

# Domestics' Cross-Cultural News

monthly newsletter of the International Coalition to End Domestics' Exploitation

APRIL 1987

## DOMESTICS TAKE GOVERNMENT TO COURT

Time finally ran out for the Ontario Government at the end of March when they failed to grant overtime pay to the province's 65,000 domestic workers. Since last January, INTERCEDE has delayed going to court with a challenge under the Charter of Rights due to repeated assurances that the Peterson Government was poised to act.

At issue is the exclusion of domestic workers from the hours of work and overtime provisions of the Employment Standards Act. What INTERCEDE has been seeking is the standard protection of time and one half after 44 hours of work per week.

We were advised that Cabinet would be making a decision on April 1, 1987, and that it was expected to be a favorable one. However, Minister of Labour Bill Wrye spoke to INTERCEDE Co-ordinator Judith Ramirez that day and said that "a new regulation is being drafted and the form of overtime compensation will vary for domestics".

INTERCEDE was shocked to learn that the government is preparing to segregate domestics, most of whom are Third World women, and create another ghetto in the province's labour laws. It is widely suspected that the "new regulation" would give the employer the option of paying time and one half or time off in lieu of payment. For the majority of domestic workers this will mean never getting a cent in overtime pay!

On April 9, INTERCEDE and the Women's Legal Education & Action Fund (LEAF) held a press conference at Queen's Park to announce court ac-

tion against the Ontario Government. Domestics are charging discrimination against them on the basis of sex, national origin and unequal treatment under the Canadian Charter of Rights.

The press conference was chaired by Judith Ramirez and included Melita Carbungco, a domestic from the Philippines who is a plaintiff in the case. "We don't want to be treated as second class citizens", she told a full house of reporters.

Also present was Mary Eberts, of LEAF's Board of Directors, who pointed out that it was a 'supreme irony' that the court challenge will be fought with funds from the government when, by changing the existing law, taxpayer's money could be put to better use.

Among those lending their support at the press conference were Bob MacKenzie, NDP Labour Critic; Susan Fish, Toronto MPP (PC); Ceta Ramkhalawansingh, of the Ontario Advisory Council on Women's Issues; Mary Lou Fassel, of the YWCA; June Veacock, of the Ontario Federation of Labour; Carmencita Hernandez, of the National Organization of Immigrant & Visible Minority Women, and the Congress of Black Women of Canada.

Media coverage of the press conference included stories on the CTV National News, CBC Newshour, Global News, many radio stations, NOW magazine and the Globe & Mail (see page 3).

It is shameful that court action was made necessary by government inaction. INTERCEDE calls once again on the Peterson Government to end the legacy of exploitation against domestic workers by granting them standard overtime protection under the Employment Standards Act.

COCO'S CALENDAR

Recent happenings...

- \* on April 4 INTERCEDE participated in a rally in support of refugees at Nathan Phillips Square
- \* on April 11 Judith Ramirez attended a birthday party for LEAF at the Groaning Board Restaurant

Coming up soon...

- \* INTERCEDE's next monthly meeting is set for Sunday, May 3, 3pm at the Cecil Community Centre, 58 Cecil Street, Toronto
- \* The Service Unit will be open Saturday, May 2, 10am - 2pm. Please call for an appointment!
- \* Philippine National Day will be celebrated Saturday, June 13 at Seton Park. For more information call 826-7216 (evenings)
- \* A fundraising dance for Lilia Hermitaneo will be held on Saturday, May 2, 8pm at the Cecil Community Centre. Tickets \$10 For more information call Emily Abaja at 927-1920

...AND CONGRATULATIONS!

- \* to Letty Junatas who was recently married
- \* happy birthday to Rosita de Guzman, Teresa Lopez, Lydia Mendoza, Aurora del Pilar, Tessie Sumbeling, Onie Victor, and to our counsellor Joan Ann Gravesande. To all of you, many happy returns!
- \* and finally, best of luck to our new landed immigrant Tessie Cortez from the Philippines!

That's all for now, folks!

- Columbia Diaz

KNOW YOUR RIGHTS

If you are a foreign domestic worker who hopes to get landed in Canada, you will have to meet Immigration's "assessment criteria". They will expect you to "upgrade" yourself, manage your finances "responsibly" and "integrate" into Canadian society.

To fulfill these requirements you will need time off work to go to school as well as money to pay for tuition, books, transportation, etc.

Immigration requires your employer to give you three hours off work per week and up to \$20 per month to assist you with your upgrading.

Under the labour laws, you are also entitled to 36 hours off in a row and an additional 12 hours off every week. You will need every bit of this time to qualify for landing. You cannot participate in a social or religious organization if you don't have time off work to attend their activities.

You will also need every cent of the \$827.50 per month which Immigration requires your employer to pay you (after deductions).

If your employer is not fulfilling one or more of the above obligations, you have valid grounds to leave your job. You should inform your local Immigration Centre of the situation or contact us at INTERCEDE.

For more information and free, confidential counselling call:

INTERCEDE SERVICE UNIT (415) 591-1625

- Joan Ann Gravesande

IMPORTANT NOTICE!!

If you have been charged money for a reference letter to Immigration or any other service by people calling themselves 'INTERCEDE', please be

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## 65,000 affected in Ontario

# Domestics launch Charter challenge

BY ANN RAUHALA  
The Globe and Mail

With support from a legal fund financed by public money, a lobby group has launched a court challenge under the Charter of Rights and Freedoms on behalf of Ontario's 65,000 domestic workers.

Intercede, a group that advocates domestic workers' rights, has been calling on the province to change the Employment Standards Act to protect nannies and housekeepers from long hours and unpaid overtime, Judith Ramirez, a spokesman for the group, told reporters yesterday.

"We're concerned that the law

rolls out a red carpet for any employer who wants to exploit a domestic worker," she said.

In response to rumors that the province has devised a compromise protection for domestics, Ms Ramirez said the group will go ahead with the challenge anyway.

"We haven't worked this hard for another ghetto," she said in an interview.

If domestics have separate and different protections, she said, "it's still an equality issue."

Without protections, she said, some domestics are working up to 120 hours a week without overtime pay or with little time off.

Intercede representatives met

Ontario Labor Minister William Wrye 1½ years ago, she said, and although they have been given to believe that Mr. Wrye supports their goals and has drafted alterations to the legislation, the changes appear to be stalled at the Cabinet level.

"We're tired of waiting for the politicians to act," she said.

Asked about the cause of the delays, Ms Ramirez said: "I told the Labor Minister that there are too many employers in Cabinet."

In co-operation with the Women's Legal Education and Action Fund, Intercede will challenge the exclusion, arguing that it constitutes dis-

crimination against a class of workers, most of whom are women.

"Here we are five years after the equality guarantees (in the Charter)," LEAF spokesman Mary Eberts said, "and there has been no improvement for domestics."

She said that the lawyers making the challenge must demonstrate that discrimination is taking place and that there is no justification for that discrimination.

The question of overtime pay could spark concern among middle-class employers worried that the only child care available to them would become unaffordable.

But Ms Eberts said that domestics should not bear the blame for a problem created by governments.

"It's no argument to say that parents cannot pay overtime," Ms Eberts said, speculating what justifications might be put forward for the current exclusion. Although provincial protections for domestics vary across the country, Ms Ramirez said, with some protection in Quebec and Manitoba, and little or none in the other provinces, Ontario is home to two-thirds of the foreign domestics in the country.

Ms Eberts said LEAF is involved in laying the groundwork for similar challenges in British Columbia and New Brunswick.

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HAVE YOUR SAY !!

On Tuesday, MAY 5  
CFRB radio will  
open its phone li-  
nes to domestic  
workers from 10 -  
11 am. Host Andy  
Barrie's guest  
will be INTERCEDE  
Co-ordinator Ju-  
dith Ramirez.  
Tune in at 10.10  
AM on your dile!

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IMPORTANT NOTICE...con't

aware that it is not our organization. All our services are completely free of charge.

Also, if you have paid \$5 to become a member of 'INTERCEDE' anytime since October 1986 or contributed to fundraising events, it is not our organization.

Only our associate membership is open year around and it is free, and we have had no dances or other fundraising events in the past year.

If you are in doubt as to who you are dealing with, please contact Columbia Diaz at 591-1625.

DOMESTIC WORKERS SPEAK OUT!

Recently the media has been reporting extensively on the fight of domestic workers for overtime pay.

A leading spokeswoman, Melita Carbungco, has been interviewed by CTV news, the Globe & Mail, Global news, and various radio stations. "I'm doing this for all the women who are scared to stand up for themselves", she told a reporter.

Gloria Thomas, a Caribbean domestic worker, has spoken out against abuses she has suffered on CBC TV, the Toronto Star and CTV news. In a te-

vised interview for a public affairs show, Ms. Thomas described one employer as a "slave-driver". "I worked until late at night and never got any thanks or extra pay", she said.

Other foreign domestic workers, including Avelina Villanueva & Herminia Nelmidia, from the Philippines, and Lie Kim Tjoe, from Indonesia, have spoken out publicly about the sub-standard working conditions each of them has faced. Ms. Villanueva was recently featured, along with Melita Carbungco, in a lengthy article in NOW magazine.

INTERCEDE salutes each of these women for their strength and their dedication to the cause of domestic worker's rights.

INTERCEDE SERVICE UNIT

Place: Cecil Community Centre  
58 Cecil Street  
Toronto, Ontario  
M5T 1N6

Time: Monday - Friday  
9:00 am - 4:00 pm

Tel.: (416) 591-1625

We provide free and confidential counselling on immigration, employment, human rights and emergency social services. All domestic workers welcome! Please call for an appointment or just drop in on your day off.

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DOMESTICS CROSS-CULTURAL NEWS

c/o INTERCEDE  
58 Cecil Street  
Toronto, Ontario  
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First Class

Next INTERCEDE meeting on SUNDAY, MAY 3!