

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the International Commission for Domestic Workers' Rights

May 1992



(INTERCEDE)

DOMESTIC WORKER W. CLAIM FOR UNPAID WA

A domestic worker who made a claim for unpaid wages obtained a Ministry of Labour ruling against her employers who have been ordered to pay her a total sum of \$4,400. We will call her Dora Laksi.

Dora Laksi, 28, of Goa, India, would have received a net claim of \$6,902.50 for 1,302.5 hours of work, according to the calculations of an Employment Standards officer, Joe Sealy, who issued the Order to Pay in July 1990. But the Employment Standards Act limits claims for unpaid wages to only \$4,000. The additional \$400 covers penalty of 10 per cent.

Laksi's employers had paid her only a total of \$1,060 in wages; this included \$760 air fare and \$300 given to Laksi's husband in Goa. Her employers appealed for a review of Sealy's Order. In December 1991, 17 months after it was issued, the Order was affirmed.

Married and a mother to two children, ages 3 and 5, whom she had to leave for the first time in Goa, Laksi had never been outside India before coming to Canada. As the Referee who wrote the determination observed, from the moment she arrived in Canada, Ms. Laksi was in the complete control of her employers.

The Referee also pointed out that she was a penniless stranger, "naive, inexperienced and with no other marketable skills than as a nanny", that she was under constant fear that she could be sent back or that her employers could bribe the police to do their wishes. To complete her vulnerability, the employers took possession of her passport from the day of her arrival in October 1989.

Cont'd Pg 2 - Unpaid Wages Claim

TERCEDE PROGRAM FOR 'EN PERMIT HOLDERS

For some time now, domestic workers who have completed two years in the Foreign Domestic Movement program (FDM) have been notified that it would take them up to 18 months or longer before the processing of their permanent resident papers is completed.

This means that it is taking more than three years and a half for FDM workers to get landed. However, it is taking some domestic workers even longer to get their permanent resident status.

While waiting for their landed papers, these workers are on open employment authorizations. INTERCEDE wants to tailor some of its activities to address the needs of open permit holders. For example, topics that are important to open permit holders may be included during the monthly members' meetings.

A very initial survey shows that open permit holders are staying in domestic work because they find it difficult to find jobs elsewhere. Open permit holders want assistance in transitioning from domestic work to the open job market.

As many of them have been separated from their families for more than five years on average, they are eager to know about the process of sponsoring their families or dependents.

In order to assist INTERCEDE in planning monthly meetings and any other activity geared to the needs of open permit holders, we are requesting those on open permit to answer the following questions. You don't

Cont'd Pg 2 - Open Permit Holders

Come to INTERCEDE's Monthly Meeting on Sunday, May 3, 1992 from 3-5 pm at Cecil Community Centre, 58 Cecil Street (corner Spadina).

<i>2-3 pm</i>	<i>New Member application and Renewals</i>
<i>3-4:30 pm</i>	<i>WHAT TO KNOW ABOUT SEXUAL HARASSMENT</i> <i>Joan Grant-Cummings, Women's Health in Women's Hands</i>
<i>4:30-5 pm</i>	<i>SPONSORSHIP OF DEPENDENTS</i> <i>Yousuf Alam, Parkdale Legal Clinic</i>

Members in 1991 with I.D. nos. 1504 to 1688 must renew or be dropped from membership list.

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Laksi's testimony of her actual work and work periods was the basis for the ruling in her favour. Her employer said that she had only started work for them in December because they were on vacation, that she was sent to their family friend simply to live there while they were away and that she was obliged to pay food and accommodation.

The employers denied Laksi had worked for them before they left on vacation. They said she generally started work at noon and was never made to work after 8 p.m., that she was given two days off a week.

For her part, Laksi said she was instructed to "do the same for them as me" and that she worked for the family friend of her employers, cleaning and doing other household chores, looked after their children, and helped wash pots and pans for their catering business.

Under rigorous cross-examination, Laksi proved that her daily routine amounted to total responsibility for her employers' household, including total care for a 2-year-old and assisting in the homework of an 8-year-old. Laksi regularly worked more than the hours specified in her contract (12 to 8 p.m.) and was not given any days off on the grounds that her female doctor employer had to work 7 days a week.

Laksi's testimony was supported by that of another domestic worker from India who worked as a second nanny in the same household. She also said she worked the same long hours that Laksi described. Both workers said that the male employer made demands on them for sex.

Laksi's miserable plight ended on January 26 when she went to the police who came to remove her from her employer's residence and arrested her male employer.

Cont'd Pg 3 - Unpaid Wages Claim

Cont'd from Pg 1 - Open Permit Holders

need to give your name but we would appreciate that you answer all of the questions below and mail to us:

1. How many years have you been in Canada?
2. On what month and year did you first receive your open employment authorization?
3. If you have already renewed your open permit, when did you do so?
4. What upgrading course did you take?
5. In what school/institution did you take your upgrading course?
6. How much was the total cost you paid for your upgrading?
7. On your open permit now, what is your work ?
8. How much are you earning per hour?
9. Give six topics/subjects you want to discuss at the monthly meeting.
10. Suggest three kinds of INTERCEDE activities you would attend.
11. What are the most difficult problems you have since you got your open permit?
12. Any other comments or suggestions.

We wish to thank the Employment and Immigration Canada (Immigration Settlement and Adaptation Program); Secretary of State (Multiculturalism and Women's Program); 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 MARCH, WE'LL REMOVE YOUR NAME FROM OUR MAILING LIST.

RENEWAL SUBSCRIPTION : (only until December 1992)
 NEW SUBSCRIPTION : CHANGE OF ADDRESS :

MAIL TO : INTERCEDE, 489 College St., Suite 402, Toronto, Ontario M6G 1A5

Please send *DOMESTICS' CROSS-CULTURAL NEWS* to :

MEMBER ID NUMBER : _____ NAME : _____
 ADDRESS : _____
 CITY/PROVINCE : _____
 POSTAL CODE : _____ TELEPHONE : _____

YEARLY SUBSCRIPTION RATES :
 INTERCEDE Members : FREE Non-member Domestic : \$5.00
 Non-Profit Organizations: FREE Others \$20.00

Cont'd from Pg 2 - Unpaid Wages Claim

"What explanation can be offered for these strange circumstances?" Referee Peter A. Cumming could not help from asking. According to him, the employers were "hard-working, bright individuals. They self-righteously maintained their innocence throughout this hearing and showed no shame or embarrassment. And certainly no remorse in the face of Ms. Laksi's horrendous allegations. They do not see they have done any wrong; rather, they have rationalized their conduct and behaviour so that they claim they are aggrieved. Their reprehensible conduct as employers toward their domestic workers displayed a complete lack of morality. They simply did not have any respect at all for their employees as human beings."

This story shows why it is important for domestic workers to keep a record of their work and hours worked. It shows that domestic workers can succeed in filing claims for unpaid wages. But it also shows how unfair the law is in limiting to \$4000 any claim for unpaid wages.

INTERCEDE ANTI-RACISM WORKSHOP

Sunday, May 24, 1992 1-5 pm

Centre for Christian Studies - 77 Charles St.
(Bay Subway, South of Bloor, West of Bay)

REGISTER NOW, CALL 324-8751

QUESTION AND ANSWER

Q. What should I do about my employment authorization if my employer terminates me before my contract with her has ended?

You have to start looking for a new employer and when you find one, you will have to apply for a new employment authorization. Obtain an application form by calling Immigration tel. 973-4444. Fill out this application form and attach the new employer's Confirmation of Offer of Employment that is given by a Canada Employment Centre; also attach the other documents necessary and a money order of \$75.

Q. What should I do if my employment authorization expires while I still have not found a new employer?

If your employment authorization is going to expire before you find a new employer, you will have to renew your employment authorization four weeks before its date of expiry. On top of your application form send a letter saying you are looking for a new employer and that once you have received a new Offer of Employment that you will send this to Immigration.

Remember that you can only start working for your new employer after you receive your new employ-

ment authorization with her name specified on it.

Q. I have applied for a renewal of my employment authorization but I still have not found a new employer. What should I do?

You have approximately three months to get a new employer from the time you lost your employment. If after three months you still don't have a new employer, you will need to submit another application for renewal of your employment authorization and you will have to pay another \$75 fee. You also need an extension of your employment authorization if you are continuing a credit course and attending school.

Q. Should I keep copies of my application for renewal of employment authorization?

Yes. INTERCEDE has been advising foreign domestic workers to always keep copies of all application forms they send to Immigration plus any related letters and attached documents; keep copies of receipts of payments you've made or money orders you send for Immigration fees; and keep a record of the date when you sent your application. This is so that if ever there are delays in Immigration processing or your application is lost, you have a record and you can tell when you made your application. We give the same advice to those who are already applying for permanent resident status and for an open employment authorization.

Q. If my employment authorization is about to expire, when should I apply for a renewal?

Four weeks before the expiration date of your employment authorization, be sure to send an application for renewal. If you are not changing your employer, send a letter from your employer saying he/she is continuing your employment. Again keep copies of everything.

Q. Will my status become illegal if I continue staying and working in Canada even if I have not yet received a new employment authorization from Immigration after I have already sent my application for renewal?

For as long as you are continuing work with the same employer, you should not lose your status provided you have already sent your application for renewal of your employment authorization before the expiration date. As long as your application is eventually approved, you will be deemed to have been given implied status during that time.

This is why it is important for you to keep copies of applications you send to Immigration and to record when you sent your applications.

Q. My second year in the FDM coincides with the expiry of my employment authorization. How do I get an open employment authorization?

Together with your application for permanent resident status, you also must send an application for renewal of your employment authorization. Remember to mail both on the day or after the day of your second year anniversary, not before.

If you are planning to change your employer at this time, put a sheet saying "New Contract" on top of your application for renewal of employment authorization and also write "New Contract" on the envelope. This will alert Immigration that you need an extension of your employment authorization quickly.

ALL-DAY NIAGARA TRIP
Sunday, July 12, 1992

Assembly: 9:30 am at Cecil St. corner Spadina

Join our one-day excursion to
Niagara Falls passing through
Niagara-on-the-Lake!
All members welcome!

Seats reserved for Members who have paid \$10
Register and Pay on Sunday Meeting May 3,
or call 324-8751

STAFF NOTES

Many thanks...

To Demie Padilla and members of the Association of Filipino-Canadian Accountants, to Gill Genser, to Ron, to Titay, and others who spent Sunday afternoon, April 5, helping INTERCEDE members with their tax filing problems.

To Rudy Poirier of Revenue Canada for answering numerous questions about filing income tax returns.

To Sheila Osborne who operated the CLASP Legal Clinic while other students were taking exams!

Special Thank you...

to Maureen Edgar, volunteer facilitator, who helped

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c/o INTERCEDE
489 College Street., Suite 400
Toronto, Ontario
M6G 1A5

FIRST CLASS

REMINDER TO MEMBERS AND SUBSCRIBERS

Some 100 newsletters on average are being returned because addressees have moved. This is a waste of \$48 in postage every month. Please call us immediately if you are changing address or you want your subscription stopped.

make an all-day orientation to INTERCEDE's Board Members an eye-opening and exciting one!

Some more thanks...

To Leah Guion and Florence Gut-omen for doing an orientation with Cobourg domestic workers.

All volunteers at the office and at meetings of INTERCEDE.

Hello former Board Directors...

To Lorna Hillman in Victoria B.C. who wants to keep in touch through this newsletter.

To Andrea Timoll who will be in Toronto for the Summer hiatus from her law studies at U. of Windsor.

Yola Grant who manages to call and greet the staff with a cheery hello regularly.

And Congratulations...

To Mustapha and Sedef Arat-Koc who have a new bundle of joy in their Peterborough home.

And Best Wishes...

Finally, enough space permits us to greet member Mathes Ariado who said "I Do" to Alvin Remulla early in the New Year.

INTERCEDE SERVICE UNIT

Place :
Time :
Telephone :

INTERCEDE STAFF

Coordinator/Editor :
Counsellors :
Intake Worker :