

Domestics' Cross-Cultural News

monthly newsletter of the International Coalition to End Domestics' Exploitation

MARCH 1987

ALL EYES ON QUEEN'S PARK!

INTERCEDE has extended the deadline for filing the Charter of Rights case against the Ontario Government until the end of March. Officials in the Ministry of Labour are expressing "optimism" about the proposal put forward by Bill Wrye which would grant domestic workers the right to overtime pay. We have been assured - once again! - that "Cabinet is discussing it" and a decision is expected by the end of the month.

Domestic workers in the province of Ontario are not protected under the hours of work and overtime provisions of the Employment Standards Act. The present minimum pay rates which are based on a 40-hour week sanction the exploitation of live-in domestics, many of whom are on the job for twice as long without any overtime pay.

INTERCEDE and the Women's Legal Education & Action Fund (LEAF) are ready to challenge the exclusion of domestics from this key provision of the law on the grounds that it discriminates against domestic workers as women (98% are female) and because it treats them differently from other workers.

In recent weeks the surge of public interest in the fight of domestics for equal rights has grown. The Globe & Mail interviewed Avelina Villanueva and Melita Carbungco, two domestics involved in the planned Charter challenge (see page 3). INTERCEDE co-ordinator Judith Ramirez appeared on CTV's CANADA AM along with Teresita Racal of the Domestic Workers Association of British Columbia. The Toronto Star

published an editorial on "the nanny debate" and many radio programs have carried news of our efforts on behalf of domestic workers.

On March 14 INTERCEDE co-ordinator Judith Ramirez had the opportunity to speak with Premier David Peterson at a community event. He said that he is well aware of INTERCEDE's work and that his Government is ready to make the necessary changes in the labour laws. When pressed by Ms. Ramirez on when the changes are likely to be made, the Premier replied that they are "only weeks away".

In a subsequent letter to Mr. Peterson we said:

" INTERCEDE feels strongly that it must have the promised action from your government or we will have no choice but to proceed with the court challenge. We trust that, with your support, a positive decision will be reached... "

All eyes are now on Queen's Park. Will the Government keep its word and grant domestic workers the right to overtime pay or will it delay yet again?

INTERCEDE and LEAF will go to court in the first week of April if the Peterson Government does not meet its latest deadline.

WATCH CBC'S MONITOR!

On April 6, 1987 the well-known public affairs show MONITOR will feature the current struggle for labour rights for domestic workers.

Among those interviewed for the show is INTERCEDE's Judith Ramirez. Watch it on APRIL 6 at 7PM, right after the news

COCO'S CALENDAR

Recent happenings...

- * on February 18 INTERCEDE President Clementina Martinez attended the ONTARIO COUNCIL ON WOMEN'S ISSUES' consultation with visible-minority women
- * on March 2 Judith Ramirez attended a conference on the family sponsored by the CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN
- * on March 12 INTERCEDE attended the HARRY JEROME AWARDS DINNER at the Harbour Castle Hilton. Congratulations to all the winners!
- * on March 22 Herminia Nelmidia, Gloria Thomas and Lie Kim Tjoe spoke to the TORONTO STAR about the fight for domestic's rights

Coming up soon...

- * INTERCEDE's next monthly meeting is set for Sunday, April 5, 3-5pm, at the Cecil Community Centre
- * the SERVICE UNIT will be open on Saturday, March 4, 10am-2pm. Please call 591-1625 for an appointment!

...AND CONGRATULATIONS!

- * to Ofelia Reyes, from the Philippines, and Gina Hayden, from the UK, who just got landed!
- * HAPPY BIRTHDAY to Melita Carbungco, Leonora Ballena, Nida Rios and Fe Goroza!
- * our deepest sympathy to long-time member Rose Pierre who went home to Grenada for her mother's funeral

Tune in again next month!

KNOW YOUR RIGHTS

As April approaches so does the deadline for filing your income tax return. All income tax returns must be filed by April 30.

If you have not received your T-4 slip by now, you should make a final request to your employer or inform Revenue Canada (869-1500) of the situation and they will contact your employer. Remember, you need a T-4 slip for each job you have had in the past year.

Your employer has a duty to furnish you with your T-4 by the end of February each year. And it is your duty to file your income tax return yourself.

When you receive your T-4 slip(s) make sure that the following information has been recorded:

- * contributions to the Canada Pension Plan
- * contributions to Unemployment Insurance
- * income tax deductions
- * board and lodgings deductions

Make sure all the information recorded is correct before filing your return.

Finally, for those of you who have been told that you do not need to file a return because you earned less than \$10,000 per year, that information is false.

Revenue Canada is aware of how much you earn and it expects you to file your own income tax return. Neither your employer nor a friend can do that for you, only you can.

For further information or assistance contact:

INTERCEDE SERVICE UNIT	591-1625
REVENUE CANADA	869-1500

Groups poised to fight for domestics

BY ANN RAUHALA
The Globe and Mail

Melita Carbungco used to have a job taking care of two children and doing housework for a professional couple.

She did not quit when her work day stretched from 7 in the morning until 8 at night, with no extra pay.

She did not quit when she found she was on call to fetch or wipe or babysit on her days off.

She did not quit even when her boss asked her to work Saturdays and settle for half a weekday off instead.

She said no. And she was fired.

"They couldn't take advantage of me so they got someone else," she said in an interview.

Ms Carbungco, 33, has a new and much better job. But she does not want other domestics, especially recent arrivals to Canada, to stumble down the same path.

Working in conjunction with Intercede, a rights group for domestics, Ms Carbungco has told her story to lawyers who are ready to invoke the Charter of Rights and Freedoms to argue that women who work in other peoples' homes must enjoy the same protections other workers have.

"It's not going to make any difference to me now, but I know there are other people in the same position. What happened to me doesn't seem so bad when I hear what happened to other people," Ms Carbungco said.

About 12,500 women — including nannies, housekeepers and companions — work as live-in domestics in Ontario. None are technically protected by employment law from working hours of unpaid overtime or working for long periods without any time off.

Domestics can end up being on the job two or three times as long as other workers without seeing an extra cent, said Judith Ramirez, a spokesman for Intercede.

At extra risk are women who are have come from abroad and are kept silent by their hopes of obtaining landed immigrant status, or who are simply overwhelmed by an alien culture or language.

Avelina Villanueva, 27, was talked into leaving her native Philippines by an employer who told her how much better life was for domestics in Canada.

Ms Villanueva was tempted. Her income was, and still is, crucial to her large family.

She arrived in Toronto in September, 1981. When she left the job three years later, she had never had a day off.

"I'd had it," she recalled. "One day I woke up and thought, 'What am I doing in this house?'"

Ms Villanueva resolved to find another job. When her employer discovered that she had lined up something else, she was locked out of the house.

Ms Villanueva knew almost no one in Toronto and, never having had any time to herself, could barely navigate her way around by public transit.

"I was terrified," she said.

In retrospect, Ms Villanueva sees that her employer took advantage of her, but at first her treatment did not seem out of bounds. "By Philippine standards it was normal."

But by Canadian standards it was not. The experiences of Ms Villanueva and others like her convinced Intercede that domestics, 90 per cent of whom perform some child care, must be not be left unprotected.

However, it remains unclear whether Intercede has persuaded the Ontario Government to make a change that might ruffle the feathers of nesting voters.

Ontario Labor Minister William Wrye recommended months ago that the provincial Employment Standards Act be altered to give full-time domestics set working hours, with time-and-a-half overtime pay after 44 hours a week.

A Cabinet document setting out his recommendations noted, however, that any broader application of the act could upset inexpensive, informal baby-sitting arrangements and curtail already limited child-care options.

Ontario has yet to make the change and Intercede, along with the Women's Legal Education and Action Fund, is poised to force the issue by arguing in the Supreme Court of Ontario that the employment act discriminates against domestics.

"Our position is that by excluding these women . . . from the ordinary protection of the law, the Employment Standards Act is discriminatory and violates the guarantee of equal protection of the law and equal benefit of



EDWARD REGAN/The Globe and Mail

Melita Carbungco

the law," said Robert Sharpe, director of the constitutional litigation program at the University of Toronto and the lawyer LEAF has engaged on behalf of the domestics.

"It amounts to discrimination on the basis of sex as well as discrimination against a particularly vulnerable group of workers," he said.

Although Intercede has received repeated assurances from Mr. Wrye and from Premier David Peterson that the change is imminent, Ms Ramirez said the group's patience is wearing thin.

Intercede has told the Government it will wait until the end of the month before going ahead with the Charter case.

"We want the Government to understand that we can't just proceed from deadline to deadline," Ms Ramirez said. "It's been more than a year and half since we first met with Mr. Wrye."

ROSE PIERRE GETS MINISTER'S PERMIT

Rose Pierre is a domestic worker from Grenada who came to Canada in 1981. She was refused landed status in 1984 because, according to Immigration officials, she could not financially support her four dependent children.

When her three years in Canada expired, Ms. Pierre was granted special permission to remain in the country because her employer had children with "special needs". The Children's Aid Society was involved with the family and spoke highly of Ms. Pierre's work.

In August of 1985 Rose Pierre had an argument with her employer - she was physically assaulted and fired on the spot. The police intervened on her behalf, and when the matter went to court, the employer was ordered to sign a peace bond and stay away from Ms. Pierre.

At that time, it also came to light that Ms. Pierre had been working fourteen-hour days and had been chronically underpaid. INTERCEDE helped her make a claim for back wages with the Ministry of Labour's Employment Standards Branch. The matter is still pending.

Rose Pierre's affairs have been in limbo since the fall of 1985. Each time her visa was due to expire, INTERCEDE requested an extension.

Last month we appealed to Minister of State Gerry Weiner to review Rose Pierre's case and grant her landed status. She has been working diligently and has excellent references from employers, teachers, family members and friends. The Minister had the opportunity to speak with Ms. Pierre at a recent meeting at the INTERCEDE office.

We are happy to announce that we have just received word from Ottawa that Rose Pierre has been granted a one-year Minister's Permit and will be reassessed under the Foreign Domestics Program.

INTERCEDE SERVICE UNIT

Place: Cecil Community Centre
58 Cecil Street
Toronto, Ontario
M5T 1N6

Time: Monday - Friday
9:00am - 4:00pm

Tel.: (416) 591-1625

Free and confidential counselling to all domestic workers on immigration, employment, human rights, etc.

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c/o INTERCEDE
58 Cecil Street
Toronto, Ontario
M5T 1N6

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