

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

July 1996



ENFORCING YOUR RIGHTS AS A DOMESTIC WORKER

Contributed by Jan Borowy, Parkdale Community Legal Services

Long hours, excessive duties and no overtime pay are just a few of the major work problems faced by many live-in domestic workers. Unfortunately, policy makers and society in general often do not view this kind of women's work as real work.

But, as a result of many years of struggle and protest domestic workers have won basic rights as real workers under the law. These rights and laws are set out in the Ontario Employment Standards Act and include the following:

- To be paid no less than the minimum hourly wage rate (\$6.85);
- To be deducted no more than the maximum amount for room and board per month (\$369.42 per month);
- A work week of 44 hours beyond which overtime pay or time off must be given at time and a half;
- Statutory holidays with pay after you have worked 3 months
- Vacation pay;
- Termination pay if you have worked more than 3 months and;

- A pay slip with your pay period, hours of work and deductions.

Of course, the key issue becomes how do you go about enforcing these hard won rights when your employers refuse to comply with the Labour Law. When working in isolation from other workers you don't hear stories of a domestic worker winning overtime pay from an employer. But, domestic workers do win cases, and employers have been ordered to pay wages owing, overtime, vacation pay, etc.!

Although no one wants to have to make a complaint against their employer for wages owing, it is important that you protect yourself should you find yourself in this situation. Keep records of your employment including the amount paid, the number of hours worked each day/week, when you worked and what you were doing if you worked overtime.

Making An Employment Standards Claim

Under the Employment Standards Act the onus is on the worker to enforce their rights by launching a complaint individually. The Ministry of Labour can only take action once a worker complains. Because many workers feel they will lose their job if they complain, they will usually wait until after they have left the job. And, the

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You Are Welcome

DOMESTIC WORKERS AND CAREGIVERS

Live-in or live-out, caregiving in hospitals or senior homes,
on temporary or open permit, immigrant or citizen

**YOU ARE WELCOME TO INTERCEDE MEETINGS EVERY FIRST SUNDAY
OF THE MONTH**

(if it falls on a holiday, meeting is on second Sunday of the month)

Next INTERCEDE Meeting

Sunday, June 07, 1996 from 3 to 5 pm.

Cecil Community Centre, 58 Cecil St. Cor. Spadina

Topic: **ALTERNATIVE METHODS OF DISCIPLINING A CHILD**

speaker: **Daniel Gana - Catholic Children's Aid Society**

2:45 - 3:00 pm Member Application & renewals of Member ID 95-0075 - 95-0092

3:00 - 5:00 pm CLASP Legal advice and INTERCEDE counselling available

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Ministry of Labour will not fine an employer or order the employer to follow the law and to give the worker their job back.

Nevertheless, there are ways to win back the money you have worked hard for. First, you make a complaint. Keep in mind that a complaint can be made even if you originally agreed to work for longer hours or for less than minimum wage. It is very important to include all monies you think you might be owed by your employer and to get help from a legal clinic or INTERCEDE. A legal clinic can help you fill out the Ministry of Labour complaint form and ensure you have claimed all your rights and your money. Legal clinics, like Parkdale Community Legal Services (416-531-2411) or CLASP (416-736-5029) can act as your legal representative for free.

Second, the Ministry of Labour appoints an employment standards officer to investigate your complaint. A fact-finding meeting will be scheduled where you, your legal representative, your employer and the employment standards officer meet to review your complaint. Both the employer and the complainant will be given an opportunity to tell their side of the story. Should the officer make a decision in the worker's favour, an order will be given to the employer telling them to pay what is owed.

The third step is the appeal. If the employment standards officer does not find in your favour or orders the employer to pay you a very small amount, you can then appeal the decision. The director of the Employment Practices Branch will then review the case and your appeal may be granted.

Basic Workers' Rights May Be In Jeopardy

As detailed in June's newsletter the Minister of Labour, Elizabeth Witmer, has introduced Bill 49 - the Employment Standards Improvement Act. A Bill which will in fact erode workers rights in Ontario, says the Employment Standards Working Group.

Some of the changes if passed will include:

- Limiting a worker's complaint to 6 months instead of 2 years, meanwhile the Ministry of Labour has 4 years to get the employer to pay the worker;
- Limiting the amount a worker can claim to \$10,000 and they have yet to announce the minimum that can be claimed;
- Advising workers to go to court instead of the Ministry of Labour;
- Employers having the right to negotiate lower employment standards if there is a union in the workplace, which will affect non-union workers as their employers may push for the same lower standards and;
- Introducing private collection agencies to settle workers' claims which may force workers to accept low offers as collectors push for quick settlement and pay-out;

Your support is needed now more than ever to join community campaigns to fight back. We cannot allow these changes to occur.

**BAD BOSS HOTLINE
760-5384**

Does your boss...

- Pay you less than \$6.85 an hour
- Not pay you overtime when you work over 44 hours per week
- Discriminate against you or others...

We want to hear your story.
We can tell you where to get help.
Your call will be kept confidential.

A project of the Employment Standards Working Group, a network of community legal clinics and community groups in Metro Toronto; c/o Parkdale Community Legal Services

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TO ALL SUBSCRIBERS since June 1995 (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, 234 Eglinton Ave East, Suite 205, Toronto, Ontario M4P 1K5

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

☆☆☆ CONGRATULATIONS and best wishes to Joan Grant-Cummings, long time friend, advocate and ex-president of INTERCEDE in her newly-elect position as President of NAC, The National Action Committee on the Status of Women. ☆☆☆

OHIP UPDATE

Over the last few months INTERCEDE has received several complaints from domestic workers who were refused an extension of their OHIP because they were a holder of an open employment authorization.

When INTERCEDE contacted the Ministry of Health we were advised that domestic workers under the Live-in Caregiver Program (LCP) are eligible for OHIP as long as they have an employment authorization that specifies their Canadian employer's name, states their occupation and has been issued for a period greater than 6 months.

Those domestic workers who have completed their requirements under the Live-in Caregiver Program and have received an open employment authorization must meet the OHIP eligibility criteria governing other foreign workers or applicants for landing.

The Health Insurance Act states that in order for a person who has submitted an application for landing under the Canada Immigration Act to receive OHIP, there must be confirmation by the federal Department of Citizenship and Immigration that the person has satisfied medical requirements for landing.

We were further informed that OHIP staff are not authorized to accept verbal information from any applicant. These tighter document requirements have been initiated by the Ministry of Health as one measure to prevent potential abuse.

Should you disagree with the Ministry's decision regarding your eligibility for OHIP, you have the right to appeal. Please contact INTERCEDE for further information and assistance.

INTERCEDE is opposed to any changes that will exclude domestic workers under the LCP from OHIP eligibility. We will continue to keep you updated on any further developments.

TIPS FOR RE-UNITING FAMILIES

by Coco Diaz

* Prepare your family abroad that you may be working a great deal and that you may not have a lot of time to spend with them and that you will need their help with household chores and cooking.

* You may also need to inform them that the money you

used to send to them at home will now be used up for a bigger apartment, food, and other necessities once they arrive.

* Make a list of the various places that can assist your husband and older children in finding a job or getting the necessary training ie. Canada Employment Centre, Employment Agencies, Newcomer organizations. Don't forget to use your own network of friends and contacts for job leads.

* Check your church, the newspapers and any community centres around you for activities that your family can join for free.

* For those whose children will be coming, contact the Board of Education to have their credentials evaluated to determine what grade or level they belong.

* You may want to buy temporary private health insurance beforehand for your family members because they will not be qualified for OHIP until at least three months after arrival.

* Be patient, your children may resent your attempts at discipline because you were separated from them for so long and your spouse may feel overwhelmed being in a new country with no job prospects.

* Prepare for being tired after a hard day's work and coming home to a family who needs your attention. So eat well and get a good nights sleep!

Reminder: INTERCEDE will be holding workshops for newly-reunited families, please contact the office at 416(483-4554) for further information.

DID YOU CHANGE ADDRESS ?

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

"LET'S TALK ABOUT WIFE ASSAULT AND VIOLENCE AGAINST WOMEN"

Facilitator: Martha Ocampo and Jo Alcampo of Pilipinas Support Network
Call 483-4554

LOOKING FOR A LIVE-IN JOB

Contact Alice at the
Canada Employment Centre
(416) 954-3111

YOU MIGHT BE MISSING SOMETHING IF YOU HAVEN'T JOINED YET...

INTERCEDE Caregivers Cooperative, Inc.
Giving our best service, Getting the best benefits
Call 486-0548

MONTHLY MEETINGS

Sunday, August 11, 1996

Topic: United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

Sunday, September 08, 1996

Topic: To be announced

CARIBBEAN GROUP MEETING

Call Carol for time and place

Call Tel. 483-4554

GRUPO HISPANA REUNION

Llame a Coco

Tel. 483-4554

HOW ARE YOU ADJUSTING TO LIFE WITH NEWLY-SPONSORED SPOUSES/DEPENDENTS?

Interested in group discussion with past and present domestic workers ?

Interested in group discussion among their children ages 10 to 20 ?

Call 483-4554

VANCOUVER CDWCR

Committee for Domestic Workers' & Caregivers' Rights
(an INTERCEDE Affiliate)

Contact Julie or Lorina (604) 874-0649

We wish to thank the Citizenship and Immigration Canada (Immigration Settlement and Adaptation Program); Canadian Heritage; Multiculturalism Program; Ontario Ministry of Citizenship; Ontario Ministry of Health; Ontario Ministry of the Environment; Ontario Women's Directorate; the Municipality of Metropolitan Toronto (Community and Social Services); the City of Toronto Grants Review Board, the Trillium Foundation, and United Way of Greater Toronto for their financial support.

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c/o INTERCEDE

234 Eglinton Ave. East, Suite :
Toronto, Ontario
M4P 1K5

FIRST CLASS

IMPORTANT PHONE NUMBERS

Canada Immigration Centre	973-4444
Canada Employment Centre	730-1211
Educ. & Skills Training Centre	
Labour Council	537-6532
Employ. Standards Enforcement	326-7160
Women's Health in Women's Hands	593-7655
Immigrant Women's Health Centre	323-9986
Immigrant Women's Job Placement Centre	488-0084
OHIP TORONTO	482-1111
SCARBOROUGH	1-800-263-3814
MISSISSAUGA	275-2730
Ontario Human Rights Comm.	326-9511
Unemployment Insurance	730-1211
Workers' Compensation	927-9555
Revenue Canada (Taxation)	869-1500
Centro Para Gente de Habla Hispana	533-8545

CRISIS LINE

Toronto Rape Crisis Centre - 24 HR	597-8808
Assaulted Women's 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 Services	924-4244
Metro Toronto Chinese & SE Asian Legal Clinic	971-9674
Toronto Workers' Health & Safety Legal Clinic	971-8832

INTERCEDE SERVICE UNIT

Place: 234 Eglinton Ave. E., Suite 205,
Toronto, Ont. M4P 1K5

Time: Monday-Friday, 9 am - 4 pm

Tel: (416) 483-4554 Fax: (416) 483-9781

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