

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

July 1993



(INTERCEDE)

INTERCEDE / ILGWU Joint Study Says

NEED ESA CHANGES TO GIVE DOMESTIC WORKERS & GARMENT HOMEWORKERS EFFECTIVE ENFORCEMENT, UNION RIGHTS

In 1992 INTERCEDE and the International Ladies Garment Workers Union (ILGWU) joined together to do a research project to look at ways in which the Ontario Labour Law could benefit domestic workers and homeworkers in the garment industry.

Although the most recent changes to the Ontario Labour Relations Act gave domestic workers the right to organize into a union, they still find it very difficult to bargain effectively with their employers to improve their wages and working conditions. Garment workers also have similar difficulty with people contracting them to do work.

This research project was needed in order to investigate how domestic workers and homeworkers will be able to bargain together in each of their sectors to improve their conditions of work. So that rather than having the right to organize in name only, they could actually bargain as a whole sector across the province.

Both the wages and working conditions of domestic and homeworkers are now regulated by law, through the Employment Standards Act (ESA). Yet, these workers do not receive the same legal entitlements as most other workers in the province. It is because of their isolation in individual homes that Employment Standards have not been effectively enforced and why it has been so difficult to organize and bargain as a group.

Domestic workers are covered by the statutory minimum wage and are entitled to overtime pay but they have no right to refuse overtime and there is no limit on the number of hours they can be asked to work. A

1990 study by INTERCEDE shows that almost 44% of those surveyed received no overtime whatsoever. The wages of homeworkers are well below minimum wage and they work much longer than is permitted under the Industrial Standards Act.

There is nothing in the existing law to ensure that the room provided by the employer is acceptable because regulations in this area are still seen as an invasion of privacy and a violation of the sanctity of the home. If the Live-In Caregiver Program is going to force domestic workers to live-in, then Ontario employment law must recognize the home as a workplace where working conditions, including health and safety and minimum employment standards, are regulated and enforced as well as in other workplaces.

At present, in order to enforce Employment Standards, it depends on a domestic worker to make a complaint. However, the fear of losing their jobs, a place to live and of risking their chance to become landed immigrants, leave domestic workers afraid to make any kind of formal complaint.

To bring about better working conditions, a mechanism must be developed that would provide better enforcement of laws and that would lead to a broader-based model for collective bargaining.

Among the recommendations that came out of the project were to propose changes to Employment Standards in order to standardize terms and conditions of work for the domestic workers as a sector and the homeworkers as a sector.

Continued Page 2 - ESA Changes

The monthly meeting will be on Sunday, July 4, 1993 at Cecil Community Centre, 58 Cecil Street corner Spadina, from 3-5 p.m.

2-3 p.m. New Member Applications and Renewals. Members with ID numbers 92-1346 to 92-1454 must renew or be dropped from membership list.

3-4 p.m. "UNEMPLOYMENT INSURANCE AND YOU"
Speaker: Mindy Lopes,
Kensington-Bellwoods Community Legal Services

4-5 p.m. "HOW TO FILL AN APPLICATION FOR PERMANENT RESIDENCE"
(Those who have it should bring copies of the application form)
CLASP Legal Clinic will be open.

A tri-partite committee must be set up that would be responsible for enforcing and maintaining standards and to ensure that better standards are established. This committee would have equal employer and employee representation and a neutral government official.

A central registry should be set up for domestic workers and homeworkers where employers would be required to register their workers. The registry would be accountable to these workers and function as their agent in enforcing terms and conditions of employment and in dealing with any employment-related disputes if they wanted to be represented. Thereby, placing the employer under a legal obligation to deal with the registry, and not the domestic worker, to resolve a dispute. This registry could also establish group dental, life and accident insurance plans.

The research recommends basic changes to the existing labour law structure so that domestic workers and homeworkers have the same opportunity to benefit from better wages and working conditions through unionization and collective bargaining.

Legislative change was promised by the Minister of Labour in the fall of 1992. Lets hope he's up to the challenge of meeting the needs of exploited workers such as garment homeworkers and domestic workers.

Carol Salmon excerpted this story from a presentation made by Jan Borovy from ILGWU at INTERCEDE's June Monthly Meeting. Thank you, Jan, from INTERCEDE.

CHANGED ADDRESS?

Kindly call INTERCEDE or mail your change of address to continue receiving this newsletter. INTERCEDE is wasting over \$43 in postage expenses for returned newsletters!

To enter LCP

ONE YEAR WORK EXPERIENCE OR SIX MONTHS CAREGIVER TRAINING

An applicant can be admitted to the Live-In Caregiver Program (LCP) even without the required six months of formal caregiver training if she has one year experience related to the job she is applying for.

This change in the LCP admission requirements may take effect by September 1993 and was announced by Honourable Pauline Browes, Minister of State for Employment and Immigration.

The proposed amendment recognizes the relevance of a caregiver's work experience in order to do related work in Canada. LCP applicants are still required to complete the equivalent of Canadian Grade 12 level, and be fluent in English or French. But they can now have either six months full-time training related to live-in care or at least one year experience working as a domestic caregiver worker in order to meet the LCP entrance requirements.

Experience was a criteria for admission to the former Foreign Domestic Movement (FDM) program but was eliminated under the LCP that replaced the FDM.

Since news of the six-month formal training became known, INTERCEDE has been receiving complaints from members and relatives of applicants from the Philippines saying that expensive enrolment fees are

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.

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 JULY, 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 : _____

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TELEPHONE : _____

YEARLY SUBSCRIPTION RATES :

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

being charged for "six-month caregiver training" being advertised by an increasing number of travel companies and recruitment agencies.

INTERCEDE is calling the attention of its members, relatives of applicants, and migrant worker organizations in the Philippines to spread the news that from September, a one-year work experience can replace the six-month training criteria.

QUESTION AND ANSWER

Protection Against Employer Bankruptcy

Q. My employers terminated me because they were laid off and could no longer pay my salary. Before I left, my employers owed me two months' salary plus vacation pay. They assured me they would pay as soon as they recovered from their financial difficulties. But it has now been four months, they have not been able to pay, I remain unemployed and need money badly. Can I file a claim with the Ministry of Labour?

Answer: Yes, you can file a claim with the Ontario Ministry of Labour for unpaid wages and vacation pay. Once you send your claim, an investigation will be done and if your employers are found to indeed be incapable of paying your claim, you may be entitled for compensation under the Ontario Government's Employee Wage Protection Plan.

This program was established to help workers who are still owed wages as a result of their employer's BANKRUPTCY OR INSOLVENCY. It is designed to help workers to recover wages, vacation pay, severance and termination pay up to a maximum of \$5,000.

Please note that when you lose your job and are entitled to receive termination from your employer, it is treated as "earned" income under the Federal Unemployment Insurance Act (or UI).

About Passports

Q. I am a Filipino domestic worker with an incorrect name and date of birth on my passport. I want to make the corrections in my passport before I file my Application for Permanent Residence in Canada. What are the steps I need to take?

Answer:

- Prepare a written statement with details explaining the incorrect name and date of birth and bring it to the Philippine Consulate office. There you will sign a Sworn Statement (or affidavit) stating how you obtained the Passport bearing the incorrect name and date of birth.
- Prepare a letter authorizing someone (perhaps a member of your family) in the Philippines to obtain a properly authenticated Birth Certificate and have this letter of authorization notarized at the Philippine Consulate as well.

JOIN INTERCEDE TRIP TO NIAGARA FALLS

Saturday, August 14, 1993

9:30 am - 6:00 pm

Register and Pay at Sunday Monthly Meetings

For more information call 324-8751

INTERCEDE Members only \$10 - Show ID

- Send this Consulate notarized letter of authorization to your representative in the Philippines and instruct him/her to get an authenticated Birth Certificate. Fees are required in each of the following places:
 - Obtain an original copy of your birth certificate from the National Registrar, Bureau of Census and Statistics (Manila) or from the municipality of your birth;
 - Have this Birth Certificate authenticated at the Administration Section, Complaints and Investigation Office for Authentication in Malacanang.
 - Next, the Birth Certificate must be brought to the Authentication Office of the Ministry of Foreign Affairs on Roxas Boulevard.
- Submit authenticated original birth certificate, two passport photos, and your Sworn Affidavit to the Philippine Consulate in Toronto where your passport will then be amended with your correct name and date of birth. The fee for this service is \$27 (cash, money order or certified cheque) plus any Income Tax you owe to the Philippine Government.

Q. How do I renew my Passport?

Answer: Call your consulate office to find out the documents you need to bring, how many passport photos and how much the fee is. Usually you are required to apply in person if the Consulate is in the same city.

Filipino citizens are required to bring two passport photos, the old passport, and a T4 slip to determine the amount of Philippine Income Tax that is due (annual tax for Filipino domestic workers at regular minimum wage may be \$88). Passport fee is \$81 in money order, cash or certified cheque.

Q. What should I do if I lost my passport?

Answer: Contact your consulate for the steps to process a replacement, the documents, photos and fee you need to bring. Usually it is advisable that you report loss of passport to the Police so that you have a record to show proof of loss.

Filipino domestic workers need to bring a written police report from Police Records Bureau to the Philippine Consulate where they will execute an Affidavit of Loss notarized by the Consulate office. You will need to show copies of your birth certificate or of your lost passport, employment authorization in Canada, and provide two passport photos.

MARK YOUR INTERCEDE CALENDAR

Chinese Group Meeting

Sunday, July 17, 1993

10:30 - 12:30

Cecil Community Centre (Basement)

58 Cecil Street

Call 324-8751

Pilipinas Group Meeting

Sunday, July 17, 1993

1:30 - 4:30 p.m.

Cecil Community Centre (Basement)

58 Cecil Street

Call 324-8751

Reunion Hispana

Domingo, Julio 25, 1993

CAW Workers' Centre, 527 College St.

12 - 5 p.m.

Llame a Coco o Victoria, 324-8751

Caribbean Domestic Workers Meeting

Sunday, August 15, 1993

3-5 p.m.

Please register with Carol, 324-8751

INTERCEDE BOWLING SUNDAYS

Thorncliffe Park Bowlerama

from 2:00 - 4:00 pm

For more information, call 324-8751

ORIENTATION FOR DOMESTIC WORKERS

Live-In Caregiver Program

and Labour Protection

Sunday, August 22, 1993

10 am to 4:30 pm

Free Lunch provided,

Reserve your space at monthly meeting
or call 324-8751 to confirm place of meeting

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c/o INTERCEDE

489 College Street, Suite 402

Toronto, Ontario

M6G 1A5

FIRST CLASS

NOTICE TO ALL MEMBERS

INTERCEDE Annual General Meeting

Sunday, September 12, 1993

Cecil Community Centre

2-3 p.m. Registration

3-4 p.m. Business Meeting

4-5 p.m. Program

Guest Speaker: Sunera Thobani,

President, National Action

Committee on the Status of

Women (NAC)

5-6 p.m. Refreshments

*All with valid membership ID to July 1993 are qualified
to vote in the election of the Board of Directors.*

IMPORTANT PHONE NUMBERS

Canada Immigration Centre	973-4444
Educ & Skills Training Ctr, Labour Council	345-9312
Employment Standards Enforcement	326-7180
Immigrant Women's Health Centre	323-8986
Immigrant Women's Job Placement Centre	656-8933
OHIP	
Toronto	482-1111
Scarborough	1-800-263-3814
Mississauga	275-2730
Ontario Human Rights Commission	326-9511
Unemployment Insurance	730-1211
Workers' Compensation	927-9555
Revenue Canada (taxation)	869-1500

Toronto Rape Crisis Center (24 Hr line) 597-8808

Assaulted Help Line 863-0511

EMERGENCY HOUSING

Nellie's Hostel	461-1084
Evangeline's	762-9636

LEGAL SERVICES

Parkdale Community Legal Services	531-2411
CLASP (Osgoode Law School) Legal Clinic	736-5029
Kensington-Bellwoods Community Legal Serv.	363-0304
Metro Tor. Chinese & SE Asian Legal Clinic	971-9674
Toronto Workers' Health & Safety Legal Clinic	971-8832

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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