

# **DOMESTICS' CROSS-CULTURAL NEWS**

**INTERCEDE for the Rights of Domestic Workers, Caregivers, and Newcomers**

**May 2003**

Toll Free 1-877-483-4554



## **HIGHLIGHTS OF 7<sup>th</sup> INTERCEDE DOMESTIC WORKERS' CONFERENCE**

About fifty participants attended the 7<sup>th</sup> INTERCEDE Domestic Workers' Conference held in Toronto, at Mayette's Restaurant and at the Ramada Hotel, from March 22-23, 2003.

Majority of the participants were caregivers and domestic workers mainly based in the Greater Toronto Area, as limited funds could not accommodate travel expenses for delegates from other provinces. However, there were at least three participants from outside Ontario: one from Hull, Quebec, and two others, a facilitator and a panelist, from Vancouver, B.C.

Since 1994, INTERCEDE has been organizing an annual conference for caregivers and domestic workers, most of whom come to Canada through the Immigration Live-In Caregiver Program (LCP). This conference has served as a forum where they could share information and analysis, identify and link strategies and actions, and network and coalesce on a national level so the voices of migrant women, particularly domestic caregiver workers, could be heard.

### **Objectives**

The main objective of the conference was to share the impact and experiences resulting from two recent legislations which greatly affect caregivers and domestic workers, namely:

- (1) the federal Immigration and Refugee Protection Act (IRPA); and
- (2) the new Employment Standard Act (ESA) in Ontario and in British Columbia.

The new Immigration and Refugee Protection Act (IRPA) became law in June 2002. Under this new Law and subsequent new regulations, the Live-in Caregiver Program (LCP) essentially remains the same as before although certain changes in IRPA do affect caregivers and their families, such as changes to family sponsorship or those affecting permanent residents, for example.

The Employment Standards Act was changed in Ontario and in British Columbia. It sets a basic floor of rights for all workers in these provinces, including domestic and caregiver workers. Like the old ESA, it sets minimum standards for wages, hours of work, holidays, and other working conditions. However, recent changes are proving to be potentially disadvantageous and open up wider avenues for employer abuse, including legalizing a 60-hour maximum work week, averaging overtime up to four weeks, and just generally increasing the power of employers over their workers. Like the old law, the new ESA can only be effective in protecting workers' rights if it is enforceable and this remains doubtful in the one-to-one relationship between an employer and a domestic worker with the inherent power imbalance existing in such relationship.

Another objective of the conference was to share information and updates about the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and to discuss their relevance to the LCP.

In response to Canada's official report early this year, the CEDAW Committee made critical "Concluding Comments" about the LCP. These comments needed to be discussed in light of possible follow-up actions which can be taken to build the momentum to improve or change the LCP in the immediate future.

On the other hand, the UN migrants' Convention, which came into force at the end of last year, is also a significant development which presents opportunities for improving the lives of migrant workers in Canada and around the world, and therefore required attention and action.

*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 or renew your membership - \$10.*

Sunday, May 4, 2003 3-5 p.m.  
At Cecil Community Centre, 58 Cecil St.  
(one block south of College cor. Spadina)

***Information on***  
***Severe Acute Respiratory Syndrome (SARS)***

***Ms. Christe Okonkwo***  
***Community Health Officer, Toronto Public Health,***  
***Western Health Area***



Also relevant to this conference were a review of changes to Canadian citizenship law contained in Bill C-18, which will have significant impact on the lives of migrant and immigrant caregivers who are planning to make Canada their permanent home.

An update on key provisions of the newly passed Philippine Absentee Voting Law was also relevant to Philippine citizens who will be able to exercise their right of suffrage in the 2004 presidential elections.

Lastly, the Conference aimed to examine together key actions which can be agreed upon, which can be applied locally or in a coordinated fashion, in order to advance the struggle for migrant and domestic workers' rights in Canada.

Participants' expectations for the conference were very much aligned with the objectives set out above. In addition, they were eager to revisit the issue of Canada's ratification of the UN Convention on Migrant Rights and on discussing ways in which domestic workers and caregivers can receive assistance in the application of new immigration and employment laws. Participants also expressed concern about the impact of the US war on Iraq particularly on the safety of migrant workers in the Middle East.

Special self-care sessions were held throughout the conference and included stretching and relaxation exercises. The participants welcomed these "breathing spells" in the agenda. Before concluding the three-day meet, participants offered their oral evaluations of the conference including an assessment of how they met its objectives.

### Presentation on IRPA

Patricia Wells, lawyer and expert in immigration laws and regulations, was invited to present key provisions of the recently enacted Immigration and Refugee Protection Act with particular relevance to domestic workers/caregivers and their families.

The Immigration and Refugee Protection Act took effect on June 28, 2002. While this Act was passed by Parliament, the Regulations which actually determine the practical implementation of IRPA does not go through the same process and scrutiny. In fact if government wants to change any regulation, it can be done by mere act of Cabinet or of a Cabinet Minister, without going through the rigors of a parliamentary process. Wells suggested this needed to be corrected in favour of more formal and accountable approaches to changing immigration rules.

Among the major changes instituted under IRPA which Wells discussed:

1. Age of Dependents - The maximum age of dependents was increased from 19 to 22 years. Dependents older than 22 years old could still be eligible for sponsorship if they are studying and remain dependent on the parent sponsor, or if proved physically or mentally disabled and dependent.
2. Permanent Resident Card - has taken the place of the paper document that used to be issued and must be applied for according to the schedule set by Immigration.
3. Contract Requirement for the Live-in Caregiver Program - Before an employer can hire a caregiver, a Contract has to be signed between employer and caregiver setting out the conditions of employment.

4. Priority in Refugee Processing for Women - The IRPA provides for priority attention to be given to women at-risk seeking refugee processing. It also requires Citizenship and Immigration to provide gender-based analysis of the impact of the Act in its annual reports.
5. Optional Sponsorship of Spouse – Sponsorship of a spouse after marriage breakdown or divorce is no longer mandatory. A woman can show proof and execute a sworn statement or affidavit that she no longer lives with a spouse and that she has no intention of bringing him to Canada.

In the question and answer period that followed Wells' presentation, clarifications were offered about the Live-in Caregiver Program:

- A caregiver who is not able to complete the 24-month live-in-work requirement within the prescribed three years can still apply for permanent residence through the Humanitarian and Compassionate category.
- The six-month course requirement to qualify for the LCP can be replaced with one-year work experience but this experience must be gained within three years of the day one applies.
- As medical requirements have been relaxed, applications denied previously for medical reasons can now be reopened and submitted for reconsideration.
- Misrepresentation or lies told to immigration must be corrected as early as possible. Those in the LCP who misrepresented their real educational status, civil or family status, age etc. have a chance to correct these wrong data before or when they apply for permanent residence.
- If sponsorship was denied because one did not meet the income criteria, an appeal can be made with assistance from a lawyer. However, to sponsor the immediate family, i.e. spouse and children, one has only to be gainfully employed and does not have to meet the sponsorship income criteria.
- Undocumented workers were able to legalize their status in Canada on two previous occasions through an amnesty declared first in 1978, and again in 1986. Both times, the amnesty accompanied a change or amendment in immigration law in order to clear any backlogs. Surprisingly however, no such amnesty was declared with the recent passage of the IRPA, even though there were heavy backlogs. This is as good a time as any for organizations like INTERCEDE to lobby for amnesty.



### CASINO NIAGARA TRIP FOR ONLY \$25

Sunday, May 18, 2003

Departure Time: 11:45 am

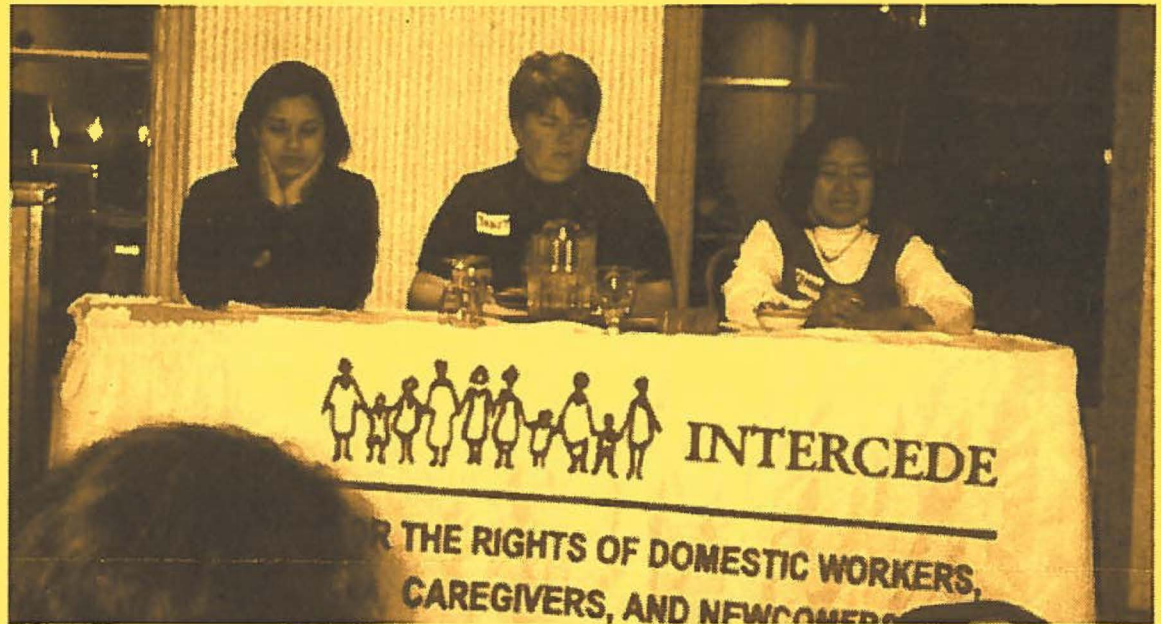
Meeting Place: York Mills Subway Stn. (at Shell Gas Stn.,  
Southeast of Yonge)

FREE \$10 Voucher for Casino Niagara

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



*From left to right, INTERCEDE counsellor Salma Saadi, CDWCR's Janet Shaw and Cenen Bagon, discuss Ontario and British Columbia labour laws and their impact on caregivers and domestic workers. ➡*



*Conference participants pose for picture with INTERCEDE counsellor Columbia Diaz (3rd fr. L) and Immigration lawyer Patricia Wells (4th fr. L) who talked on changes to the Immigration and Refugee Protection Act. From left to right, Cecille Ban-Ang, Terry Olayta, Zeny Manoloto, Marivic Lomboy, Judith Gonzalez, Ellen Linao. ➡*

*On morning of March 22, 2003 at the Ramada Hotel, participants mingle and enjoy breakfast before the conference begins while Bernice Small (R) greets friends. ➡*



**Black Women's Support Group**  
Come out and discuss the specific needs and concerns for Black Domestic Workers and Caregivers  
First Group on:

**Saturday, May 10, 2003**

**2:00 to 4:00 PM**

**234 Eglinton Ave East,  
Suite 205**

If any questions please contact  
**Salma Saadi at**  
**(416) 483-4554 x 22**



**Coco's Corner:**

Following are stories told to me on the Effect of SARS on Caregivers

1. I worked as a live-in caregiver of a family in Niagara on-the-Lake. On my usual day-off, my employer suddenly terminated my employment through a call on my cell phone. My employer had told me not to come to Toronto because I might bring home the SARS virus and infect their children. I was told to just spend my days off in the shopping mall but I had something important to do in Toronto. Now I am unemployed.
2. My employer did not want me to spend my days off at an apartment which I share with other Filipino nannies. She assumed that I would surely go to Asian stores to buy groceries and that I'd be exposed to or contract the SARS virus. Consequently, she terminated me without notice. To top it all, my employer even wrote degrading and unfavourable remarks and lies in my Record of Employment.
3. On my off day, I visited a relative who recently arrived from the Philippines. As I was preparing to go back to my workplace, I received a call from my employer advising me to take my two weeks vacation and observe 10 days of quarantine to ensure everybody's safety in her household especially the childrens'. After two weeks of self-quarantine, I called informing that I would return to work the following Monday. My employer refused to allow me back to my work and terminated me instead.

The above stories show the kind of predicaments suffered by caregivers who not only lost their employment but also their home and who face the difficulty of finding another employer and therefore of meeting the requirements for Immigration status.

A word of caution : Be very careful and make sure that you are aware of the symptoms of SARS. For any questions call, 1-888-668-4636.

**PLEASE NOTE: INTERCEDE  
Summer Hours**

**From June 23 to August 29, 2003  
Monday to Thursday (closed on Friday)  
9:00 a.m. to 6:00 p.m.**

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

**When: May 11, 17, 25 & June 1, 2003**

**June 8, 15, 22, 29, 2003**

**July 6, 13, 20, 27, 2003**

**Time : 11:00 a.m. to 5:00 p.m.**

**Where: George Brown College**

**200 King St. East,**

**St. James Campus (Rm 325-A)**

**Please call (416)483-4554 ext. 21 to sign up.**

**Seating is limited.**

**Funded by Citizenship and Immigration Canada & sponsored by COSTI & OCASI**

**INTERCEDE**

**Address: 234 Eglinton Avenue East, Suite 205  
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 - Coordinator**

**Des Balce - JSW Facilitator**

**Columbia Diaz - Settlement Counsellor**

**Salma Saadi - Settlement Counsellor**

**Anita Fortuno - Settlement Counsellor**

**Genie Policarpio - Intake & Administrative Assistant**

*We wish to thank: Citizenship and Immigration Canada - ISAP Program and Job Search Program with COSTI-OCASI; Ontario Status of Women; the Municipality of Toronto CSGP, for their financial support.*

 **Citizenship and Immigration Canada**  **Citoyenneté et Immigration Canada**

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