

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

November 1991

New Minimum Wage Is \$6 An Hour

Domestic workers have a right to the new minimum wage rate of \$6 an hour effective November 1, 1991.

This is the legal wage from that date - a wage lower than \$6 would be illegal even if it is what is written in the contract signed between an employer and a domestic worker. Overtime pay after 44 hours of work in a week calculated at time-and-a-half is now \$9 per overtime hour or time-and-a-half off.

Domestic workers who live-in following a requirement of the Foreign Domestic Movement program will, however, see a higher deduction for room and board, that is, \$27.80 for a private room (\$13.90 for shared room) and \$46.20 per week for meals or \$2.20 each meal.

Total monthly gross wages at the new rate would equal \$1,144. A worker with no dependents and not having worked any overtime would get a net pay of \$617.39 after monthly deductions of \$320.67 for room and board; \$153.35 for income tax; \$20.56 for Canada Pension Plan; and \$32.03 for Unemployment Insurance.

INTERCEDE advises workers to be clear what their hourly rate is and to ask for a Statement of Earnings from their employer when they get their salary. Among other things, this Statement of Earnings shows their hourly wage, the period for which they are being paid, the number of hours

worked including the number of overtime hours, the amounts deducted and for what, and finally the amount of net salary.

Some domestic workers accept work for a specified **net salary** without knowing exactly their hourly rate. They do so thinking they're getting higher than minimum wage. But when they realize they're actually working more than 44 hours a week without overtime pay, they also realize they are not even getting the minimum wage they're entitled to.

Enforcement is beyond worker's power

Meals not taken should not be deducted from salary. If a domestic worker does not eat at her employer's home because she spends her Saturday and Sunday off elsewhere, she should not be deducted for those meals.

However, the ordinary experience of domestic workers is that they are deducted for the same amount of board every month no matter how many meals they did not take at their employer's home.

"I let it pass because I have no choice," said an INTERCEDE client, "if I insist it becomes a cause for tension between the employer and me. The same is true for getting overtime pay - if the employer refuses to pay overtime I don't insist if I don't want to get fired."

Come to INTERCEDE's monthly meeting on Sunday, November 3, 1991, from 3:00-5:00 pm at Cecil Community Centre, 58 Cecil Street.

Our guest will be Minister Bob McKenzie, Ontario Minister of Labour. Members have prepared questions for the Minister about protection of domestic workers under labour laws of the province.

CLASP Legal Clinic and Mobile Health Unit will be open.

New member applications from 2:00-3:00 pm only.

Minimum Wage (cont'd)

An angry employer called INTERCEDE last year to blame us for firing their domestic worker because she dared ask not to have her salary deducted for meals not taken and the worker had cited an article that appeared in Domestics' Cross-Cultural News.

A current joke among domestic workers is that some employers no longer allow their nanny to bring the children to the park; why? because they might meet another domestic worker who is a member of INTERCEDE and that nanny might know what her rights are!

In fact the power of domestic workers is severely limited in a forced live-in situation and in a one-to-one relationship with an employer.

Therefore, even when a worker does not get the legal minimum wage, she can only resort to diplomatic negotiation and persuasion and all she can rely on is her employer's sense of fairness.

Government must penalize violators

In her workplace situation, a domestic worker will usually not feel free nor think it practical to lodge an official complaint with the Ministry of Labour's Enforcement Standards Branch. "If I did so, how can I continue to stay in my employer's house?" says one worker, "It would be too tense for me and I wouldn't feel very safe nor secure."

Only workers who have already left their employer bother to file complaints of unpaid

wages or other violations of the provincial labour law. Often, even if they know they have this option, a huge majority don't bother to do so and prefer "to get on with their lives".

In a period of one year, 2018 out of a total 3998 contacts made to INTERCEDE's service unit consisted of labour-related complaints. But in the same period, there were only nine workers who wanted or bothered to file an official complaint with the Ministry.

Unless the government sends out a firm signal and institutes effective and practical mechanisms to penalize employers who violate labour laws, unless these violators are seriously pursued and penalized, these laws will continue to be blatantly ignored.

And unless domestic workers are given practical, safe, and expeditious opportunities to report these violations, unless they are encouraged to assert their rights under the law even if they are not yet immigrants here, they will continue to tolerate all the day-to-day "petty" and serious illegal actions against them.

An Oft-repeated Story

We will call her Paula.

Paula arrived from the Philippines under the Foreign Domestic Movement program two years ago to work for a highly educated couple and a semi-paralyzed aging parent.

In those two years, Paula's passport, employment authorization, and contract were kept by her

We wish to thank the Employment and Immigration Canada (Immigrant 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.

RENEWAL SUBSCRIPTION: (only until Dec. 1991)

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:

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YEARLY SUBSCRIPTION RATES:

Intercede Members:	FREE	Non-member Domestic	\$ 5.00
Non-Profit Organizations	FREE	Others	\$10.00

Minimum Wage (cont'd)

employers. Her employers opened a bank account and paid her salary directly to it, leaving her spending money of \$50 every so often and also keeping her bank book.

Paula's only time off was three hours on Sundays when she was allowed to go to church. Otherwise, she had no relief from taking care of the semi-paralyzed parent.

Paula just happened to hear about INTERCEDE from a social worker visiting from a hospital. It was only upon contacting INTERCEDE that Paula learned she had to meet certain requirements to be able to become a permanent resident: that she had to take upgrading courses, that she had to do volunteer work, that she had to show a pattern of savings, that she had to show proof of integrating in the community, etc.

It was also the first time she learned she had rights: to minimum wage, overtime pay, days off, etc.

Paula gathered enough nerve to ask for her important documents on the excuse that she needed to show them to Immigration. She also gathered enough nerve to ask for her bank book on the excuse she had to enroll in a course. There was only \$2000 in her savings.

Her employers terminated her. After two years, she had been paid only a total of \$8000.

Paula has recently enrolled in an expensive course in health care. She is looking for a new employer. She is afraid she will not qualify for permanent residence even if she has already been two years in the FDM.

She knows she can file a claim for unpaid wages against her employers but she has chosen not to. "I just don't want to think about it anymore," she said, "besides I don't want to cause the old woman any worries. She was kind to me."

CHRISTMAS PARTY ON DECEMBER 1

Part of the monthly meeting on October 6 was spent discussing preparations for INTERCEDE'S Christmas party on December 1. It will be held at the Cecil Community Centre, 58 Cecil Street, from 3 pm.

Three committees were formed to assure the success of the party. The Program Committee is being centred by Board members Zeny Reyes and Hermie Palanca. Members of this committee will organize the performers of songs, dances, group caroling to entertain the crowd.

The Set-up, decor and clean-up committee led by Vilma Mora, an INTERCEDE facilitator, will be responsible for rendering a festive atmosphere to the Cecil auditorium and add to the Christmas spirit. They will also make sure that the hall is left neat and clean after the party.

An Exchange gift is being organized by a committee led by Ellen Benigno, also a Board member. Each member who comes is encouraged to bring a gift costing at least \$5 to be exchanged. Door prizes may also be offered some lucky winners during the afternoon.

All members are invited to participate in the work in any of the three committees and should contact the names mentioned above.

Meanwhile, INTERCEDE plans to invite the Minister of Citizenship, Elaine Ziembra, depending on her busy schedule, to speak and formally present the newly published Orientation Kit for Newly-Arrived Domestic Workers, a project funded by her ministry. INTERCEDE also plans to invite Amy Go, who currently chairs the Ontario Advisory Committee on Women's Issues, to be one of the speakers at the party.

ALL-DAY ORIENTATION FOR NEWLY-ARRIVED DOMESTIC WORKERS

Sunday, November 24, 1991

10 am - 5 pm

George Brown College, Room 522, 200 King St. East (King Subway)

Participation is free including lunch.

Certificates will be given to those who attend the whole-day session.

Registration is limited to 80 people.

Call Eva at 324-8751 to register. Please come on time.

STAFF NOTES

Calling DEMMA BAUTISTA

Kanlungan Center Foundation, Inc. is a Philippine-based organization assisting and advocating for migrant workers. They recently wrote seeking INTERCEDE's help in locating DEMMA BAUTISTA, who came to Canada under the FDM and whose last address was in Edinburgh Drive, Downsview.

If anyone knows Ms. Bautista, please let her know that her family wants to hear from her as they have no communication for two years now; they don't know her whereabouts and are worried about her. Demma Bautista, or any friend of hers, please call INTERCEDE 324-8751.

Meeting with Domestic Workers in Peterborough

Counsellor Coco Diaz together with staffer Eva Jacob will be leading an outreach meeting in Peterborough on Saturday, October 26 from 1-3 pm.

The meeting is sponsored by the Newcomers Canadian Centre and will be held at 205 Sherbrooke Street. Linda McKerr of the Centre initiated the invitation to INTERCEDE to be able to talk to domestic workers in Peterborough.

Many thanks to the following volunteers

Facilitators in the Orientation session last September 29 did a great job of organizing the discussions based on the Guide to Newcomers Kit: Zeny Reyes, Ellen Benigno, Hermie Palanca, Amy Dizon, Leah Guion, Conchita Calacal, Magdalena Ibe and their apprentice team of new facilitators.

DOMESTIC WORKERS FROM THE CARIBBEAN

MEETING ON HEALTH ISSUES

Sunday, November 24, 1991 3:00 - 5:00 pm

at INTERCEDE, 489 College St., Room 402

(Take Bathurst Subway then Bus 511 to College & Bathurst)

Call 324-8751 for more information

IMPORTANT PHONE NUMBERS

Canada Immigration Centre	973-4444
Educ & Skills Training Ctr, Labour Council	971-5893
Employment Standards Enforcement	326-7160
Immigrant Women's Health Centre	367-1388
Immigrant Women's Job Placement Centre	656-8933
OHIP	
Toronto	482-1111
Scarborough	1-800-263-3814
Mississauga	275-2730
Ontario Human Rights Commission	326-9511
Revenue Canada (Taxation)	869-1500
Toronto Rape Crisis Centre (24-hour line)	597-8808
Unemployment Insurance	730-1211
EMERGENCY HOUSING	
Nellie's Hostel	461-1084
Evangeline's	762-9636

LEGAL SERVICES

Parkdale Community Legal Services	531-2411
CLASP (Osgoode Law School) Legal Clinic	736-5029
Kensington-Bellwoods Community Legal Serv.	363-0304
Metro Tor. Chinese & SE Asian Legal Clinic	971-9674
Toronto Workers' Health & Safety Legal Clinic	971-8832

INTERCEDE SERVIC

Place:
Time:
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