

DOMESTICS' CROSS-CULTURAL NEWS

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

February 2003

Toll Free 1-877-483-4554



UN RIGHTS EXPERTS SALUTES ADOPTION BY TIMOR LESTE'S PARLIAMENT OF MIGRANT WORKER'S CONVENTION

The following message was issued on December 11, 2002 by the Special Rapporteur of the United Nations Commission on Human Rights on the question of the human rights of migrants, Gabriela Rodriques Pizarro:

On December 10, Human Rights Day, the National Parliament of Timor Leste adopted the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Timor Leste's ratification will be the twentieth, finally bringing the Convention into force. This is great success for all those who have voiced the suffering of migrants and who have campaigned for the establishment of an international legal framework for the protection of the human rights of migrants.

The Convention offers a holistic approach to the human rights of migrants and summarizes in a single instrument a broad gamut of rights, including civil, political, economic, social and cultural rights. The Convention also takes into account all the aspects of the migration process so as to protect effectively the victims of abuses in countries of origins, transit and destination, be they regular or irregular, documented or undocumented. The Convention also plays an important role in preventing and eradicating exploitation, trafficking and smuggling of migrants.

The Convention, besides establishing some obligations for States party vis a vis migrants as individuals, also provides that States will cooperate in the formulation of migration policies and in combating irregular migration; will provide information to employers, workers and their organizations about policies, laws and regulations relating to migration; and will provide assistance to migrant workers and their families. This is of crucial importance as I believe that protection of the human rights of migrants is closely linked to migration management and must be addressed in such context. Migration is a dynamic phenomenon involving a great number of actors. States of origin, transit and destinations have a shared responsibility to ensure a comprehensive and dignified response to the problems faced by migrants and social, cultural, economic and other challenges related to migration.

As human rights are at the heart of migration, human rights must also be at the heart of any migration management debate. As there is a growing recognition of the fact that contemporary migration is a process to be managed in a comprehensive manner, I would like to stress that such process must also be based on the wealth of existing international human rights norms, principles and standards, including the Convention.

Today we celebrate an important achievement in the struggle for the human rights of migrants. The entry into force of the Convention is a strong signal that the human dimension of migration can no longer be overlooked. I trust that today will mark a renewed commitment of Governments, NGOs, international organizations and the civil society at large to make the human rights of migrants a reality.

(extracted from United Nations Press Release)



Mark Your Calendars:

February 22, 2003

1:00 – 5:00 p.m. – **Caregivers and Ontario
Employment Standard Act (Report Back)**
Metro Room, Ramada Hotel

February 22, 2003

7 p.m. – 1 a.m. - **Post Valentine Dinner Dance**
Essex Room, Ramada Hotel
300 Jarvis St., Toronto, ON

**March 21, 22 & 23, 2003 - Domestic Workers &
Caregivers National Conference**

*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, February 2, 2003 3-5 p.m.
At Cecil Community Centre, 58 Cecil St.
(one block south of College cor. Spadina)

Newcomers and Money Management

Guest Speaker, Mr. Stephen Boujikian
Settlement Counsellor, OASIS
Canada Immigration and Citizenship

The Absentee Vote (for overseas Philippine Citizens)

THE CLEANSING FACTOR IN OUR ELECTORAL PROCESS

(Explanation of the affirmative vote of Senator Nene Pimentel on October 21, 2002 when the Absentee Voting Bill passage in the Philippine Senate) Continued from November issue.

Already a compromise

Limiting the vote of overseas Filipinos to the presidential, vice presidential, senatorial, and party-list candidates is already a compromise. A compromise that is based on the practical consideration that it would result in an administrative nightmare if the vote would be immediately granted to the overseas Filipinos – at least for purposes of the 2004 elections – also for members of the house of representatives and local government officials. To reduce the number of officials for whom the overseas Filipinos could vote for as suggested elsewhere is to water down their right to vote for their representatives even further for reason that are more imaginary than real.

Eternal right under law

I vote in favor of granting our citizens abroad the right to vote for eternity as long as they comply with the requirements of the law. To allow them to vote only in the 2004 elections and the require congress to revalidate their right to vote by another act of congress is an attempt to stand the presumption of regularity in the exercise of a right granted by law on its head. The presumption should be in favor of the continuing exercise of their right of suffrage pursuant to the bill under consideration once it becomes law. If the law would subsequently need amendment, then by all means it should be amended forthwith by congress, as the demands of experience would show.

Electronic vote

I vote in favor of granting our citizens overseas the right to register and to vote via electronic means. It is a fact of life that safeguards already exist to ensure the integrity and validity of million dollar contracts done through the Internet or electronic means. The same safeguards could very well cover the registration and voting of Filipinos overseas by electronic means. The Commission on Elections should be allowed to do its work to forestall by appropriate rules any act that would make a mockery of the right to vote not only of overseas but of all citizens. To this end, I suggest that the Comelec take into account the provisions of certain bills now pending in the US Congress that seek to upgrade and purify the election process in that country.

Against dagdag/bawas

I vote in favor of the bill to grant overseas Filipinos the right to vote because having been a victim of dagdag/bawas, I am certain that they would exercise more caution and be more careful and a lot more free in choosing the people whom they would place in positions of power in the office of the president and the vice president, in the senate and in the house as their party-list representatives. Having seen how good (or bad) governance affects their host countries, they could be expected to vote for people they believe would govern their home country well. Moreover, because 2004 would hopefully be the first time their right of suffrage would be exercised, overseas Filipinos could organize themselves to help ensure that the overseas registration process and the election vote would be free of fraud and other forms of manipulation that would subvert that right. Having watched and participated in electoral exercises domestically for more than 30 years now – including the martial law years - I can

say with some degree of authority that clean elections take place not only because laws and rules require the elections to be clean but more so because the people themselves make the elections clean by their vigilance.

Free vote

I also believe that having acquired some financial independence, they would be less prone, if not totally immune to the blandishments of peso politics. And since they are abroad, it may be safely assumed that they could hardly be subjected to pressure intimidation of bullying by political warlords in the provinces, cities, municipalities or barangay of the land.

Cleansing element

In brief, I believe that the overseas vote of the Filipino would be the cleansing element needed to purify our election process. I, therefore, cast my unequivocal “yes” vote to enfranchise the overseas Filipino for the 2004 elections and succeeding ones.



INTERCEDE PROVIDES CHRISTMAS CHEER

INTERCEDE's annual Christmas Party, which took place on December 1, 2002 was a huge success. Members and friends who attended, participated in singing Christmas carols, games, gift exchange, and taking pictures. The party was a potluck and there was an array of delicious food provided by INTERCEDE members and staff.

The major highlight of the party was our guest speaker, Ms. Jean Augustine, the first Black woman to become a member of Canadian Parliament. She shared with everyone about her journey coming from Grenada to Canada, from working as a domestic worker to becoming the first Black woman in Canadian Parliament. Also, Ms. Augustine spoke about being a past member of INTERCEDE. She said that INTERCEDE does excellent work because it provides an environment to give newcomers leadership skills, to share stories, and take action. She continued to say that INTERCEDE validates the work of caregivers, and recognizes the various impacts on newcomers who possess temporary work permits.

In addition to Ms. Augustine speech, she also presented the certificates to those who participated in INTERCEDE's Third Advocacy & Leadership Training.

We at INTERCEDE thank everyone who attended!!!



KEY PROVISIONS UNDER THE ONTARIO EMPLOYMENT STANDARDS ACT (6th of a series, continued from Aug.-Dec. issues)

On September 4, 2001, a new Employment Standards Act (ESA) took effect in Ontario. This is the sixth installment of a series, begun in August, in which key provisions of the ESA are explained for the information and protection of domestic and caregiver workers, whether live-in or live-out, and whether they are still or no longer under Immigration's Live-in Caregiver Program.

Emergency Leave

Emergency leave (also known as sick leave) is unfortunately not covered under the Employment Standards Act for live-in caregivers and domestic workers. To qualify for emergency leave under the ESA you must be employed with an organization that employs fifty or more people. Therefore, live-in caregivers and domestic workers are not entitled for sick leave under the ESA, however this does not mean that as a caregiver or a domestic worker you cannot receive emergency leave, you just have to discuss it with your employer.

Pointers on Emergency Leave

- When negotiating for your emergency leave with your employer you should ask for 10 days paid leave for one year. Some employers may think this is too many days, but try to advocate to an agreement that you consent to.
- Once you and your employer have negotiated your emergency leave time, you should get this agreement in writing and include it in your contract. *only sign the agreement if you agree with the terms and conditions stated about your emergency leave.
- Remember when it is time to take your emergency leave inform your employer the reason of your absence.

Emergency leave should be given when there is:

- A personal illness, injury or medical emergency

- The death, illness, injury or medical emergency of significant others
- An urgent matter that concerns yourself or significant others

RECORD OF EMPLOYMENT

If you leave your job your employer must provide you with a Record of Employment (ROE). A ROE will indicate how many weeks you have worked and how much you have earned. It is very important that you get this document and keep it in a safe place because you will have to include your ROE when applying for permanent residence. The ROE is proof of the length of time that you have worked. It is not a letter or a note written by your employer, but a one page document your employer fills out provided by HRDC.

Your employer **cannot** refuse to give you a record of employment. If your employer is being difficult, and not giving you a ROE you can contact your local HRDC and get the Investigation and Control Officials to call your employer and getting your ROE.



ANITA'S CORNER:

Q I submitted my application for permanent residence and open work permit on August 2002. I paid \$475.00 for processing fee, \$975 for Right of Landing fee and \$150.00 for my Open Work permit.

On December 16, 2002, CIC in Alberta informed me that I should pay an additional \$75.00 processing fee for my application for permanent residence.

I am now confused, how much is the processing fee for permanent residence application?

(Continued next page)

This is your invitation to

INTERCEDE POST VALENTINE DINNER DANCE

Saturday, February 22, 2003

7:00 p.m. - 1:00 a.m.

Essex Room , Ramada Hotel

300 Jarvis St., Toronto, ON

Hot Buffet served

7:30 - 9:30 PM

Cash Bar

By Reservation only, please call:
Genie at 416-483-4554 ext. 21

Ticket \$35.00

Attire: Semi-formal

A When the new Immigration Law was implemented on June 28, 2002, it was stated in the Live in Caregiver Application kit for Permanent Residence that the processing fee for permanent residence was \$475. Later, it was changed to \$550, which is why those who paid \$475 processing fees for permanent residence were asked to make additional payment of \$75.

Q How do caregivers qualify for public holiday pay?

A Caregivers and other employees can qualify for public holiday pay if "they work all of their regularly scheduled days of work before and after the public holidays", (unless they can show reasonable cause for failing to work.

However, the "regularly-scheduled days of work before and after the public holiday" don't have to be days right before and after the holiday.

For example: if an employee is not scheduled to work the day right before or after the holiday, as long as he or she works all of the last regularly scheduled shift before the holiday and all of the first one after it or provides reasonable cause for not working either of those days

As per new Employment Standards Act which took effect on September 4, 2001, qualified employees can be full-time, permanent or on a limited term contract. **It does not matter how recently they were hired, or how many days they worked before the public holiday to be qualified for holiday pay.**



Words to live by...

Life is to have something definite to do –a mission to fulfill – and in the measure in which avoid setting our life to something , we make it empty. Human life, by its very nature, has to be dedicated to something.

J. O. Gasset

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



FREE JOB SEARCH WORKSHOP

FOR NEWCOMERS

When: Tuesdays and Thursdays
February 11, 13, 18 & 20

Time : ~~5:00 p.m. to 9:00 p.m.~~ 2:00 - 6:00 pm

Where: INTERCEDE
234 Eglinton Ave. East, Suite 205
(Eglinton & Mt. Pleasant)
Toronto, On. M4P 1K5

FOR CAREGIVERS

WHEN: Sunday

February 9, 16, 23 & Mar 2

TIME : 11:00 a.m. to 5:00 p.m.

WHERE: INTERCEDE
234 Eglinton Ave E., Suite 205
Toronto, On, M4P 1K5

Please call (416)483-4554 ext. 21 to sign up.
Seating is limited.

Funded by Citizenship and Immigration Canada & sponsored by COSTI & OCASI

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
- Des Balce - JSW Facilitator
- Columbia Diaz - Settlement Counsellor
- Salma Saadi - Settlement Counsellor
- Anita Fortuno - Settlement Counsellor
- Genie Policarpio - Intake & Administrative Assistant

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