

DOMESTICS' CROSS-CULTURAL NEWS

INTERCEDE for the Rights of Domestic Workers, Caregivers, and Newcomers

Toll Free 1-877-483-4554

April 2002



JAN. 2003-EFFECTIVITY OF NEW IMMIGRATION LAW

In our March 2002 issue of Domestics' Cross-Cultural News, we stated that changes in the New Immigration Law would take effect on June 28, 2002. However, the Minister of Citizenship and Immigration Canada, Denis Coderre, put off the changes making them **effective January 1, 2003**. He hopes that an extra six months will allow many applicants, who have submitted their applications, to be processed under the old rules.

All skilled worker and business immigrant visa applicants have the option of withdrawing their applications and requesting a refund providing their applications have not passed through the preliminary evaluation. Applicants can also do so, if they think they will not meet the selection criteria under the new immigration law. The refund must be requested through the office where the visa application was submitted.

Applications already in process when Immigration and Refugee Protection Act takes effect will be processed under the new rules introduced by the Act. There will be distinctions in how these will be handled, depending on whether the application was received before and after December 17, 2001, the pre-publication date.

A. Those who applied before December 17, 2001:

- ◆ who have not received a selection decision prior to June 28, 2002, will continue to be selected under the current selection criteria until January 1, 2003
- ◆ who have not received a selection decision prior to January 1, 2003, will be subject to the proposed new selection criteria and a proposed passing mark of 70 points (reduced from 75 points)

B. Those who applied after December 17, 2001

- ◆ who have not received a selection decision by June 28, 2002, will be subject to the proposed new selection criteria and a pass mark yet to be determined.

Changes were considered after critics voiced out their views on the proposed new selection criteria. They said, it would be unfair to apply the new rules to thousands of applicants who would have qualified under the old rules, but do not qualify under the new rules. Besides, the new rules would set the standard too high and could keep out skilled workers that Canada needs.

The Minister will be considering forthcoming comments from the Standing Committee, provinces and territories, and interested stakeholders before finalizing the new regulations. Hopefully, positive changes will be done on rules affecting Live in Caregivers.



CIC MANAGER FOLLOW-UP ON NEW IMMIGRATION LAW

Jim Campbell, an Immigration regional manager, made a follow-up visit with INTERCEDE staff on February 22, 2002. He informed us that the new law will take effect on January 1, 2003. He is involved in the policies and procedures of programs funded by Immigration and Citizenship. He identifies problem areas in programs and finds practical solutions to them.

Campbell listened to and noted concerns from the staff of INTERCEDE about issues affecting caregivers. Our main concern included caregivers' vulnerability to all forms of abuse in their employers' homes. Fely Villasin,

*All Domestic/Caregiver workers,
Newcomers and those on Temporary Work
Permit are welcome to attend*

INTERCEDE MEETING Every First Sunday of the Month

(if holiday, meeting is on the second Sunday)

Apply or renew your membership - \$10.

Sunday, April 7, 2002, 3-6 p.m.
At Cecil Community Centre, 58 Cecil St.
(one block south of College cor. Spadina)

POWER OF ATTORNEY AND WILL PREPARATION

Guest Speaker, Karen Lindsay Skinner

Barrister/Solicitor

PLUS

INCOME TAX CLINIC

Association of Filipino Canadian Chartered Accountants

INTERCEDE Coordinator, expressed her concern that the new contract requirement proposed for the LCP will work against caregivers. Employers might ask them to sign work longer hours based on the new Employment Standards Act, which allows a sixty-hour workweek, subject to a worker's agreement.

Another concern are "scams" where agencies bring caregivers to Canada under the Live-in Caregiver Program, but caregivers find that they have no jobs upon their arrival. It was pointed out that training schools in the Philippines charge potential caregivers large sums of money for the six-month training requirement under the Live-in Caregiver Program. She would like to see these schools better monitored, or perhaps allow potential caregivers to do their training as volunteers at non-profit or government institutions such as hospitals or health centres. The evaluation of grade twelve equivalency, diplomas and certificates of those from the Caribbean, South America and other countries is also a concern as it effectively bars caregivers from these countries.

The long time it takes for caregivers to get their employment authorization is another concern. Change of employers, coupled with the scams by employment agencies result in caregivers losing money and even their status. Caregivers also find it difficult to complete the twenty-four months of required employment within a three year period for them to get their landed status. Campbell recognized the problems and will look into them but there are no immediate solutions.

Finally, staff made one final suggestion: that caregivers should be allowed to enter Canada as landed immigrants.



NOTE YOUR RIGHTS TO HOLIDAY PAY

Good Friday, March 29, 2002, is a paid public holiday. You will qualify for this pay if you worked your regularly scheduled days before and after Good Friday or have reasonable cause for not working.

If you worked on a holiday, you can agree in writing to:

- be paid **premium pay** which equals 1.5 x regular hourly rate for hours worked plus **holiday pay** (your previous four weeks gross earnings divided by 20)

Or

- agree to work at your regular pay **and** get another day off with holiday pay (your previous four weeks gross earnings divided by 20)

For further details, please refer to December, 2001 issue of your Domestic's Cross-Cultural News or call INTERCEDE at (416) 483-4554 EXT. 25



COCO'S CORNER.....

Happy thoughts and inspiring messages from clients:

- ◆ I was alone for seven years and contacted a lawyer to see if there was a possibility of sponsoring a family member. I was assured assistance as long as I was prepared to pay \$3,500. I could not afford to pay so I called INTERCEDE where I had sought free help in the past when I was under the LCP program. My niece arrived after 10 months through the help of INTERCEDE. They helped me justify to Immigration that I was alone in Canada, had a full-time job and had not sponsored anyone else. On my vacation, in the Philippines last May 2001, I got married. As soon as I got back to Canada, my first appointment was at INTERCEDE who again assisted me in filing my sponsorship, this time of my husband. He arrived in Canada two days before Valentine's. What a perfect gift. Thank you INTERCEDE!
- ◆ My application for a Legal Aid certificate was refused because I had \$950 in my account which was used for my daughter's monthly RESP contribution. I tried to explain that my income was barely enough for my rent and food. I needed a lawyer because my husband left us and I wanted to request child support. A newcomer from the Philippines who received an "INTERCEDE calling card" from Commission on Filipino Overseas (CFO), at her pre-departure orientation, advised me to call for an appointment. I submitted a letter of support explaining my condition and itemized expenses like rent, utility payments, insurance bills and medical bills. After two weeks I received a letter that my appeal for a Legal Aid certificate was approved. Now I am fully represented by a lawyer for my child and I keep referring people who need assistance to INTERCEDE.
- ◆ What a great feeling to receive overtime pay that was not recognized or acknowledged by the trustee of my employer! For the past ten months I worked as a live-in caregiver for an elderly man who needed my attention for almost 24 hours a day. I asked the trustee for my overtime pay. He refused and explained that I was not entitled since I was aware of the nature of my work when I was hired. I asserted my employment rights and these resulted in my termination without notice. INTERCEDE advised me to send a letter to my employer requesting my overtime pay, vacation pay and termination pay. My action resulted in a "threat call" from my employer's trustee who is also a lawyer. I planned to withdraw my claim but my counsellor at INTERCEDE gave me confidence to continue. I filed my claim at the Employment Standards Branch of the Ministry of Labour. I met with my employer's trustee, and the Ministry of Labour officer who ruled that I deserved to be paid. I learned a lot about my rights and again, Thank you Coco and INTERCEDE.



Effective January 1, 2002

HOW TO CALCULATE YOUR PAY

Pay Schedule	Monthly (12/year)	Semi-Monthly (24/year)	Bi-Weekly (26/year)	Weekly (52/year)
Gross Wages	\$1,306.07	\$653.03	\$602.80	\$301.40
DEDUCTIONS				
Income Tax				
Federal	95.40	47.20	43.70	21.85
Provincial	35.80	17.95	16.50	8.25
Canada Pension Plan	47.68	23.84	22.00	11.00
Employment Insurance	28.73	14.37	13.26	6.63
NET PAY for Live-out	\$1,098.46	\$549.67	\$507.34	\$253.67
Less: (Room & Board)	369.42	184.71	170.50	85.25
NET PAY for Live-in	\$729.04	\$364.96	\$336.84	\$168.42

Minimum wage in Ontario is currently \$6.85 per hour. Even though your employment agreement or "contract" may have stated your wage at less, your employer must pay you the current legal minimum wage.

Gross wages are based on a 44 hour work week, and does not include overtime calculations. Overtime must be paid for any hours above 44 in a week. **It is important that you keep a list of all hours you worked daily in case there is any dispute about your overtime.**

Overtime pay is a "time-and-a-half" your regular hourly wage. If you are paid the minimum wage of \$6.85 per hour, your overtime pay should be \$10.28. You may agree to take paid time-off instead. This is also at the "time-and-a-half" rate. For example, if you worked 10 hours overtime, you should get 15 hours off with pay.

The maximum deduction for board is \$ 53.55 per week (\$2.55 per meal). However, if you miss all six meals during your two days off, only \$38.25 (\$53.55-\$15.30) should be deducted. Room is calculated at a rate of \$31.70 per week for a private room.

Income Tax Deductions are based on Code 1 exemption.

Your employer is required by law to withhold Income Tax deductions, Canada Pension Plan (CPP) contributions and Employment Insurance (EI) premium from your gross wages. Your employer sends these deductions together with their own contributions to Revenue Canada every month. Each pay day, your employer should give you a Written Statement of Earnings (see below).

Example: **Name of employee:** Mary Grace Joy **Salary:** \$6.85 per hour
Pay period: Jan. 8-12, 2002 (one week) **Total hours worked:** 44 hours

	GROSS WAGES:	\$301.40	Notes:
		3	
	Deductions:		Overtime worked:
	Fed. & Prov. Income Tax	30.10	Overtime rate of pay: \$10.28 per hour
CPP		11.00	
E I		6.63	
	Room & Board	85.25	
	Total Deductions:	\$132.98	
NET PAY		\$168.42	

FREE Income Tax Clinic

April 7, 2002

Please bring these supporting documents:

1. Income Tax Return Form
2. T-4 Slips from employer
3. All T-Slips received from other sources:
 - ◆ T2202/A – Tuition and Education Amount
 - ◆ T5 – Investment Income
4. Receipts
 - ◆ RRSP
 - ◆ Rent
 - ◆ Donations
 - ◆ Medical Expenses
 - ◆ Tuition Fees
 - ◆ Union Dues /Interest Expense on Student Loan
5. Information required:
 - ◆ Marital Status
 - ◆ SIN of taxpayer (and spouse, if here)
 - ◆ Date of birth
 - ◆ Name of dependents, including parents living with tax payer
 - ◆ Income of spouse
6. 2000 Notice of Assessment from Revenue Canada, of taxpayer
2000 Income Tax Return.

**INTERCEDE SLOGANS ON
INTERNATIONAL WOMEN'S DAY**

March 2, 2002

**WAR ON POVERTY, NOT PEOPLE!
DEFEND CIVIL RIGHTS!
DEFEND MIGRANT RIGHTS!**

**WE TAKE CARE OF YOUR BABIES,
YOU TAKE CARE OF OUR MIGRANT RIGHTS**

**STOP EXPORT OF U.S. WAR TO THE
PHILIPPINES -WILL LEAD TO EXPORT OF MORE
FILIPINAS
TO THE REST OF THE WORLD**

ST JOHN AMBULANCE

46 Wellesley St. East

Emergency First Aid+Heartsaver - \$59.00

Saturday, March 30, 2002- 9:00 - 5:00 p.m.

Saturday, April 13, 2002 - 9:00 - 5:00 p.m.

Emergency First Aid+Infant/Child CPR-\$65.00

Sunday, April 07, 2002 - 9:30-5:30

Renewal CPR (BASIC RESCUER) 1/2 day - \$35.00

Call for schedule

Please register at least 2 weeks before the start of training date
by sending a cheque payable to: **ST. JOHN AMBULANCE**
and mail it to:

ST. JOHN AMBULANCE ,
46 Wellesley St. East,
Toronto, Ontario.
M4Y 1G5

For further details, please call (416) 967-4244

INTERCEDE

**Address: 234 Eglinton Avenue East, Suite 205
Toronto Ontario
M4P 1K5**

Regular Hours: Mon-Fri 9 am - 4 p.m.

Telephone: (416) 483-4554

Fax: (416) 483-9781

Toll-Free: 1-877-483-4554

E-mail: info@intercedetoronto.org

INTERCEDE STAFF:

Fely Villasin - Coordinator

Jo Alcampo - JSW Facilitator

Columbia Diaz - Settlement Counsellor

Olive Smith - Settlement Counsellor

Anita Fortuno - Settlement/Counsellor

Genie Policarpio - Intake & Administrative Assistant

We wish to thank: Citizenship and Immigration Canada - ISAP Program and Job Search Program with COSTI-OCASI; the Federal Status of Women & Status of Women Ontario; the Municipality of Toronto CSGP, Access & Equity and "Breaking the Cycle of Violence" grant programs, for their financial support.

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