

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

December 1993



(INTERCEDE) 1

WHAT TO DO IF YOU ARE SEXUALLY ASSAULTED

Sexual assault is defined under the law as any unwanted act of a sexual nature, including rape and any other unwanted fondling or touching. Sexual assault of any kind is a crime whether in a marriage or a dating relationship.

Statistics show that almost all sexual assaults are committed by men against women or girls. More than half of all sexual assaults take place in private homes and by someone known to the victim.

The Live-In Caregiver Program (LCP) perpetuates this vulnerability by forcing domestic workers who are mostly women of colour to live in the home of their employers for at least two years while meeting the requirements for Permanent Residence.

This relationship of servitude when combined with its racial overtones and forced temporary status leaves domestic workers particularly vulnerable to sexual assault.

If you are experiencing any unwanted touching or gesture of a sexual nature that makes you feel uncomfortable or if you have been raped it is important that you know your rights.

Sexual assault is against the law. You have the legal right to report the abuse and to leave the abusive situation. You have the legal right to seek medical attention and to take time off of work to attend to your medical needs. You cannot be deported for asserting these rights.

If you choose not to get the police involved make sure to keep a record of each time the abuse occurs so that it may be used as evidence should

you wish to make a report. Make sure to include the date, time, what happened, where it happened (ie. what room), and any other relevant details in your records.

Talk to someone about your experience. Call a friend, counsellor, the Rape Crisis Centre, Assaulted Womens' Help Line (tel no. 863-0511) or your doctor.

The Toronto Rape Crisis Centre (TRCC) (tel. no. 597-8808) provides free and confidential counselling and they have a 24 hour crisis line that you can call. The centre is committed to providing culturally sensitive counselling to all women and they also offer groups for female survivors of rape and incest.

You can contact the TRCC to report what has happened to you and they will keep a record of the incident for you as well. This will be further evidence of your credibility should you decide months later that you wish to report the sexual assault. When the police ask you why you did not report sooner, you can add that you did report it to the TRCC.

However, if you are sexually assaulted or raped it is absolutely essential that you receive medical attention as soon as possible. Even if you are not ready to report it to the police immediately you should have a Forensic Test done as results can be used to substantiate your report should you change your mind.

A Forensic Test needs to be done within the first hours of the assault. Its best that you do not take

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Come to INTERCEDE monthly meeting on Sunday, December 5, 1993, 3-5 p.m. at Cecil Community Center, 58 Cecil Street

2-3 p.m. New member application and renewals. Members with ID numbers **92-1715 to 92-1762** must renew or be dropped from membership list.

3-5 p.m. Christmas Party
Exchange of gifts (not less than \$5.00)

CLASP LEGAL CLINIC WILL NOT BE AVAILABLE

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a shower as they will examine you for traces of semen, body hair etc. They will also keep the clothes you were wearing as evidence. This is an uncomfortable process and you may want to request for a friend to be with you.

At the Women's College Hospital the evidence they collect can be kept frozen for up to 6 months should you decide you want to report it to the police.

It is also important that you be tested after the assault for any Sexually Transmitted Diseases (STD's) and treated if necessary. You can request the "morning-after pill" from the attending physician. This is a hormonal pill to prevent pregnancy and must be taken within the first 72 hours of the assault.

If you decide to report the sexual assault to the police you can call the precinct closest to you and ask to speak to someone in the Sexual Assault Division. Two police officers will meet with you and will take a statement of what happened. Make sure to write down their names and to get their badge numbers.

You have the legal right to read over what was written down in their report or to ask them to read it to you before signing the statement. You have the legal right to refuse to answer questions that are irrelevant to the charge of sexual assault such as, are you a virgin, do you have a boyfriend, how long have you been in Canada, have you been raped before, etc.

Once you have signed the statement the sexual assault is now viewed as a crime against the state and you become a witness to the crime. A sergeant will follow up on the report and decide whether or not charges should be laid and the abuser arrested.

If charges are laid, it's a long process which could easily take two years. During this period it's really important that you get support and know that you do not have to go through it alone.

It is important for you to know that if you decide after to drop the charges you could possibly be charged with mischief by the police.

You can contact INTERCEDE and they can provide you with support, information and referrals that can assist you and help you prepare for the court process.

When sexual assault occurs you need to begin the healing process. Don't allow the offender to destroy your spirit and to further isolate you from all life has to offer. He's not worth it. Even if you don't lay charges or get a conviction, talk about what happened, talk about your feelings, join a support group, get help.

(Thank you to Nadene Elliott of the TRCC for her presentation at INTERCEDE's November monthly meeting.)

(Continued from November issue)

ANNUAL REPORT DETAILS INTERCEDE SERVICES

From April 1993 to March 1994, the INTERCEDE Service Unit received a total of 4,061 inquiries about employment and working conditions.

Specifically, the questions were about calculation and payment of wages, and about underpayment or non-payment of overtime. Although required under the Employment Standards Act, rarely do workers receive any statement of pay with their salary.

There were 497 queries about vacation and holidays. Rumors persisted, for example, that domestic workers would not be issued visas to come back to Canada if they visited their home countries. There were complaints about not being given their free periods and paid holidays.

231 calls were about termination of domestic workers. They complained of being terminated without notice, termination for being sick, injured or pregnant; they were confused about procedures to follow to get new employment; they also often confused "release" letters for reference letters from their employers.

We had the highest number of calls this fiscal year, 428, from domestic workers looking for employment or unemployed for months at a time. Prospective employers were having more difficulty getting offers of employment approved by Canada Employment because of the "caregiving" requirement of the LCP, which meant workers were taking longer to find new jobs.

The mandatory live-in requirement was the subject of 554 complaints, ranging from poor ventilation, being forced to sleep in the room of children they cared for, being on-call throughout the night, lack of privacy, restrictions in their diet, having no lock to the room or no key to the house. In addition, workers complained of indignities and inhumane treatment.

For the fiscal year, we only had a total of 12 claims filed with the Ministry of Labour. Most women were discouraged from filing any formal complaint because of fear of reprisals from employers and of jeopardizing their landed status applications. Besides, they are dependent on an employer's good reference to be able to find new employment.

We wish to thank the Employment and Immigration Canada (Immigration Settlement and Adaptation Program); Secretary of State, Multiculturalism and Citizenship; Ontario Ministry of Citizenship; Ontario Women's Directorate; the Municipality of Metropolitan Toronto (Community and Social Services); and the City of Toronto Grants Review Board for their continuing support.

Tax questions preoccupied 405 callers, many complaining of not receiving T4s from employers or getting incorrect ones. We got frequent reports of employers not declaring the correct salaries being paid to their workers and under-remitting taxes to Revenue Canada.

Health-and OHIP-related inquiries totalled 352, mainly about expiry and renewal of health cards and concerns about losing coverage due to delays in receiving renewed work permits or Minister's permits. 110 calls were about housing needs and tenants' rights.

Stress-related problems frequently accompanied complaints or inquiries. The live-in condition and temporary status take a heavy toll on domestic workers' mental and emotional well-being. Women suffered frequently from back and joint pains arising out of extended and heavy physical labour; a number did not bother about filing accident reports to the Workers' Compensation Board, even if they had the right to; a number of women were suffering from depression and a few hinted at being suicidal.

55 calls were explicitly complaints about sexual assault and harassment; while 17 calls were about racist treatment. Sexual abuse complaints included use of explicit sexual language by male employers, a male employer walking unannounced into the worker's unlocked room, and sexual touching.

Racism was a complaint heard particularly from Caribbean workers, whether about racist language or being denied employment because employers or employment agencies specified a preference for hiring Filipinas.

The low number of calls related to sexual abuse and racist abuse, though 30 more than last year, does not reflect a realistic picture and accurate estimate of the actual occurrences of these abuses. Clearly, immigra-

tion conditions and lack of enforcement of employment laws do not encourage domestic workers to report abuses by their employers.

(This is an excerpt from the 1992-1993 Annual Report by Fely Villasin, INTERCEDE Coordinator)

MEET MY FRIENDS:

CELIA FELIPE AND MILA BATUNGBAKAL
by Coco Tarape-Diaz

Celia and Mila are foreign workers who arrived in Canada as domestic workers. They came as temporary workers in excellent health. The families that employed them as live-in babysitters and housekeepers recommend them as excellent workers.

Celia was declared medically inadmissible and denied landed Immigrant Status by the Canadian Immigration Centre in Edmonton on January 6, 1993. She was diagnosed with breast cancer and was treated with chemotherapy and radiation at the Cross Cancer Institute. Her doctors from the Cancer clinic stated that she has been in complete remission since the spring of 1991.

Celia completed the requirements for Permanent Residence and had filed an application. Unfortunately, Canada Immigration denied it.

Friends and supporters of Celia feel she should be given special consideration and granted permanent residence under the current Live-Caregiver Program.

INTERCEDE joins Celia's friends in asking for justice to be done in her case.

Mila Batungbakal decided to go home to the Philippines to be in the company and comfort of her parents and relatives after her treatment at the Toronto-Bayview Regional Cancer Centre.

Mila arrived in Canada in November 1991 to work as live-in caregiver and her employment was terminated when she was diagnosed with cervical cancer. After several treatments, Mila's health improved. She was

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DID YOU CHANGE ADDRESS?

Please inform us by phone or mail so that you can continue getting your newsletter and we don't waste up to \$43 in postage expenses for returned mail!

TO ALL SUBSCRIBERS (Does not apply to current members)

INTERESTED TO CONTINUE RECEIVING THIS NEWSLETTER? SEND THE FORM BELOW WITH PAYMENT.
IF NO RENEWAL SUBSCRIPTION BY END OF DECEMBER, WE'LL REMOVE YOUR NAME FROM OUR MAILING LIST.

RENEWAL SUBSCRIPTION NEW SUBSCRIPTION CHANGE OF ADDRESS

MAIL TO : INTERCEDE, 489 College St., Suite 402, Toronto, Ontario M6G 1A5

Please send *DOMESTICS' CROSS-CULTURAL NEWS* to:

NAME : _____
ADDRESS : _____
CITY/PROVINCE : _____
POSTAL CODE : _____ TELEPHONE : _____

YEARLY SUBSCRIPTION RATES :

INTERCEDE Members :	FREE	Non-member Domestic :	\$20.00
Non-Profit Organizations:	FREE	Others	\$25.00

able to find a job for a very short period, that entitled her to an extension of her Employment Authorization and Health Insurance coverage.

Mila again underwent chemotherapy and radiations before she decided to return to the Philippines.

Being an advocate for domestic workers, INTERCEDE feels that there should be more consideration given to these exceptional situations. Considering that these women have worked under the Program and that they have met the requirements for landing, it is unfair to throw them out of the country because they took ill in Canada.

QUESTIONS AND ANSWERS

Q. I am a domestic worker and I have been in Canada for one year. I am 3 months pregnant and my boyfriend said I do not have to worry about my status anymore because my child will be a Canadian Citizen. Is he right?

A. No, under the Live-In Caregiver program domestic workers are expected to do two years of domestic work in order to be eligible for Permanent Residence. Getting pregnant and having your child born in Canada is not one of the eligibility criteria for Permanent Status.

Q. I entered Canada under the LCP in June 1991 and have completed 20 months of domestic work. I am currently 2 months pregnant and would like to stop working. Is there any restriction on the time period in which I have to complete the two years of domestic work?

A. Yes, you must complete your 2 years of domestic work within a three year period from your entrance into Canada under the LCP. If you entered in June 1991 you must do your remaining 4 months before the deadline to be qualified for landed status.

Q. I have done one year of domestic work already and have had a baby. My employment authorization will expire soon. Will it be okay if I find a job as a live-out?

A. No, under the LCP you are required to live-in the home of your employer until you have completed your 2 years of domestic work and have been ap-

proved in principle for landing. You will therefore need someone to look after your baby or to find an employer who will allow you to keep your baby at work. If you do not find an employer before your permit expires, you will still need to apply for an extension.

Q. Will I qualify for maternity benefits or unemployment insurance if I am pregnant?

A. If you meet the necessary requirements, you may qualify for maternity benefits and unemployment insurance. Do contact INTERCEDE for information and assistance.

Q. What should I do if there is an error in my landed immigrant document when I go to pick it up?

A. Make sure there is no error on your landed immigrant document before you sign receipt of it and leave the Immigration Centre. For example, if you are married and it says single, you must inform the Immigration Officer to change it before you sign the landed document.

MARK YOUR INTERCEDE CALENDAR

Reunion Hispana

CHRISTMAS PARTY
Domingo, el 12 de Diciembre 1993
2 - 5 p.m. CAW Office
Llame a Coco

CHINESE GROUP

English Class with Rebecca Chong
Sunday, December 19, 1993 4:00 - 5:00 p. m.
L'Amoreaux Community Center
Call 324-8751 to confirm

INTERCEDE Bowling Sundays

Thorncliffe Bowlerama - 1:30-4:00 p.m.
Call 324-8751

INTERCEDE SERVICE UNIT

Place: 489 College St., Suite 402, Toronto, Ont.
Time: Monday-Friday, 9 am - 4 pm
Tel: (416) 324-8751 Fax: (416) 324-8790

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c/o INTERCEDE

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FIRST CLASS