

DOMESTICS' CROSS-CULTURAL NEWS

INTERCEDE for the Rights of Domestic Workers, Caregivers and Newcomers

July 2006

Toll Free 1-877-483-4554



HIGHLIGHTS OF CAREGIVER CONFERENCE REPORT

About 50 caregivers and domestic workers from Toronto and environs participated in an INTERCEDE conference entitled "From Victimization to Empowerment" from May 5 to 7, 2006. Joining them were representatives from Vancouver's two organizations, Committee for Domestic Workers' and Caregivers' Rights (CDWCR) and West Coast Domestic Workers Association (WCDWA). For this issue of our newsletter we are printing excerpts from two key sections of the Conference summary report.

Sharing: Caregivers' Experiences of Victimization

The first session (of the Conference) consisted of sharing and reflecting upon situations which had caused feelings of being victimized in different settings such as a place of work, in public spaces, in their own community, or in relation to government policies.

Workplace incidences involved demeaning attitudes or insulting words from co-workers, as well as bullying of women of colour by male colleagues. They mostly revolved around employers who violated agreements or reneged on promises which had dire consequences for the caregiver and her hopes of obtaining permanent residence. One participant who took care of three children related how her pay was often delayed and even just before coming to this conference she was waiting for her salary which was already one-week late but the lady employer did not show up as promised. This made her angry and frustrated.

One caregiver who worked for a family with five kids felt victimized for years by an employer who did not pay her overtime hours, vacation and holidays. When she dared to complain she was threatened with deportation. After contacting INTERCEDE she learned about her rights and bided her time. Once she finished her work contract and obtained an open work permit she promptly filed a claim for unpaid wages against the employer and won.

There were several instances in public places such as Toronto's transit system or the neighborhood grocery where women recalled being degraded by race-based stereotyping and insults. In most of these instances, they refused to take it and fought back. But even as they recounted these incidents, one could feel the heat of their anger and the depth of their hurt.

However, most stories of victimization found their source in Government policy and implementation, particularly the Live-in Caregiver Program (LCP) under Immigration. Following were some of these stories :

- "I felt victimized by the length of time and the delay it took to process the papers of my family members so that we could be reunited at last."
- "I am a victim of the LCP requirement that forces me to live in the house of my employers. Even though my work hours are fixed in my contract, there is nothing to stop them from making me work past my time. Because I am living in their house they think nothing of asking me favors, to do this or that, any time, even when I am already in my room resting."
- "We caregivers have to endure the 24/36 rule to obtain permanent residence status. (*LCP requires 24 months of live-in work within three years of arriving in Canada under the program before qualifying for permanent residence.*)"
- "Worse, if for some reason my spouse will not comply with any of the requirements, my application for permanent residence will not be approved. If the caregiver was already a victim of spousal abuse, this will victimize her over again. Or she will be at the spouse's mercy just so he would comply with Canadian requirements."
- "A caregiver works from 7:30 am to 7:00 pm even if her contract states her hours as 8:00 am to 6:00 pm. She is afraid to complain because her employer might retaliate or complain to her employment agency or terminate her. This means she will not be able

Attention:

There will be no Meeting in August

Sunday, July 9, 2006, 3-5 p.m.
At Cecil Community Centre, 58 Cecil St.
(one block south of College cor. Spadina)

***Information on Early Childhood Education
By Mothercraft Institute***

See you there!

All Domestic/Caregiver workers, Newcomers and those on Temporary Work Permit are welcome to attend

Apply for/renew your membership - \$10.

to comply with the 24/36 condition of the LCP. She is a victim of abuse because of this condition.”

- “How about those government fees? We have to pay \$150 to renew our permit each time we have to: when we change employer, or when the expiry date is up. We have to pay a fee to apply for an open permit at the same time that we have to pay \$550 to apply for permanent residence. Then if we are approved, we have to pay \$975 for the “right of landing” fee! (*This has been reduced to \$490 as of May 3, 2006*) Add the fees we have to pay for a spouse and children.”

- “A friend of mine paid for an open permit renewal fee just shortly before she received her permanent residence card. She did not need the open permit but she was not reimbursed for the \$150 she gave.”

“I work from 7 am to 9 pm and even though I get some extra cash, I still find it unhealthy to be working such long hours. Because of the LCP regulations caregivers have to suffer this way.”

Even in their own community they were victimized by employment agencies that charge exorbitant fees to find them new employers but do not care to inform them about their rights and even take advantage of caregivers’ vulnerability to the 24/36 rule. Even so-called friends are not exempt. “They pressure us into buying overpriced insurance policies, expensive jewelry or household goods, even funeral plots! That is if they are not borrowing money or defrauding us.”

Listening to experiences of victimization was cathartic but it set a tone to the proceedings of the following days, one of solidarity and unity among the participants that confirmed the need to reflect and analyze the context of their stories, the social barriers that breed intolerance and hatred and that perpetuate injustice. Everyone was primed to examine the source of victimization, to find out what was at the root of oppression.

[*Editor’s note: The Summary Report contains sections on Conference discussion of structural barriers that lead to victimization: Racism, Violence Against Women, and Immigration’s Live-in Caregiver Program*]

Action Strategy

The conference gave occasion for an intense discussion about the Live-in Caregiver Program (LCP) and what needs to be done.

No one among the participants wanted to “scrap the LCP.” This was expressed clearly and in no uncertain terms by those present.

If there is any “scrapping” to be done it may very well be to get rid of the 24/36 rule which has been causing much grief and anxiety among caregivers because it has proven to be unreasonable, inflexible and unjust.

If something must be done about the LCP they would much prefer the introduction of a generic work permit system, one not tied to a named employer and not needing to be renewed and paid annually.

If something must be done about the LCP they would prefer that the live-in requirement make way for a choice to live-in or live-out of their employer’s household or a choice to bring their families and avoid years of separation.

The only time they would agree to “scrapping” the LCP is if Canada recognizes that caregivers and domestic workers are skilled workers, if Canada acknowledges that the demand for their labour is high and increasing, if the government stops the continued discrimination against them as women working in the home, and if Canada does the right thing and starts to admit caregivers and domestic workers as landed immigrants.

Once caregivers and domestic workers are admitted to Canada on an equal basis as other workers who are in high demand, then perhaps there will be no more need for the LCP. That is the only time everyone can agree to “scrap” the program.

The following (*are some*) components of an LCP action campaign this year (*which*) will guide the work of our organizations:

1. Follow up the LCP Review undertaken by Citizenship and Immigration Canada (CIC) in 2005. We will complete a collective response to the summary of discussions and “positions” held during this review and call for government action on our recommendations.
2. A Legal strategy will be discussed among our organizations in view of bolstering our LCP advocacy. It may consist of individual cases that are brought against certain prohibitive conditions of the program or questioning the Program on grounds of contravening Canada’s international treaty obligations.

INTERCEDE

Fundraising BBQ

July 30, 2006, Sunday

(Please note date change)

11:00 a.m. - 5:00 pm

Earl Bales Park (North of Wilson)

Ticket Price: Adult - \$10 Child: under 8 - \$5

Support INTERCEDE Fundraising
Get your ticket now.

INTERCEDE CONFERENCE PARTICIPANTS

Please call INTERCEDE to order your copy of the

SUMMARY REPORT

OF INTERCEDE CONFERENCE 2006

APPRECIATING GOOD EMPLOYERS

Some caregivers have been wanting to satisfy the curiosity of their employers who wonder where they go on the first Sunday of the month and what INTERCEDE is all about and why their workers are proud of this organization. These caregivers also want to have a way of showing their appreciation for decent employers and to confirm that there are indeed good employers out there.

Cont. next page

This led to the idea of introducing INTERCEDE to their employers by inviting them to a fundraising dinner and giving them a chance to know the work we do. Caregivers feel fortunate when they chance upon employers who stick to the rules, pay them correct wages and treat them with respect especially when they hear horror stories from their friends who have bad employers.

"Caregivers who learn about their rights from INTERCEDE usually wind up with employers who know how to respect those rights. We want to show that we acknowledge and appreciate that," said Bernice Small, a Counselor.

The fundraising dinner dubbed "Take Your Employer to Dinner" will take place after INTERCEDE's Annual General Meeting on Sunday, October 1, 2006. It will be a Chinese Lauriat at the Bright Pearl Restaurant on Spadina Avenue. Invite your employer today and tell them to invite her friends. Tickets are \$50 each or \$360 for a table of eight.

"TAKE YOUR EMPLOYER TO DINNER"
INTERCEDE FUNDRAISER

Sunday October 1, 2006

7 pm

Bright Pearl Restaurant
346 Spadina Ave.

\$50 person

\$360 Table of eight

Prize draw and 60/40 raffle!

COCO'S CORNER

Recently I heard someone happily greet me on the telephone and remind me of her visits to INTERCEDE nine years ago.

Yes, Cecil was then only on her tenth month in Canada when we assisted her to file a case of sexual assault against her employer. Throughout her ordeal, I was with her. Her co-worker, a relative, even sided with the accused employer. The case was dismissed due to lack of evidence but it did not mean he was not guilty.

Cecil was frustrated, hurt and angry. She questioned how justice did not work for migrant women who are newcomers in Canada. The employer had family, friends and the money to pay for lawyers while the live-in caregiver was completely isolated with very limited resources.

But life had to go on. Cecil found another employer, met the requirements for Permanent Residence, got married and started a family. She forgave and tried to forget the treatment she received from the relative who betrayed her during her hour of need.

Two years ago, she applied for her Canadian Citizenship and in the process received notice that she had to clear her name from a criminal charge which the same employer had filed and which had also been dismissed. This time Cecil needed assistance on how to clear her name.

We informed Cecil of the following:

- a criminal record is created when a person has been charged whether found not guilty or convicted
- a criminal record exists in cases of acquittals, peace bonds, conditional discharges, withdrawn or dismissed and diversion charges
- Pardons Canada offers information, support, and guidance on

an applicant's steps and procedures for removing a criminal record

- Call for information or appointment at (415) 929-6011 (Pardon's Canada)

SCAMS, ABUSE INCREASING AGAINST FILIPINOS ON TEMPORARY WORK PERMIT?

By Anita Fortuno

On November of 2005, we met with a group of five men who arrived in Canada on a temporary work permit to work at a construction company for \$21.00 per hour. They had been recruited through an employment agency which charged them US \$4,500 each for "placement" fee.

On their arrival in Canada the employment agency told them that there was no job waiting for them. They were asked to work "under the table" at various construction sites in Toronto. When they refused to work illegally, the owner of the agency, who happened to be a lawyer, asked them to sign a piece of paper stating they were offered a job in a construction company which they have declined and that they expressed their desire to work for another company of their choice. It also stated that they had no claim and would not bring any action against the agency, its owner and her affiliates.

Confused and scared to be sent back to the Philippines, some of them signed this agreement while others stood firm on their demand for an explanation from the agency regarding their promised employment.

They came to INTERCEDE office for guidance and assistance which they obtained. Early this year, three of these men came back to tell us that they were still looking for an employer. Meanwhile the same agency contacted them again to offer a new "deal".

They were asked to pay taxes as if they had actually worked with the company that originally "brought" them to Canada. The agency would remit these to Canada Revenue Agency (CRA) to show that they had been employed since arrival until the present time. This would prove that they are working with the company so they can renew their work permit and stay legally in Canada for another year. They were asked for some \$4,000 for said taxes which would have been the amount deducted from them had they been truly working.

Furthermore, in order to renew their work permit they had to pay an additional \$4,000 for processing and placement fees to the agency. They were told that if immigration finds out that they are not working for the company that brought them here, they will be sent back home therefore, they should renew their work permit with the original "company".

The workers also informed us that they knew of more Filipino workers coming to Canada on Temporary Work Permit through the same agency and that the owner was in the Philippines recruiting more construction workers for Canada.

As workers apply to come to Canada on Temporary Work Permit, we are afraid that unscrupulous recruiters such as the agency described above will take advantage of their hopes and dreams by proliferating similar scams, using and abusing their fears to gain the almighty profit.

We call on the Canadian government, its immigration authorities, Human Resources Skills and Development Centre to immediately stop the abuse and exploitation of workers who are brought into the country on temporary permit to fill a demand for cheap labour.

CAREER BRIDGE

Career Bridge is an innovative internship program designed to address the dilemma of "no Canadian experience, no job; no job, no Canadian experience" that prevents many skilled immigrants from contributing to Canada's economy. It is a cycle most immigrants know all too well. It is especially frustrating to arrive in Canada equipped with education, training and experience in a professional field only to be shut out of it.

By providing them with their first Canadian work experience, Career Bridge eliminates significant employment barriers often faced by qualified, experienced professionals who are eager and ready to resume their careers in Canada. A bridge between industry and immigrants, the program places newcomers in a four-month internship program within a host organization committed to providing relevant work experience for the individual.

Employers register with Career Bridge as host organizations which offer internship positions. This internship program is a response to a concern that Canadian businesses often overlook or underutilize the talents of highly-qualified professionals who are recent arrivals.

Immigrants who wish to enter the program are pre-screened for language skills, educational qualifications and international experience. Host organizations then interview from a pool of candidates, confident that the candidates possess the basic requirements. Internships arranged through the Career Bridge program break the unproductive cycle and provide a crucial bridge between the international and Canadian workplace.

For more information about Career Bridge, visit www.careerbridge.ca

CARIBBEAN CONNECTION

The Caribbean Connection Black Support Group met on June 17, 2006, at INTERCEDE office to discuss plans for INTERCEDE's fund raising barbeque.

The barbeque will be held on July 30, 2006, at Earl Bales Park from 11 a.m. – 5 pm. The tickets cost \$10.00 and \$5.00 for children under eight years old.

If you were not able to attend our previous meeting and would like to purchase tickets for you and your family, please feel free to contact me as soon as possible because they are going like hot bread. (Bernice telephone no. 416-483-4554 ext. 22)

FREE JOB SEARCH WORKSHOP FOR CAREGIVERS & NEWCOMERS

WHEN: SUNDAY
July 9, 16, 23 & 30, 2006
August 6, 13, 20 & 27, 2006
September 3, 10, 17 & 24, 2006
TIME : 10:30 a.m. to 5:00 p.m.
WHERE: PROLEGAL
164 Eglinton Ave. E., 3rd Floor
(West of Redpath, Walking distance from Eglinton Subway station)
Please call (416)483-4554 ext. 30 or 21 to sign up.
Seating is limited.
Funded by Citizenship and Immigration Canada

INTERCEDE

INTERCEDE STAFF:
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Vicky Policarpio - JSW Facilitator
Genie Policarpio - Intake & Administrative Assistant

We wish to thank: Citizenship and Immigration Canada - ISAP and Job Search Program; the Municipality of Toronto CSP; and The Ontario Solicitor General's Office for their financial support.



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