

To find out whether you are considered an employee or self-employed, you should contact Revenue Canada. Their office in Toronto is at 36 Adelaide Street E., Toronto, M5C 1J7. Their phone number is (416) 869-1500.

In general, most homeworkers are ruled to be self-employed.

If you are found to be self-employed, then no deductions at all will be made from your earnings. And you must make your own payments for Canada Pension Plan and Income Tax. However, since you are self-employed, you are entitled to deduct all your business expenses (for example: electricity, a portion of your housing costs, and maintenance of your sewing machine, and transportation to and from your employer).

On the other hand, you may be counted as an employee if:

- your employer has a good deal of control over where you work and your hours.
- your work forms an integral part of your employer's business.
- you used to work for your employer in his factory, and you now work for him at home.

As an employee, you are eligible to receive Unemployment and Canada Pension Plan. Your employer will deduct premiums for these plans from your wages.

Income tax is also deducted from your pay cheque, if you are an employee. Where you fill out your income tax return, you are entitled to claim a business expense deduction.

If you are an employee you can ask your employer to fill out a T-2200 form (Declaration of Conditions of Employment). Revenue Canada will use the form to decide whether you will be allowed to claim additional deductions.

This pamphlet was prepared
by Homeworker Hot-Line Service

and

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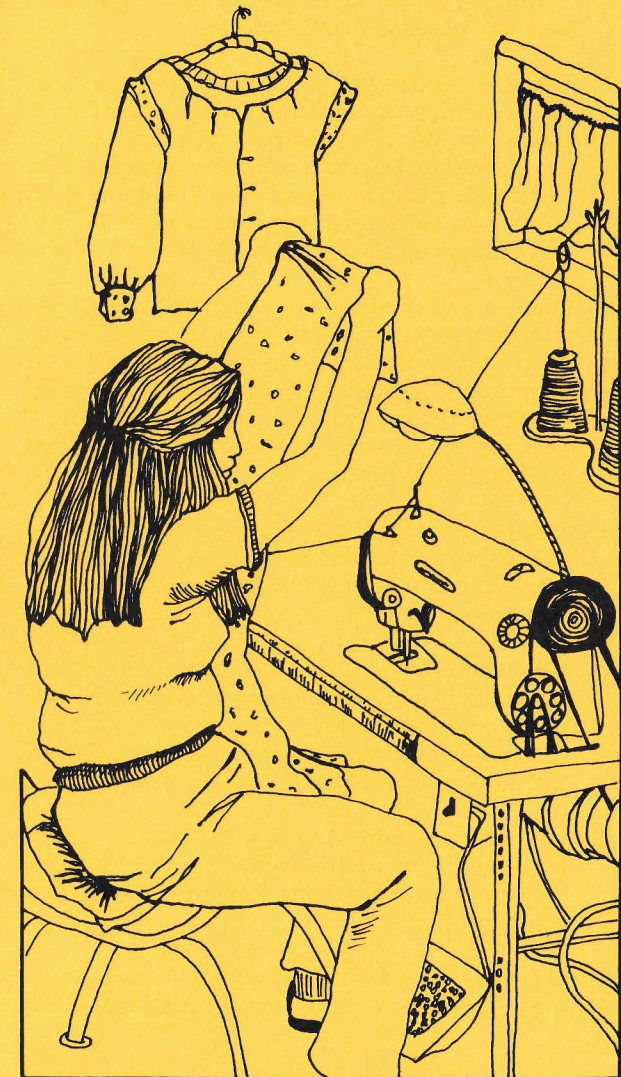
A Publication of:

Homeworker Hot Line Services
Telephone (416) 977-7236.

HOMWORKERS' RIGHTS

Homeworkers' Hot Line Services Project

Tel. (416) 977-7236



HOMEWORKERS' RIGHTS

1. Are YOU a HOMEWORKER? If you do piece work at home you are probably a homemaker. For example, if you sew dresses at home for a clothing manufacturer, you are a homemaker. In Ontario, homeworkers have rights. However, these rights are rarely enforced. What follows is a list of YOUR RIGHTS, and of information important to you.
2. There is no limit on the number of hours you may work.
3. Currently, you do NOT have the right to get overtime pay or statutory holiday pay.
4. You must receive at least the minimum wage, currently \$5.40 an hour. Usually you are paid on a piece rate. This rate must be high enough so that an experienced worker, working steadily, is able to earn the minimum wage. Where the same work is done by workers in your employer's factory, you must receive the same wage rate as they do.
5. After one year with same employer, you should get two weeks of vacation with pay. Vacation pay must not be less than 4 per cent of your total wages for that year. If you stop working for an employer before a year is up, you must be paid 4 per cent of your total wages earned starting from your first day of work.
6. You have a right to equal pay for equal work, to pregnancy leave, and sometimes to severance pay. For more information contact our Hot Line services at 977-7236.
7. Your employer is responsible for delivering your materials to your home. He is also responsible for picking up your finished work. If you do have to pick up and deliver the materials yourself, your employer must repay your travel costs.
8. All materials (thread, lining, buttons, etc.) must be paid for by your employer. However, your employer does not have to supply you with a sewing machine.
9. You have rights as an employee in Ontario. Under the provincial law, even if you work for more than

one employer at a time, you are an employee and are NOT self-employed.

10. If you do a job incorrectly, your employer can return the work for you to redo without extra pay. But your employer can not make you pay if he has someone else redo your work.
11. It is illegal for an employer to hire homeworkers without obtaining a permit from the Ministry of Labour, Employment Standards Branch. This permit must be renewed by the employer every year.
12. If you think your employer is breaking the law or if you have any questions about homework laws, contact: Employment Standards Branch, Ontario Ministry of Labour, 400 University Avenue, Toronto (phone (416) 326-7000 or call our Hot Line services).
13. If you do call the Ministry, an officer will speak with you about your complaint. If you do not speak English well, you should insist on an interpreter to help you.
14. The Ministry must investigate your complaint.
15. You cannot be fired, or otherwise penalized either for complaining or for helping an investigating officer from the Ministry.
16. Even if a homemaker is an illegal immigrant, the Ministry is still required to enforce the Employment Standards Act.
17. Whenever you are paid, your employer must give you a statement with the following information:
 - a) The work for which you are being paid.
 - b) Your wage rate, unless your employer lets you know in some other way.
 - c) The amount of pay you should get.
 - d) If there are any deductions from your wages the amount and purpose of each deduction.
 - e) The pay you should receive after any deductions.
 - f) Any other pay you are entitled to.

g) If you are paid by the hour, the number of hours you worked.

18. You should be paid in cash or by cheque. You should be paid on a regular pay day. If you stop work, you must be paid all money owed you within seven days.
19. An employer in Ontario can not ignore any of the above rules. They are the law. In Ontario, an employer can not make you give up any of these rights as a condition of your employment.
20. Keep a record of all the work you have done, how many hours you worked and what the style or job numbers were. One good way is to draw a picture of the style for each style number. Put the number of pieces done next to it. Be able to make sure you have been paid for all the work you have done!

Such information will be helpful if you decide to make a complaint.

Deductions

1. WORKERS' COMPENSATION — You are not entitled to Workers' Compensation if you are injured while working. Therefore, no Workers' Compensation premiums should be deducted from your wages by your employer.
2. INCOME TAX, UNEMPLOYMENT INSURANCE and CANADA PENSION PLAN — As a homemaker, you may be considered to be either an employee or self-employed. This difference is important to you. It affects the taxes you pay, the compensation available to you if there is a problem and you can't work, and your Canada Pension.