

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers

December 1989

DOMESTIC WORKERS EXPRESS GRIEVANCES

Domestic workers are hoping that changes to the Foreign Domestic Movement program (FDM) being contemplated by the federal Immigration Ministry will allow them to live in dignity and in equality with all other workers in Canada.

In questionnaires and in personal interviews conducted for an INTERCEDE review of the FDM program, they expressed common grievances about the program that governs their ability to work and to stay in this country.

Initial responses indicate that most domestic workers:

- work more than the legal limit of 44 hours a week;
- do not get adequate compensation for these extra hours;
- do more kinds of work other than what their contracts stipulate;
- are still required to produce release letters from their employers before being allowed by Immigration to look for another employer;
- did not have sufficient information about the FDM when they came to Canada;
- once they obtain immigrant status, will leave domestic work because of its low status and low pay.

Living-in

For their first two years or three years in Canada, before they get an open permit, domestic workers are required to live-in with their employers. If given the choice, the majority of domestic workers would prefer not to live in

the same house as their employers or would prefer to at least have their own place for the weekends.

Why? "Because for as long as we are in the same house, even if we finished working for the day, we are still accessible to our employers for extra work and extra favours that are not considered overtime," one domestic worker said.

It is the requirement of living-in that domestic workers feel give occasion to abuse of their working hours.

Some domestic workers said they would not mind living-in as long as they have an employer who strictly adheres to their work hours and does not impose limitations to their freedom of movement during their off hours.

There were those who would prefer to live-in if their employers live in more isolated areas where transportation is scarcer. Many would prefer to live-in principally because of the difficulty of finding cheaper accommodations in the Metro area, "but only if the employer is good to me."

Living-in means not having much choice in the kind of food they eat. Domestic workers often spend to keep their own stock of food even if their pay is already deducted for meals. "I don't want to get sick here, so I make sure I don't go hungry," is how one worker put it.

Most domestic workers pay for a private room that has no lock. To feel secure, a domestic worker said she usually barred her door with her luggages and boxes so no one could easily

INTERCEDE CHRISTMAS PARTY on Sunday, December 3, 1989 at the Cecil Community Centre, 58 Cecil Street, from 3 p.m. to 5 p.m.

Our guest will be Ms. Janet Davis

Vice President of the Ontario Coalition for Better Child Care.

There will be CLASP legal clinic but no INTERCEDE counselling.

enter her room while she was dressing or sleeping.

A domestic worker already on an open permit commented that now that she no longer has to live-in with her employer, she is "more relaxed" and if she needs to go somewhere after her work, she feels free to do so.

Immigration requirements

Most of the respondents chafed at the different requirements for landed status such as being forced to do volunteer work and to save thousands of dollars from their meagre pay. While many preferred to go to school and take upgrading courses, it was so that they could qualify for better jobs in the future but they felt that they should not be forced to do so if they did not want to.

Most of those interviewed were positive that older and married women and those with children are expressly discouraged from the FDM program. That's why they "are forced to lie about their real status". They also believe that applicants to the FDM would not qualify if they were college graduates and so they also lie about their education.

Several domestic workers said that relatives or friends who had approached employment agencies to facilitate their entry to the FDM had to pay \$500 to \$600, then these agencies took one-half of the domestic's first month's salary here.

Newly-arrived domestic workers did not seem to know what the FDM was when asked. All those queried did not feel they were sufficiently oriented about the FDM or about their rights in Canada. Some never saw the conditions of their employment contract until they were already in the house of their employer. Others did not know that the salary stated in their contracts was a gross figure, not the net pay after deductions.

Before they learned from friends about the existence of community service agencies such as INTERCEDE, they looked to the Immigration offices as the source for all the information they needed. However, they said that it was not always easy to access Immigration, pointing to the long wait at long queues before they could get to see someone there.

Absence of bargaining power

When asked whether they felt free to change employers, most of the respondents readily answered yes. Upon scrutiny, however, they were usually hesitant to leave their employers until after many attempts at negotiating, cajoling, pleading, and giving ultimatums. More often, they tended to go out of their way to accommodate their employers' idiosyncrasies or to tolerate insults and abuses before deciding to leave.

The fact too is that most domestic workers are required to produce release letters from their employers before Immigration allows them to look for another employment. This forces workers to stay on for longer than they want to or to take the pains of describing the intolerant conditions of their employment to an Immigration officer to justify why they do not have a release letter from the employer they are leaving.

Most of the domestic workers did not get compensation for overtime work. Among those who did get some compensation, it was either inadequate or they got time off instead. The decision as to how overtime was to be compensated was usually a decision made by the employer. It was clear from both the questionnaires and the interviews that domestic workers are not adequately compensated for all the overtime work they frequently do. Most of them find it hard to refuse to work

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beyond their working hours when asked by their employer.

It follows too that domestic workers do not have much of a say in determining their salary even when that salary is below minimum wage.

Low Status

Asked during the interviews how they feel society, and their community in particular, regard them, domestic workers were unanimous in saying that "they are looked down upon."

That is why not too many of them intend to continue to be domestic workers once they are landed. But if "the salary is good and the conditions are good", then domestic work, like any other work would be competitive and the demand can be competitively met, they said.

More than the salary or any other consideration, however, domestic workers want to be treated as "human beings not animals."

INTERCEDE is conducting the study of the FDM in order to make recommendations to Immigration for improving the program through which domestic workers come to Canada and get landed from within the country.

Organizations advocating for domestic workers in other parts of Metro and in other provinces are giving their input to Immigration so that any changes made to the FDM program hopefully will take into account the needs of domestic workers all over Canada.

COCO'S CALENDAR

It's Christmas time and many questions asked of us have to do with the coming holidays.

Remember that there are three statutory holidays during the season: December 25, Christmas Day; December 26, Boxing Day; and January 1, New Years Day. You are entitled to these days off with pay if you have been employed for at least three months.

If you agree to work on those days, you should get paid for the holiday plus 1-1/2 hours times every hour worked on such holiday. For example, if you agreed to work for 5 hours on Christmas Day and your regular pay is \$5, meaning that you get paid \$44 per day (\$220/week divided by 5 days = \$44/day), then you should get \$44 as holiday pay plus \$37.50 (\$5 x 5 hours = \$25 x 1.5 = \$37.50) equals

\$81.50. This \$81.50 is before any deduction for tax, UIC, CPP and room and board.

If your employers leave town for the holiday, you must clarify if you are considered on vacation with pay or if during the time they are out of town, you are considered on temporary lay-off (therefore without pay). If you are on vacation with pay, the three statutory holidays must be added as three extra days to your vacation.

Even if you go out of town with your employers but you are working and serving their needs, you are not on vacation but are working and therefore not using up your vacation entitlement.

If your employers go out of town and you are asked to watch their home, you are considered to be working.

We would advise domestic workers to keep a record of all hours worked so that whenever you have to make claims for overtime or any underpayment of salary, you have something to refer to.

Remember that from October 1, 1989, the minimum wage was increased to \$5 an hour. So even if your contracts specified an amount less than that, your employers must abide by the new minimum wage rate of \$5.

Congratulations

Brenda Wall, one of INTERCEDE's directors of the Board, gave birth to a baby girl last November 4th. Her name is Natasha and she came to the world at a weight of 7.14 lbs.!

Outreach at Pax Christi Meeting

About 200 domestic workers, most of whom have been in Canada for less than two years, gathered at the Lady of Assumption Church on Bathurst and Eglinton on November 12 to inform themselves about the FDM and about labour regulations.

We welcome occasions like these and encourage volunteers from the INTERCEDE membership to join us in doing outreach and information work in other parts of Metro.

Thank you

to the enthusiastic volunteers, specially Chit Bautista, for helping to organize the monitoring of attendance, distributing forms, arranging the chairs and cleaning up after, making the coffee, etc. etc. during the monthly meetings. Thanks also to Nancy de la Pena for her help in the office.

Christmas Party on December 3

We will be providing food and beverages but if you want to contribute sweets and other desserts, you are most welcome to add to the Christmas table.

MEMBERS REVEAL THEATRICAL TALENTS

It was an afternoon of fun on November 5 when INTERCEDE members shed their inhibitions and went on stage.

Cynthia Grant, director of the Company of Sirens theatre group, together with Aida Jordao, Grace Armas and Roche Furog prepared the different improvisation materials and encouraged audience participation.

One scene consisted of individual members of the audience coming up to the stage and acting out the different kinds of work they did in the home and the rest of the audience guessing and shouting out what they were doing. Another scene consisted of a lady of the house asking a domestic worker to change her plans because there was work to do and the audience making suggestions what the worker should say to her.

"You can't push me around" they all sang heartily to end an afternoon of educational theatre.

INTERCEDE HIRES NEW COUNSELLOR

Teresa Mak, a social work and sociology graduate, has been hired as counsellor at INTERCEDE. She started work on November 6, 1989 after finishing a stint as project assistant of the Toronto chapter of the Chinese Canadian National Council (CCNC).

Teresa has devoted much of her career in social services. At the CCNC, part of her task was providing information and counselling to Chinese students in the area of immigration, skills training, employment and community

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integration. As an adult recreation worker at the Woodgreen Community Centre of Toronto, she planned, developed and implemented recreation programs for immigrants and coordinated and supervised volunteers. She counselled union members on benefits and employment rights and processed their applications for benefits when she was with the International Ladies Garment Workers' Union. At the same time, she also provided administrative support.

Before coming to Canada, Teresa was a social worker for about four years in Hongkong where she provided counselling and coordinated services for the elderly.

GOING CHRISTMAS SHOPPING? BE CAREFUL...

At this time of year, we're all busy christmas shopping for friends and family. It is important to remember to pay for every item selected from a store before passing the cashiers' counters.

It is standard policy of stores to prosecute in the criminal court any person who leaves the store without paying for an item.

Even if that person is able to pay for the item after being caught, the store security will press charges.

It is also a criminal offence - fraud - to change or put a different price tag on an item purchased.

If convicted for shoplifting or fraud, a person will have a criminal record. A criminal record will make it difficult for anyone to find new employment, leave and enter Canada, or become a Canadian citizen. If someone in the FDM is charged for the above crimes, her status can be affected and she may not be able to look for work until after her case is settled.

Persons who have been convicted of a crime can apply to have their names cleared of a criminal record only after five years of the conviction.

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