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'TIS THE SEASON TO BE WARY

TOP SIX EMPLOYMENT STANDARDS TO HELP WORKERS BEAT THE WINTER RETAIL BLUES

By Jennifer King

Customer service is especially hectic this time of year, with employers (and often customers) making over-the-top and sometimes illegal demands on service workers. So, as we ring in the New Year, and as TAPS' Employment Standards Legal Advocacy Project (ESLAP) turns one, we give you the Top Six Wishes we hear from retail and customer service workers. This is a great way to know your rights and to support the workers who serve you every day.



1. Wages for Every Hour Worked

Employers regularly demand that workers show up and begin work *before* their scheduled shift, and paid work, starts. It's also common to be asked to come in for staff meetings, special product training, or even decorating or inventory parties, work which increases your employer's profit,

and not be paid. This is an example of wage theft (see the February-March 2015 Taproot article on wage theft at tapsbc.ca). It is illegal not to pay for employees' time and effort during any type of work or training, and there has not been a lower "training wage" in BC since the shamefully low \$6 training wage was scrapped in May 2011.

And don't forget: if you've worked for at least 30 days, and 15 of the last 30, you are entitled to an average day's pay on the pay period of a statutory holiday (for example, December

(See Workers, page 6)

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STAY CALM AND KEEP YOUR MONEY

By Thea McDonagh

Recently, the government announced that starting December 1, 2015, people receiving provincial disability benefits (PWD) will be able to have more money and still be eligible for monthly benefits. According to the press release, a single PWD recipient's cash asset limit will go from \$5000 to \$100,000, and a couple who are both designated PWD will be able to have \$200,000 as opposed to the current \$10,000. In addition, the government has said that people on PWD will be able to receive cash gifts without affecting their eligibility, and there will be no limits on trust payments.

TAPS is excited about this change. Over the years we have seen too many people who have been forced to live off their savings and lose any chance at financial security simply because they have a disability. Previous legislation dictated that if someone had more than \$5000, they were ineligible for government assistance. Often, people looking for assistance were told to come back when they had less money. People with disabilities had to cash in

RRSPs, life insurance plans and other assets in order to support themselves, thus eliminating any chance at future economic security.

PWD recipients with more than \$5000 could, and still can, exempt assets by putting them into a trust, Registered Disability Savings Plan (RDSP) or other exempt



vehicle. TAPS has assisted many clients with asset exemption, and while it worked well for a lot of people, it often created undue stress and hardship. It requires significant effort to establish a trust, and for people living with physical or mental impairments this is often challenging. Furthermore, there were strict restrictions on how money in a trust could be spent, and people had to

learn how to administer and report expenditures. With these new changes this may no longer be necessary.

After December 1, and according to the government's announcement, any limits or restrictions to how disbursements from a trust can be spent will be eliminated. Previously, money held in trust for PWD recipients could be spent either on disability related costs or on items that promote that individual's independence. There was an \$8000 cap on money that could be spent on promoting independence. By removing this cap, PWD recipients with trusts should have no restriction to how much money they can use from the trust or what it can be spent on. The limit to the amount of money that can be exempt in a trust will still be \$200,000, but with the new cash asset limit, an individual on PWD could foreseeably have up to \$300,000 in combined assets.

The government has also announced the removal of limits on cash gifts that people on PWD can receive. Previously, a PWD recipient could only receive a *one-time* cash gift without penalty as long as they did not exceed their cash asset limit. Gifts could not be periodic or ongoing and could not exceed

(See Your Money, page 3)

TAPS Wishes All of You a Happy Holiday Season



(Cont'd from Your Money, Page 2)

the person's cash asset limit. Now people on PWD will be able to receive multiple cash gifts with no effect on their eligibility for assistance. For example, if a family member would like to provide financial assistance to a child who is on PWD by giving \$200 per month to help with groceries, it will not affect that person's eligibility for assistance. In addition, inheritances, education and training allowances, bursaries and scholarships will now be exempt income and will not affect eligibility, whereas previously this income would have been deducted dollar for dollar.

Although TAPS welcomes this change and recognizes that it will have a positive effect on a portion of PWD recipients, we also recognize that there are many people on PWD who this will not affect. The vast majority of folks on PWD who come to TAPS do not

have assets and won't benefit from this change. If the government wants to change legislation to benefit all people receiving provincial disability benefits in BC, they need to raise the rates.

If you have any questions regarding these changes, you can call TAPS and ask to speak to an income assistance legal advocate. ■

FEDERAL DISABILITY ADVOCACY PROJECT

TAPS' Federal Disability Advocacy Project can provide information on CPP-Disability, the Disability Tax Credit and the Registered Disability Savings Plan. If you would like to speak with an advocate about any of these benefits, or would like help applying, contact Zoë Macmillan at TAPS at 250-361-3521.

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Taproot Fiction Feature

TRASH TO TREASURE

By Alice K.

I am 68 years old, and a resident of Victoria. I imagine most people in Victoria would know me as one of the many old ladies who recycle. My days are always busy.

I wake up at 4 a.m. and prepare myself to go out. Soon I am on the road with my shopping cart, eyeing both sides to find cans and bottles. I wear long cleaning gloves over a pair of regular knit gloves. Arthritis set in my hands and knees shortly after I turned 60.

This is my favourite time of the day. It is pitch black, the air is crisp, the pavement is slick and clean. I feel like I have the whole city to myself. I push my cart in the middle of the road, stopping here and there to pick up a can or bottle.

When I first began bottling, I was so ashamed to be pushing a cart, of being seen by someone I knew from my “former life”. After the fifth or sixth time, it became freeing: this was my liberation from a lifetime of seeking family approval, of “doing the proper thing” as a girl, wife, and mother.

Christmas is a difficult time of year. I cannot help but remember my family's

Christmases when my boys were little, the house decorated, the smell of turkey wafting through the house. With all our cousins, aunts, uncles, nieces and nephews, we were all of us together. Those were the happiest times of my life. Christmas has now become just another day.

A soft violet-pink hue coats the streets, the trees and grass. I glance over my shoulder at the sunrise.



Lights in apartment windows, people are waking up. I stop at a few houses where people know me, and know my schedule. They kindly leave bags of bottles and cans for me, which I load into my cart. By now it is difficult to see over the top. Luckily, the Bottle Depot is down a slope to Douglas Street.

After I bring the bottles to the Depot, I walk home, this time uphill, and take a

very long hot shower, to get rid of all the stickiness. After that, I walk downtown, find a spot with lots of foot traffic, place my hat before me on the sidewalk, and I ask passersby for change.

In my 40's and 50's, I used to clean two houses a day. I cannot clean houses every day anymore, due to my breathing problems and arthritis.

There are other older women like me who bottle. We nod to each other as we pass on the street. Sometimes we strike up a conversation. A few years back, one of them told me about the special turkey dinners at an inner-city drop-in centre. I didn't want to go there. I was too old and weak, and I was worried about the people who gathered there. When I went there, I did not know what to expect. There were lineups, loud people—some intoxicated. I didn't want to be there. I left without eating. I did not have much food at home. I cooked spicy noodles.

On the first day after I get my cheque, I can buy meat and vegetables, and a few containers of plain Balkan yogurt. Sometimes, I sneak into the “families only” dinners held once a week at my local community centre. My invisibility and age work to my advantage. I met a nice

(See *Treasure*, page 5)

(Cont'd from *Treasure*, Page 4)

older couple there who were doing the same thing. As it was a family atmosphere, the volunteers kindly fed us even though we didn't have young children with us.

I started going to a daily lunch at a local women's shelter. The young ladies volunteering there are so respectful and kind to me, and the food is quite good, always home-made. The shelter has been a godsend to me when I have no coins for my laundry: I just bring my laundry there and have lunch with the ladies. There is one woman there who is even older than I am. I've grown quite fond of her. One day, this lady informed me there was a new knitting circle at the downtown drop-in place which had so frightened me long ago. She asked if I would join her. I decided to go, if only to

TAX CLINIC

**At TAPS
Every Thursday
9 to 11 a.m.
and
1 to 4 p.m.
No appointments
First come, first
served**

socialize with my friend. I told myself, if I didn't like it, I would simply leave.

My friend introduced me to the ladies there. They looked up from their knitting and smiled at me, and introduced themselves. I was welcomed into a circle of multi-culturalism, wisdom, and acceptance. We were all over the age of 65, and all on the same socio-economic level. All over the table were purses, crochet and knitting needles, patterns, and knitting bags containing every imaginable colour of wool.

With time, these women have become my dear friends. I have come to look forward to our Sunday afternoon knit-ins. We take over two entire back tables. A band plays behind us, in the corner of the room. I feel accepted for who I am. I feel happy. Never in a million years could you have told me that I would find love and acceptance in this place. I would never have believed it. This is my family now.

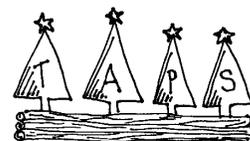
Still, after the centre closes, we each go home to our individual lives, whether it is to a tent in a park, or if you're lucky like I am, an apartment. Mine is essentially a solitary life, but I have arranged it so that I don't have to be alone all the time. And I am immensely grateful every night that I

PERSONS WITH DISABILITIES

TAPS has advocates who can help you apply for Person With Disabilities status (PWD) through the Ministry of Social Development and Social Innovation. TAPS can also help you with an appeal if you have applied and been denied. Call TAPS at 250-361-3521 for more information. If you are at the appeal stage, be sure to get in touch with us as soon as possible after receiving your letter of denial, and tell the receptionist you are calling about a disability appeal.

have a warm safe place to sleep.

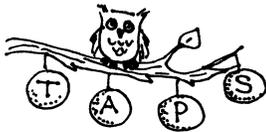
Every year at Christmas, I cannot help but remember having family and loved ones around me. Please, if you know someone like me, someone who is lonely, perhaps a family member you haven't spoken to in a while, invite them into your home at Christmas, make them some food, make their Christmas special. ■



(Cont'd from Workers, page 1)

25, January 1), and a wage rate of time-and-a-half if you work that day (double time after 8 hours).

As of September 15, 2015, the minimum wage went up two dimes to \$10.45. At ESLAP we hear from service workers whose employers are still stealing from them every hour by paying the old minimum wage. This year a strong movement has emerged across territories in BC shouting #fightfor15 for a



TAPS' SILENT WITNESS PROGRAM

Many of our clients find that appointments with the Ministry of Social Development and Social Innovation (MSDSI) can be stressful. Some find that having another person at their appointment lessens their stress and helps the appointment proceed smoothly. At TAPS, we have volunteer silent witnesses who can accompany individuals to ministry appointments. If you would like to be connected with a silent witness, call TAPS at 250-361-3521.

more equitable minimum wage, like workers have won in Seattle and other cities. Learn more at fightfor15bc.ca. Find Victoria events at "Fight for Fifteen Victoria" on facebook. Here on Lkwungen and WSANEC Territories, the Community Social Planning Council (CSPC) has calculated the living wage at \$20.03.

2. Overtime

In order to earn overtime pay, an employee must be acting at the direction of an employer, for example, if your boss says you can't go home until the job is done. Overtime kicks in after 8 hours in a day to time-and-a-half of regular wages, and double time after 12 hours. Weekly, after 40 hours of straight pay, additional hours must be paid at time-and-a-half.

3. Sick Days

Sick days are not provided under basic BC Employment Standards. Prince Edward Island is the only province with paid sick days and that's only one day after five years. One of the worst reasons we hear for clients getting fired is for taking the day off when they are sick to spare their co-workers and customers. Employment standards precedence doesn't consider calling in sick minor or major

misconduct that would give an employer just cause to fire you. If you've worked for less than three months, however, there is no legal obligation for your employer to prove just cause or give you any notice or severance pay.

No sick days and termination without just cause are powerful reasons for workers to come together and support each other. If you're interested in spreading the word and taking action, check out our friends at the new Retail Action Network. They're online, meet regularly, and are also joining TAPS, Vancouver Island Public Interest Research Group, and the CSPC in conducting focus groups and wage worker surveys this season to gather numbers on this epidemic. Why not get in touch and tell your service work stories.

4. Shifts Scheduled Each Week

In 2002, the requirement in the Employment Standards Act (ESA) that employers post schedules and give workers at least a day's notice of any schedule changes was repealed. When it's all-hands-on-deck or when shifts are cut in the quiet new year service season, shift changes can wreak havoc on workers' nerves, relationships with

(See Workers, page 7)

(Cont'd from **Workers**, Page 6)

bosses and co-workers, and ability to pay their rent. The BC Employment Standards Coalition (bcemploymentstandardscoalition.com) recommends that this requirement be re-instated into the ESA with: a 48-hour notice period; posting in the first languages of all workers; and consent required for planned schedule changes, which employees could withhold for family responsibilities without risk of discipline.

5. A Break After Five Hours' Work

The law says that you are entitled to an unpaid half-hour break after every five hours. If you are required to be able to jump up and serve customers during this break, you need to be paid for it.

6. A Uniform and Care of Uniform for Free

A common misconception is that it is the service worker's obligation to purchase and maintain specific clothing, footwear, and even protective gear or tools required by their employer. Sure, a restaurant can require you to wear black pants and a white shirt, but once you are required to wear a certain brand or very specific style of shirt, it is likely that you are being

FREE CHRISTMAS DINNERS

Saturday, December 19
Christmas Meal for Youth
3pm - 6pm. Sanctuary Youth Centre, 767 Humboldt, basement of Church of Our Lord. Admittance free. Youth aged 19 and under only.

Tuesday, December 22
Our Place Holiday Meal
11:30am - 2pm. Our Place Society, 919 Pandora.

Friday, December 25
Christmas Dinner@ St. Andrew's. 12pm - 2pm.
 St. Andrew's Presbyterian Church, 680 Courtney St (at Douglas) 12-Step Recovery is hosting their Christmas Dinner at noon.
 Everyone Welcome!

Rainbow Kitchen Special Holiday Meal. Dec 25, 12pm - 12:30pm. 500 Admirals Rd. Second and third seatings as necessary. Stockings!!

BBQ by the Christmas Spirit Community Dinner. Dec 25, 11am - 5pm (or while supplies last). 1800 Quadra St. Heated outdoor BBQ.

Christmas Spirit Community Dinner. Dec 25, 12pm-2pm and 3pm-5pm. 1800 Quadra St., Glad Tidings Pentecostal Church. Everyone Welcome! Free hot Turkey Feast, including a fabulous array of homemade desserts, goodies and beverages. Registration required:
xmasdins@telus.net or 250-472-1040



asked to pay for your boss's business costs, which include cleaning uniforms. Section 21 of the Employment Standards Act says that an employer can only make deductions for Employment Insurance, Canadian Pension Plan contributions, and taxes, but explicitly *not* for business costs or gratuities.

Regardless of how you and yours mark the winter season, we hope you make time to support each other in

the workplace in the face of back-to-back shifts and long lineups.

TAPS Employment Standards advocates can provide confidential legal advice and support on these and other employment standards issues for non-unionized workers. Contact us at TAPS, and find us and upcoming projects and events at [@ESLAPTAPS](https://www.facebook.com/4theworker) and [facebook.com/4theworker](https://www.facebook.com/4theworker). ■

ABOUT TAPS

TAPS was established and registered as a society in 1989 and serves the Greater Victoria area. We provide legal information and representation on issues relating to income assistance, provincial disability benefits, residential tenancy, and employment standards. We also provide public education in these areas and on broader poverty issues.

You can reach us between 9:30 am and 4:30 pm, Monday to Friday, by phone at 250-361-3521 or in person at #302 - 895 Fort Street. The office is closed daily for lunch between noon and 1:00 pm and is closed to walk-in clients on Monday and Friday mornings.

TAPS IS FUNDED BY



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\$5 unwaged (we can waive this) \$20 waged \$80 organization

Taproot is mailed/e-mailed to members.

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