

DOMESTICS' CROSS-CULTURAL NEWS

INTERCEDE for the Rights of Domestic Workers, Caregivers and Newcomers

June 2005

Toll Free 1-877-483-4554



WARNING TO LIVE-IN CAREGIVERS

By Anita Fortuno

Many employers like to hire on a "trial basis" before they file a request for Human Resources Skills and Development Canada (HRSDC) to approve their job offer. They want to find out first if you meet their expectations before they start the process of hiring you legally. In most cases, they want you to start working even while waiting either for HRSDC validation or before you receive your work permit.

This may be good for the employer but it is a big risk for you!

You should take into consideration the following factors:

1. Be aware that under the Live-in Caregiver Program (LCP) you are not allowed to work for any employer other than the one stated in your work permit. If you are caught violating any of the provisions of your work permit, it could mean loss of status which can lead to many problems including deportation.
2. You have to complete the twenty-four months live-in work requirement within three years of your arrival in Canada. If employers do not immediately request for HRSDC validated job offer, this could delay or prevent you from applying for permanent resident under the LCP.
3. If you work on a trial basis, you will have no protection under the Ontario Employment Standards Act, your employer can take advantage and exploit you, and you will have no way of claiming redress.

We have learned that HRSDC and Immigration Officers are calling the homes of prospective employers for whatever reason and if they find that you are there, you could be asked to justify why you are living in your "prospective" employer's home and proved to be violating the LCP.

To avoid this situation, tell your prospective employer that you are not allowed to work for them until you receive your work permit. If they insist or if they threaten not to hire you anymore, call Immigration Call Centre or HRSDC, and tell them your situation and give the name of the potential employer.

For more information and assistance, call INTERCEDE and ask to talk to any of the counsellors.



STORIES IN THE LCP

This is a continuation of a series of stories by and about women working in Canada under Immigration's Live-in Caregiver Program (LCP). Names have been changed to safeguard the privacy of those concerned.

I am 24 years old, a young woman full of resolve and hope that I will be able improve the lot of my family – my parents and seven siblings - by working in Canada as a caregiver.

Less than two months after I arrived in Toronto, I find myself in a women's shelter, with no employment, not a single dollar to my name, and no friends nor relatives to run to.

Fortunately I was able to contact INTERCEDE. What a stroke of good luck to have found a place where I can feel welcome and where I am getting the assistance I need in this hour of desperation!

Cont. next page

*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 for/renew your membership - \$10.

Sunday, June 5, 2005, 3-5 p.m.
At Cecil Community Centre, 58 Cecil St.
(one block south of College cor. Spadina)

Topic: Do You Want To Improve Your Skills?

***By: An Suye, Community Development Worker
Working Skills Centre***

See you there!

If not for this discovery, I would have made one big mistake already. Not knowing the prohibitions of the Live-in Caregiver Program (LCP), I promptly applied to work at a nearby McDonald's. I quickly learned that, unfortunately, I will have to confine myself to live-in caregiving jobs until I qualify for an open work permit. That's after I have done live-in caregiving for two years. And that's within the next three years of my life in Canada.

How did I get here? For two months I had been taking care of the children of a busy couple, both doctors, studying to be able to practice in Canada. They had hired me and brought me along from their country of origin. I never thought I'd be leaving them so soon. But I felt angry and had to go.

You see, my mother died three weeks ago and I wanted to go home for her burial. I asked my employers permission to do so and also asked for an advance on my salary. Not only did I need to pay for my fare but everyone was depending on me to pay for burial and other expenses incurred during such occasions.

No, they said, they did not have any money to advance. Besides I still had to pay a previous advance on my salary that I needed to send for my sick mother's medical expenses before she died.

So, I just had to leave them. Why can't I go home to bury my mother? I was not just angry, I was hurt most of all.

I called a counselor at INTERCEDE to seek advice about leaving the job. But I did not realize that my female employer was listening to this conversation. Right there and then, she told me not to wait any longer and to leave the house.

My counselor had talked to me about shelters where I could get temporary accommodation. But, before that, I had to ask the help of police to get my passport and other documents from the employer's house.

The shelter where I am staying now is an awful place. I find it chaotic and noisy – I have no privacy and feel fearful and isolated.

I am told that I have to look for an employer before I can find a better accommodation than this. But how much time will that take? Maybe two months to find a new employer, another two months for that employer to apply for a validated offer of employment, and another two months for my permit to be changed. And that's if I am lucky enough!

Meanwhile, I am at the mercy of strangers. I have a place to sleep but how about expenses for my food and for transportation while I am looking for work?

And what's more, once I do find an employer who is willing to hire me, I have to guard against working until I have received my work permit. But I am sure this employer will want me to work immediately! And I would want to have a better place to sleep. So what will happen? I will stay at this employer's house while

waiting for the validation of offer of employment and while waiting to get a new permit - I will work for this "prospective" employer with no right to receive any payment. Yes, like many caregivers have done before me, I will work for nothing except maybe a bed to sleep on.

Meanwhile, I have learned some valuable lessons:

- to make sure I set aside money for myself and not send all of it home, because who knows if I will be out of a job suddenly, like now?
- And to not advance any money from an employer because who knows how long it will take to pay it back?

(If you have any comments about this story, please write or call INTERCEDE.)



NEW COMMISSION ON FILIPINOS OVERSEAS (CFO) PROCEDURE FOR EMIGRANT SPOUSES, PARTNERS

The Commission on Filipinos Overseas (CFO), an agency attached to the Office of the President of the Philippines, has announced that effective April 4, 2005, new guidance and counseling procedures for spouses and other partners of foreign nationals will be followed. This was communicated to INTERCEDE by Jose Z. Molano, Jr., CFO executive director.

As you may be aware, the CFO conducts a guidance and counseling program as part of its programs and services for departing Filipino spouses and other partners of foreign nationals.

The counseling program of the CFO will now be conducted by the St. Mary Euphrasia Foundation—Center for Overseas Workers (SMEF –COW), a non-stock, pastoral and social service organization under the administration of the Sisters of the Good Shepherd.

The SMEF-COW will conduct the guidance and counseling to Filipino spouses and other partners of foreign nationals at their premises in Metro Manila and Cebu City while the CFO will continue to issue the guidance and counseling certificate and register the said clientele in accordance with existing requirements.



CARIBBEAN CONNECTION BLACK SUPPORT GROUP

If you are a Caregiver or a domestic worker and are interested in attending a Caribbean Connection Meeting please call Bernice Small at (416) 483-4554 ext 22.

**Next Meeting: Saturday, June 11, 2005
INTERCEDE Office from 2:00-4:00 p.m.**

JOIN INTERCEDE FUNDRAISING TRIP**NIAGARA FALLS
CHERRY PICKING & CASINO
Saturday, July 2, 2005**

Assembly time: 7:00 am
Departure time: 8:00 am

Meeting place: York Mills Subway Station
Behind Shell Gas Station

For only \$45.00

FREE \$10 Voucher for Casino Niagara

To Register, please call Genie at 416-483-4554 ext. 21

Q & A

Q - I received a letter from Canada Revenue Agency (CRA) advising that I have been overpaid for my GST/HST refunds for three years from 2000 to 2003. I was advised further that the overpaid amount would be deducted from any tax refund in 2004 unless I submit proof of support payments to my family in the Philippines. What should I do now?

A - Don't panic! Write a letter to CRA explaining that your family is still in the Philippines and you are sending them a monthly financial support. Include proof of support payments such as receipts of your remittances showing your name and address, the name of the recipient, as well as date and amount of payment.

Once CCRA receives this information, they will review your file for possible adjustment and hopefully, you will not be charged any overpayment of your refunds.

Q - I applied for permanent residence under the Live-in Caregiver Program on December 2004 and I received my open permit on March 2005. In my application for permanent residence, I requested for concurrent processing of my dependents in the Philippines. However, my twenty-year-old daughter, who is included in this application, gave birth on April 2005. My daughter was still studying until she gave birth and will go back to school this June. She is not married and the father of my grandchild has abandoned his responsibility for the baby.

Is it possible to include my grandchild in our application and will my daughter still be approved for permanent residence?

A - Since your daughter remains your dependent, she can still be approved for permanent residence provided she passes the medical and, security checks and other requirements for permanent residence. However, do write a letter to Citizenship and Immigration Canada-Case Processing Centre in Vegreville, Alberta, and inform them of the

change in status of your daughter. You can request for your grandchild to be included in your concurrent processing but be aware that any change in your application will delay it.

Q - In my previous employment, I never took any vacation, I was made to work on holidays then I was terminated without notice. I worked more than the 50 hours specified in my contract but tried to tolerate it. When I could no longer tolerate I complained and was terminated. My priority was to look for another employer so I did not file any claims for ESA violations until seven months after. I am aware that it should have been filed within six months but I was scared it would jeopardize my application for a new work permit. Can I still file now?

A - Under the Employment Standards Act of the Ministry of Labour, you should file a claim within six months. Just file your claim anyway and write an explanation. There was a clear violation of your employment rights so you have a right to seek redress. If you need assistance call us or go to the nearest legal aid clinic.

Q - I have been working as a caregiver for four months looking after children 12, 9 and 7 years old. While they are at school all day I am expected to be in my employers' sister's house from 11 a.m. to take care of six kids in her daycare centre. When I return to my employer's house at 5 p.m. I am expected to prepare dinner and finish cleaning. No money is paid to me by the sister, I am paid according to my contract. For almost a month now I have left my employer and went into hiding because a parent of a child in the day-care reported to the Children's Aid Society that a child was a victim of abuse and after an investigation, I was implicated. I have not done anything wrong. I was very attentive and responsible, but the owner of the day care is putting the blame on me. What will I do, will I be deported if Immigration learns that my employment is SHARED between the sisters?

A - You have the responsibility to call and make your statement to the Children's Aid Society and give them your honest version of what happened in order to protect the other children in the said Day Care Centre. As a temporary worker you are vulnerable to being a scapegoat in this incident and you are completely taken advantage of. The salary you were receiving was not meant to service two households. Come to INTERCEDE and we will assist you on what steps to take in order for you to continue your employment under the live-in Caregiver Program.





JSW SUCCESS STORY

By Isidro Llovía

I'm now here in Calgary working as CAD Technician at the Information Management Division of Golder Associates Ltd. -- a group of consulting companies specializing in ground engineering and environmental. I decided to relocate from Toronto after attending at INTERCEDE's Job Search Workshops last July 2004.

It's my pleasure to share my job search experience to help newcomers who are doing information interviews and Labour Market Research to find employment.

When I decided to relocate from Toronto, I had a feeling I would make it here technically. I learned that there are more opportunities here due to the expansion and boom of oil projects in Alberta. Calgary is not a huge city compared to Toronto, which means that competition is not as tough as I experienced there. I did some research on opportunities this city has to offer and the chances of employment where my skills experience will be put to use. Mind you, it was not easy.

For me, finding a decent job in Canada requires a lot of work. It's both challenging and exciting. It's very important that one has firm resolve and faith in one's capabilities. Now, life for me and my family here in Calgary is great. I recall with pleasure how I worked my way in finding a career related to my background and interest. But I'm not stopping here. I know there's still a lot more for me to do career-wise.

Thanks to many people I networked with in Toronto. More power to you, to Job Search Workshop and to everyone at INTERCEDE!



**FREE JOB SEARCH WORKSHOP
FOR CAREGIVERS & NEWCOMERS**

WHEN: SUNDAY

June 5, 12, 19 & 26, 2005

July 10, 17, 24 & 31, 2005

August 7, 14, 21 & 28, 2005

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

WHERE: TO BE ANNOUNCED

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

Funded by Citizenship and Immigration Canada

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 Foundation and Trillium Foundation grant programs, for their financial support..

Citizenship and Immigration Canada / Citoyenneté et Immigration Canada

WANT TO CONTINUE RECEIVING OUR NEWSLETTER? If

you want a one-year subscription to DOMESTIC'S CROSS-CULTURAL NEWS, please complete the form below and mail it to us with appropriate payment or call (416) 483-4554 ext. 21

Please check: New Subscription Membership Renewal Change of Address Donation of \$ _____

Name/Organization: _____

Address: _____

Province/State: _____ **Postal Code:** _____ **Telephone:** _____

ANNUAL SUBSCRIPTION RATES:

INTERCEDE Members: FREE

Others: \$25.00

MAIL TO: INTERCEDE, 234 Eglinton Ave East, Suite 405, Toronto, ON, M4P 1K5

Yes, please send me a receipt for my subscription or donation No receipt required