still interested.

1. Why do you want this job?
2. Why would you be suitable for this job? What skills do you bring to the job?
3. How would your past job experience be beneficial for this job position?
4. What are your strengths and weaknesses?
5. If you had a choice between cooking and cleaning, which would you choose?
6. If you were working in this position and something was bothering you, what would you do?
7. Describe your ideal job.
8. What do you look for in an employer?
9. What are your overall career goals?
10. If you are hired, how long are you willing to commit to this job?
11. Do you have any future plans that could interfere with this job?
12. What days and times are you available? Are you willing to work split shifts? Are you willing to have the times of your shifts changed as long as you have sufficient notice?
13. Are you willing to accompany me on outings?
14. Would you be willing to be put on my on-call backup list?

15. Can I pass your name and phone number to other people on CSIL?

16. When are you available to start working?

17. Do you have any final questions before we end this interview?

Conclude the interview and thank the applicant for taking the time to come. Let the applicant know when you will be making a decision and that she will be contacted then.

### **C3 Checking References**

Make sure that you check the references of your potential employees.

#### **Work References:**

1. When did this person work for you?
2. How would you describe the performance of her duties?
3. How much supervision did she require?
4. Was she punctual and reliable?
5. Would you hire this person again?
6. How would you describe her personality?

#### **Personal Reference:**

1. What is your relationship to this person? How long have you known her?
2. How would you describe her personality?
3. What are her strengths and weaknesses?
4. What type of work do you think she is best suited for?

## **C4 Criminal Record Check**

When you send your home support workers to the police criminal records department at the police station, make sure that you give them a copy of the following letter along with a self-addressed stamped envelope for the police to send you the results.

Your Name

Address

Telephone

Date

Vancouver Police

312 Main Street

Vancouver BC

### **ATTN: CRIMINAL RECORDS CLEARANCE DEPARTMENT**

Dear Sir or Madam:

I am a person with a disability in the process of hiring a home support worker.

Mr/Mrs/Ms. \_\_\_\_\_ is a candidate for the position and needs a criminal records clearance. Please forward the results to me in the envelope provided.

Thank you for your attention to this matter.

Sincerely,

\_\_\_\_\_  
Your name

## C5 Medical Record Check

Your Name

Telephone

Address

Date

**Re: Medical Record Check for Mr./Mrs./Ms.**\_\_\_\_\_

Dear Dr. \_\_\_\_\_

Mr./Mrs/Ms \_\_\_\_\_ has applied for employment with me. In order to hire this individual I ask that you complete the following form regarding his/her fitness to work as my home support worker.

Sincerely,

---

Your name

## Medical Record Check Form

**Name:** \_\_\_\_\_  
Last First Initial

**Address** \_\_\_\_\_  
\_\_\_\_\_

**I have examined the above named individual. In my opinion, his/her fitness to work is as follows:**

Please check:

Fit \_\_\_\_  
Fit With Temporary Restriction \_\_\_\_  
Fit With Permanent Restriction \_\_\_\_  
Unfit \_\_\_\_  
Free from TB Yes\_\_\_\_ No\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Physician's Name \_\_\_\_\_

Physician's Signature \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Date \_\_\_\_\_

Physician's Stamp:

## **Appendix D Sample Material For Managing Staff**

### **D1 Disciplinary Letter**

July 22, 2005

Employee Name

Address

Phone #

#### **Re: Chronic Lateness**

Dear \_\_\_\_\_,

Further to our discussion on July 17<sup>th</sup> 2005, regarding your chronic lateness for your shifts, I am issuing you a formal warning that you must come to work on time or else face possible termination of employment. I hope that you take this warning seriously and promptly arrive on time and ready to work when your shift begins.

If you wish to discuss this matter further with me, we can arrange a time to do so.

Sincerely,

\_\_\_\_\_  
Your name



## **D2 Letter of Termination**

### **Example 1: Termination after warnings**

July 31, 2005

Employee Name

Address

Phone #

### **Re: Termination of Employment**

Dear \_\_\_\_\_,

I am formally terminating your employment with me as of two weeks from this date. I met with you to discuss your chronic lateness on July 17<sup>th</sup> 2005 and I followed it up with a written warning dated July 22<sup>nd</sup> 2005. Unfortunately you did not change your behaviour. I am left with no other option but to terminate your employment.

Please return your keys before you stop working for me.

I will issue you a Record of Employment within five days of your last day of employment.

Sincerely,

\_\_\_\_\_  
Your name

## **Example 2: Immediate Termination**

Date

Employee Name

Address

Phone #

### **Re: Termination of Employment**

Dear \_\_\_\_\_,

I am issuing you a formal notice of immediate termination of employment. Today you came to work intoxicated and unable to perform your duties in a safe and professional manner. You also jeopardized my safety and well-being. I therefore have no other option but to terminate your employment.

Immediately return your keys to me.

I will issue your Record of Employment five days from now.

Sincerely,

\_\_\_\_\_  
Your name

## Order Form

The VCP wants to ensure that the information in the resource guide is available to as many people as possible. Please feel free to photocopy any relevant parts and distribute the information.

Anyone interested in receiving additional copies can contact the VCP in the following ways:

- Mail the order form to us at: #103-577 East 8<sup>th</sup> Avenue,  
Vancouver BC, V5S 1T9
- Phone us at: 604-874-1741 between 12 and 4pm
- Fax the order for to us at: 604-874-1746
- Email us at [vcpgv@vcn.bc.ca](mailto:vcpgv@vcn.bc.ca)

If you know of any group or organization that would benefit from this book, please give them our contact information.

### **“The CSIL Handbook: A Resource Guide for the ‘Choice in Supports for Independent Living’ Program”**

Individual/

Organization Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Number of Copies Requested: \_\_\_\_\_

Cheque Amount: \_\_\_\_\_ Tax Receipt Requested: \_\_\_\_\_

**This book is free for people with disabilities who are on or who are planning to go on the CSIL program.** Anyone else who would like copies can purchase them at a cost of \$10 each. Everyone who requests a copy by mail will be charged a \$4 fee per book for shipping and handling. You can also pick up a copy of the book at our office. Please phone before you come. Feel free to photocopy this order form.

