

DOMESTICS' CROSS-CULTURAL NEWS

INTERCEDE for the Rights of Domestic Workers, Caregivers and Newcomers

January 2005

Toll Free 1-877-483-4554



IMPROVEMENTS NEEDED TO LESSEN ABUSE UNDER LIVE-IN CAREGIVER PROGRAM

For the past twenty years, INTERCEDE, a non-profit community organization working with newcomers in Toronto, has been assisting women and men admitted to Canada as nannies, caregivers, and domestic workers under the Immigration Live-in Caregiver Program (LCP).

Consequently, INTERCEDE has been fully aware of the inhumane and slavery-like conditions described in the articles and editorial about Canada's Live-in Caregiver Program (LCP) which appeared in the Toronto Star on October 30, 31 and November 2, and again on December 5, 2004.

The Star articles have once again raised concerns about the exploitation and abuses, including sexual assault, experienced by foreign caregivers and nannies at the homes of their employers.

In reaction, Immigration Minister Judy Sgro has promised to "protect" them by considering the results of a review being undertaken by Human Resources and Skills Development Canada and the Status of Women Canada – a review which is supposed to be "looking to prevent the kinds of abuses" outlined in the Star stories.

This is all very well and good and about time.

But INTERCEDE has often stressed, and now again reiterates, that **the helplessness and vulnerability to abuse of LCP workers stem mainly from the requirements of the LCP itself.** That the Live-in Caregiver Program itself must be changed and improved if Canada is to live up to its human rights commitments and to its reputation as a human rights champion.

In a sense, the LCP, a federal immigration program which has been lauded by government bureaucrats and immigration "experts" as the best and, of course, cheapest model of a program for bringing skilled and other needed workers to Canada, is, unhappily, also the source of the abuse and exploitation heaped upon foreigners who come to care for our children, the elderly or disabled.

One has only to look at the tangle of requirements and regulations with which LCP workers must comply to understand how much power and control employers, employment/recruiting agencies, immigration officers, and even their own communities can wield over their lives.

To begin with, caregivers under the LCP are not admitted as permanent residents or landed immigrants the way other professionals and skilled workers are. They are in effect, migrant workers on a temporary one-year renewable work permit.

It will take them from three to four years to receive permanent resident status, after completing two years of live-in caregiver work within three years of arriving in Canada under the LCP.

This temporary status causes the state of insecurity, anxiety and vulnerability which characterize the life of caregivers in the LCP. They live lives of constant stress while striving to meet the requirements to become landed immigrants.

The temporary work permit system endows employers and employment agencies with extraordinary influence over the worker's destiny. This is because the work permit must specify the name of the employer in whose household the worker must not only work but also live in.

In effect, the continuity of the LCP worker's valid status in Canada is dependent on the employer's willingness to continue her employment, or on a new employer obtained by an employment agency.

Understandably, every LCP caregiver is focused on meeting the 24-month live-in work requirement within three years so that s/he will achieve the goal of permanent residency and thus begin the reunification of her family in Canada.

In anticipation of landed status, LCP workers will, and do, suffer almost any deprivation and abuse in the hands of employers. An employer conscious of the power s/he has over the fate of the caregiver who is obliged to live-in his household can be capable of the grossest violation of human rights and the most unscrupulous infractions of labour laws.

The Toronto Star articles give a few illustrations of such shameful deeds from the least harmful (such as forking out gambling money) to the most venal (such as rape, forced confinement and slavery) – all without much consequence for the perpetrators nor vindication for the victims.

Because LCP caregivers must live-in their place of work as a condition of continued valid status, they are not able to bring their families along and must suffer years, from five or more, of separation from their spouse and children. Caregivers have pointed to this forced separation as the worst violence against women they experience.

This requirement to live-in the employer's house is mainly why caregivers are commonly subjected to excessive hours of work, underpayment, and unpaid overtime. We can only guess at the economic contribution foreign caregivers have been making, individually to their employers in the form of unpaid work, and to the country in the form of cheap child and elder care, and yes, taxes – not only those they pay themselves, but also those paid by their freed up female employers.

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The Canadian Government is party to gouging of caregivers' meager minimum wage income by deducting employment insurance and pension payments which the temporary workers **have no right to**. Then there are the fees to renew work permits every year or every time the worker changes employer, as well as application and Right of Landing fees which are prohibitive and punitive for caregivers.

The demand for caregivers in Canada has been consistently high, and it will continue to grow as our population ages. However, the appreciation for people who give care to our children and elders, workers who are in such huge demand, is so badly rewarded with abuse, exploitation, loneliness for their loved ones, isolation and discrimination.

This is a crying shame that the Canadian government covers its eyes to and refuses to hear, an opportunistic way of responding to migrants' desperation for a better future in Canada. We have often heard the justification that the Live-in Caregiver Program gives those who would otherwise not qualify, a chance to become immigrants in Canada. But to the extent of discriminating against women and migrants, and violating their labour and human rights?

As a signatory to most of the United Nations' international human rights conventions and the Beijing Platform for Action, Canada must comply with its obligations starting with improving the Live-in Caregiver Program.

Canada can do this by allowing caregivers to enter Canada without discrimination as landed immigrants; eliminate the live-in condition for their valid status; issue generic work permits that are not dependent on a specific employer; and allow them to bring their families along.

Foreign caregivers are willing to come to this country to care for our most valued resources: our children and our elders. Let's give them the recognition they need, which consists of simple justice and fairness.



REMINDER FOR FILING INCOME TAX RETURN

Happy New Year to all of you! A new year has begun and it means you have to prepare your income tax return for the year 2004. Now is the time to ask your employer for your T4 form.

The deadline for filing your income tax return is **April 30**, but the earlier you file your return, the sooner you will receive a tax refund, if you are eligible.

It is important to talk to your employer about your room and board expenses. Especially if you are not receiving a pay slip that lists these expenses with each pay cheque.

Not all employers deduct room and board from your salary so be sure that this expense was actually deducted from your salary before you claim this expense. For further information, call INTERCEDE and talk to any of the counsellors regarding your income tax return.

INTERCEDE provides an free income tax clinic once a year, wherein accountants from the Association of Filipino- Canadian Accountants provide computerized income tax services at no charge to our members.

This year, the income tax clinic will be held on Sunday, March 20, 2005 at 234 Eglinton Ave. East, Ste. 405. Be sure to bring your documents such as your T4, any RRSP receipts from your bank, and other receipts for donation, prescribed medicines etc.

Call Genie at 416-483-4554 ext. 21 for further information about INTERCEDE's free income tax clinic.



On Sunday, February 2, 2005

INTERCEDE will be celebrating

Black History Month

at Cecil Community Centre, 3-5 pm
58 Cecil St. (one block south of College cor. Spadina)

All Members and friends are welcome

COCO'S CORNER:

Some health tips for caregivers whose bedrooms are located in the basement of their employer's houses:

- if the basement is damp or poor ventilation affects your breathing, do not hesitate to discuss these health concerns with your employer
- if the furnace is noisy and the sound interrupts your your sleep, request to transfer your room
- if you observe that you experience headaches, are sneezing often, and/or have difficulty breathing, visit a doctor immediately
- these physical reactions may appear during winter time when house is completely closed and the heater is constantly on
- install a smoke alarm and carbon monoxide alarm in the area
- if you detect or smell anything unusual, report it to your employer immediately

It is disturbing to note that numerous caregivers arrive in Canada without employers and in order to pay back loans to employment agencies, which facilitated their coming to Canada, they accept employment that may jeopardize their valid immigration status. This may result in:

- the inability to complete the required 24-months of live-in work within the 3-year period
 - increased vulnerability to exploitation and abuse if employers are aware that no legal papers have been signed
- Immigration does not consider "trial-based" work as valid and it is considered a violation of the Immigration Act if you work in Canada without an Employment Authorization.

My employment as a live-in caregiver was terminated and I was asked to pack up my belongings in the middle of the night. That night, my employers could not stop their baby from crying. The baby's crying lead to vomiting and was rushed in a hospital.

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The baby had been in my care the whole day and my employers accused me of giving medication to the child. They said I was caught on a hidden video camera and they reported me to the police.

I was confident because I knew that I did not administer any medicine without their consent. When the video was shown to me, I saw myself giving the child a piece of cereal as part of my motivational interaction. I explained that the different colours amused the child.

I have six-years experience working with children and reference letters from past employers that can be verified. I am a responsible person and have no intention to cause harm.

However, my employer told me that, 'she would deport me and I'd be returned to my home country and that there was no way that I would ever work with another family again.'

I lost my job. I am optimistic that I will move on from this experience with the assistance of the employment agency who referred me to the family and INTERCEDE.

In the future, I will encourage my employers to communicate with me directly if they have any concerns and to inform me if they decide to use video cameras to monitor my activities.

Q & A:

Q- I recently filed my application for Permanent Residence and requested for the concurrent processing of my dependents' papers (my husband and two daughters, ages 16 and 18 years-old).

My older daughter is due to give birth next month and I want her child to come with her to Canada. Will this delay the processing?

A- If your daughter is not married, you can inform Immigration of the birth of your grandchild and your intention to include the child in the processing of your dependents papers.

Provide a copy of the Birth Certificate and complete the application form, or submit a copy of your original application with the corresponding processing fee. It is recommended that you write a letter to explain your request. Call INTERCEDE for assistance.



This is your invitation to

**INTERCEDE
POST VALENTINE DINNER DANCE**

Saturday, February 19, 2005

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

**Essex Room , Ramada Hotel
300 Jarvis St., Toronto, ON**

Attire: Semi Formal

Hot Buffet served at 7:30 p.m.

Ticket : \$35

Cash Bar

Please call Genie at 416-483-4554 ext. 21 for reservation.

**INTERCEDE and
Kapisanan Philippine Centre**

Are inviting former participants of Leaderships and Advocacy Workshops to join Level II Training which will start in January 2005.

For more information call Bong at 416-887-6126 or Genie at 416-483-4554 ext. 21 .

HOLIDAY PARTY RECAP

On Sunday December 5, the Cecil Community Centre was the place to be as INTERCEDE staff hosted our annual pot luck celebration for members, families, friends and supporters.

There was good food, games, music and gift exchange. Coco Diaz did a wonderful job as M.C. for the evening. The highlight of the night was the Funny-Dancing Competition that was very popular with the crowd. 150 people attended our holiday party.

Our coordinator Fely Villasin gave a short speech on the Live-in Caregiver Program and addressed the false rumors going around regarding the possible changes to the program.



GREAT EXPERIENCE

By Grace Cabanlit

I have had a great experience participating in INTERCEDE's programs and services.

As a client, counsellors assisted me when I processed my immigration papers. I also received emotional support. I can still hear Ate Anita's words of encouragement. She would say to me with a smile, "Everything will turn out fine, just have patience and you will see".

I felt like someone was listening to me and I was comforted by her words of reassurance and fortunately things did turned out well in the end.

I had a lot of fun as a participant of INTERCEDE's Job Search Workshop (JSW). It was like going back to school and learning again. The JSW Program teaches and guides you on how to plan your career. It helps you become a stronger candidate when applying for a job. The things you learn are tools to help you build a brighter future.

Finally, I had a wonderful and colorful experience as a participant with INTERCEDE's Advocacy and Leadership Training Program. This program incorporates knowledge and emotional support into the learning process. The group was very supportive of each other as we shared our life experiences and learned the impact of power in society and how that can lead to oppression.

The training was very educational and made me more aware. Now I understand that we can get involved and advocate for equality without trampling the rights of others.





Jocelyn Espartero

INTERCEDE was a big help to me. I was a Chemist before I came to Canada under the Live-in Caregiver Program.

I was having problems getting job interviews before I attended INTERCEDE's Job Search Workshops. The workshops taught me job search strategies for caregivers and newcomers. When I revised my resume to a Combination Resume, I finally started to get invited to job interviews.

I look at my employment story as a long and winding detour. I had been studying chemistry, when a twist of fate landed me a job as an international Flight Stewardess. I ended up working for an airline in the Middle East for over a decade but I missed the school campus where I felt most at home. I saw how technology was changing the workplace, so I took some computer upgrading courses.

I continued my search for a niche where I would feel at peace with myself. Immediately after I got my landed status, I worked for eight months to get my Pharmacy Assistant certificate.

I am now working as a Pharmacy Assistant at Pharma Plus and I feel like I'm back on my feet. I was able to reclaim my confidence by using community resources like the Job Search Workshop Program at INTERCEDE, Employment Resource Centres, community technical colleges, and other services that are available to help newcomers upgrade our employment skills and education.



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 you membership - \$10.

FREE JOB SEARCH WORKSHOP

FOR CAREGIVERS & NEWCOMERS

WHEN: SUNDAY

January 22, 23, 29 & 30, 2005

February 6, 13, 20 & 27, 2005

March 6, 13, 20 & 27, 2005

TIME : 10:30 a.m. to 5:00 p.m.

WHERE: INTERCEDE

234 Eglinton Ave E., Suite 405

Toronto, On, M4P 1K5

Please call (416)483-4554 ext. 30 or 21 to sign up.

Seating is limited.

INTERCEDE

Address: 234 Eglinton Avenue East, Suite 405

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 - Part — Time Executive Director

Jo Alcampo — Interim Administrative Co-ordinator

Des Balce - JSW Facilitator

Columbia Diaz - Settlement Counsellor & Program Manager

Anita Fortuno - Settlement Counsellor

Bernice Small - Settlement Counsellor

Genie Policarpio - Intake & Administrative Assistant

We wish to thank: Citizenship and Immigration Canada - ISAP Program and Job Search Program; Ontario Status of Women; the Municipality of Toronto CSGP, Maytree and Trillium Foundations grant programs. for their financial support..



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