

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

November 1996



(INTERCEDE)

Less rights under Harris government

CHANGES IN ONTARIO'S ESA UNFAIR TO DOMESTICS, ALL WORKERS

About Halloween last year, the Harris government took away the formal right of domestic workers to unionize when it repealed amendments to the Ontario Labour Relations Act that had been approved just two years before.

Well, Halloween is here again, just in time for the Harris government to introduce changes to the Employment Standards Act (ESA) that lessens workers' rights some more.

From now on, live-in caregivers and domestic workers will have to leave an employer much sooner in order to file a claim for violations of Ontario's labour laws.

In addition, the maximum amount they can claim for unpaid wages and overtime cannot go beyond \$10,000, or else they would have to go to court to claim their money.

The Ontario government announced changes to the Employment Standards Act (ESA) that now limit both the amount any worker can claim and the period within which a worker can make a complaint.

Before these changes, workers had up to two years after a labour violation was committed to make a complaint at the Ministry of Labour. Today, you only have six months. As for the amount, there used to be

no limit to the amount a worker could claim from an erring employer.

The changes announced by the provincial minister of labour, Elizabeth Witmer, are grossly unfair to all workers, homeworkers and domestic workers, particularly those who are still on temporary work permits and required to live-in the employer's house.

INTERCEDE explained why this is so to Minister Witmer and other members of a committee that considered the ESA changes. Many other workers' groups such as garment homeworkers bitterly opposed the changes. But the Harris government did not listen and the changes were approved.

Harder for workers to complain

As it is, only one percent of people complaining to INTERCEDE about labour violations dare or bother to formally lodge a claim with the Ministry of labour against employers. Now, the amendments to the ESA will just discourage them further.

What's worse, these changes send a message to employers that they can get away without being punished for violations of more than six months and they can cheat their workers for more than \$10,000 because going to court is not only more time-consuming and a bigger hassle, but it's also more expensive and more intimidating.

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You Are Welcome

DOMESTIC WORKERS AND CAREGIVERS

Live-in or live-out, caregiving in hospitals or senior homes,
on temporary or open permit, immigrant or citizen

YOU ARE WELCOME TO INTERCEDE MEETINGS EVERY FIRST SUNDAY OF THE MONTH

(if it falls on a holiday, meeting is on second Sunday of the month)

Next INTERCEDE Meeting

SUNDAY, November 03, 1996 from 3 to 5 pm
Cecil Community Centre, 58 Cecil St. Cor. Spadina

Workshop topic: **UPGRADING YOUR SKILLS IN CHILDCARE**

Presented by Carol Goldman, Canadian Mothercraft Society

- 2:45 - 3:00 pm Member Application & renewals of Member ID nos. 95-0115 to 95-1228
- 3:00 - 5:00 pm Orientation for Newcomers
- 3:00 - 5:00 pm CLASP Legal advice and INTERCEDE counselling available



MERRY CHRISTMAS AND HAPPY NEW YEAR



Live-in caregivers and domestic workers usually wait until they have left their jobs before complaining about any violation of labour standards committed by an employer. But it's not easy for them to just leave an employer even after their legal rights have been violated because of very compelling reasons.

First of all, a domestic worker doesn't find it easy to make a complaint against an employer in whose house she is still living because obviously, not only would she feel vulnerable to immediate reprisals, but also because she would feel insecure, unsafe and uncomfortable about continuing to live under the same roof as this employer.

Then there's the requirement of the Live-in Caregiver program (LCP) that caregivers and domestic workers must complete 24 months of live-in work within three years of arriving in Canada before they can apply for permanent resident status. Because of their temporary status, LCP workers feel forced to tolerate employer violations more often and for longer periods than other workers.

To fulfill the LCP requirement, a domestic worker would prefer not to risk her chances to become landed in Canada. She would prefer not to get into any trouble with an employer because the sooner she completes her 24 months without any interruption, the sooner will she be able to apply for permanent residence before three years are up.

Leaving one employer for another is not at all easy for a domestic worker, particularly a temporary one here. A bad reference from a previous employer will make it that much harder to find another job. It could take more than

three months to find a new job, and if you're still in the LCP there's a wait of another month or two before receiving a new work permit - all this delays her from completing the 24-month requirement.

Our experience at INTERCEDE has been that domestic workers wait until they have found another job before they file a complaint against a former employer who violated labour regulations. But very few workers bother to make a claim.

Because of their temporary status, majority of domestic workers in the LCP don't want to make waves and often decide to just forget about making any complaints with the Ministry of Labour.

Claim all that is owed; Do it within six months!

With the changes to the time limit for making complaints and to the amount of claim possible, domestic workers are even more discouraged from filing complaints or making claims. INTERCEDE and other groups that opposed the ESA changes will have to work harder in continuing to oppose the Harris government's actions against workers' rights.

We cannot let the Ontario government conspire with abusive employers to cheat workers of their just rights. If workers don't bother or are afraid to make a formal complaint to the Ministry of Labour, this only encourages more abuse and more cheating by employers.

INTERCEDE will assist domestic workers to get back every cent of the work that is owed to them. Making a claim for unpaid wages does not jeopardize your status in Canada or your chances of becoming a landed immigrant.

So remember, you have six months to make a complaint after a violation of the ESA. If you were not paid properly or if your rights were abused, call INTERCEDE immediately.

VANCOUVER CDWCR

Committee for Domestic Workers' & Caregivers' Rights

(an INTERCEDE Affiliate)

Contact Julie or Lorina (604) 874-0649

TO ALL SUBSCRIBERS since Sept. 1995 (Does not apply to current members)

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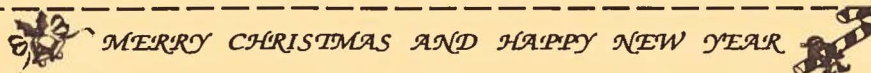
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3RD INTERCEDE CONFERENCE OF DOMESTIC WORKERS HELD IN REGINA ADOPTS CAMPAIGN TO GET CANADA TO SIGN U.N. CONVENTION ON MIGRANTS

With a unanimous voice, domestic workers and advocates from Saskatchewan, British Columbia, Alberta, Ontario and New Brunswick agreed to gather signatures on an appeal to Canada to sign the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

The occasion was the third interprovincial INTERCEDE conference of domestic workers, which was hosted this time by the Immigrant Women of Saskatchewan, Regina chapter, and assisted by members of a Saskatchewan association of domestic workers.

More than 50 conference participants spent an equivalent of three days discussing the rights of domestic workers and actions they are taking in the different provinces to promote those rights and enforce them. In the end, they decided to act on provincial labour and human rights issues relevant to each province.

CDWCR's good news: A Central Registry in B.C.

Vancouver's Committee for Domestic Workers and Caregivers Rights (CDWCR) announced a victory for domestic workers in British Columbia where employers will be required by law to register domestic workers they employ.

CDWCR and INTERCEDE in Toronto had been advocating for improvements in Employment Standards legislation that included establishing a central registry of domestic workers. Now, CDWCR will be proposing implementation measures that will make this registry work for domestic workers in B.C.. CDWCR is also learning lessons from INTERCEDE's cooperative project and intends to begin the process of forming one.

In Ontario, we need to oppose any amendments to Employment Standards that will curtail the rights of domestic and other workers. (See story this issue). Saskatchewan domestic workers will work for coverage under the provincial human rights legislation which exempt them from coverage at present.

Struggle in Canada and beyond

Participants discussed and appreciated the struggle to include migrant women workers' rights in the Platform for Action adopted by United Nations member states during the Beijing conference on women last year.

Consequently, participants expressed the need to monitor the implementation of the promises in the Platform for Action, specifically as it concerned the rights of migrant women workers.

Two important events were noted: the APEC summit in Manila this November which will be resumed in Vancouver next year, and the meetings of the U.N. Commission on the Status of Women.

Agreements and decisions are being made by 18 countries within the Asia Pacific Economic Cooperation or APEC that directly affect the lives of people, in particular workers who are leaving their countries to join an international pool of migrant labour. INTERCEDE will be represented at the Manila People's Forum on APEC through a NAC delegation headed by Joan Grant-Cummings, NAC president and INTERCEDE Board member.

Apart from seeking Canada's signature on the U.N. Convention, the groups represented in Regina also agreed to pursue the campaign for points for domestic workers with a written submission that they will endorse and submit to the federal government next year.

NAC leads, groups abroad join appeal

The National Action Committee on the Status of Women leads the list of groups that have now attached their signatures to the appeal for Canada to sign and ratify the United Nations Convention to protect the rights of migrant workers and their families.

The appeal will be presented to the Canadian government towards spring.

Organizations in different countries have signed on to the appeal including groups from the Netherlands, Hongkong, Jamaica, the Philippines, the U.S. etc.

(If you have not done so, please sign your organization's name. For a copy of the appeal Call (416) 483-4554)

"I did not want to come to Canada. I did not see my mother for eight years, she's a stranger to me. I grew up with my Grandmother and I want to go back to her."

"Our mother keeps bugging us about how much she had to sacrifice to support us. I'm getting fed up."

"I don't like being in Canada. I did not want to leave my friends. Why did my mother have to sponsor us?"

Sound familiar? Come to a Theatre Workshop on

CONFLICTING ROLES OF WOMEN

SATURDAY, NOVEMBER 9, 1996

1 - 5 pm, at INTERCEDE office

This is a creative workshop for daughters sponsored by long-absent mothers who came as domestic workers to Canada

Facilitator: Pilipinas Support Network

Call 483-4554



MERRY CHRISTMAS AND HAPPY NEW YEAR



NANNY WINS SEXUAL HARASSMENT COMPLAINT

(Story and excerpts taken from Lancaster's Human Rights and Charter Law Reporter)

"The British Columbia Council of Human Rights has compensated a Filipino nanny for sexual harassment by her employer.

"Wilma Singson, a Filipino domestic worker on temporary status in the Live-in caregiver program, began working for Douglas Moore and his wife, Marilou Pasion, in February 1992. She was required to care for the couple's young child, clean the house and live with the family at their home in Vancouver.

"Moore, who often came home during the day when his wife was at work, began making sexually harassing comments about two months after Singson was employed. Once he suggested that Singson would make more money working on Davie Street (a place where prostitutes worked). On another occasion, Moore went with Singson to the park and upon seeing women of other races, described his sexual experiences with women of each race. Moore snapped Singson's bra strap once and asked why she had to wear a bra when it was hot. Another time when Singson was having lunch, Moore pulled his chair very close to where she was sitting so that his knees touched hers. When she asked him to stop, he said: "Why, aren't you enjoying it?"

FREE ENGLISH CLASSES

Would you like to improve your English?
Depending on registration, classes will take place either
Saturday, 9 am to 1 pm or
Saturday, 1:15 pm to 5:15 pm

at Metro Labour Education Centre

Registration now Call (416) 483-4554

Learn how to take care of yourself Financially

Don't miss the Monthly Meeting of

Sunday, Dec. 1, 1996

"on Women and Money"

Presenter: Lana M. Salmon, Berkshire Group

We wish to thank the Citizenship and Immigration Canada (Immigration Settlement and Adaptation Program); Canadian Heritage; Multiculturalism Program; the Municipality of Metropolitan Toronto (Community and Social Services); the City of Toronto Grants Review Board, the Trillium Foundation, and Urban Rural Mission for their financial support.

INTERCEDE CHRISTMAS DINNER AND DANCE

Saturday, December 7, 1996

Estonia House

958 Broadview Avenue, from 7 p.m.

\$20 tickets

COME AND BRING YOUR FRIENDS,
LET'S PARTY

"Singson was afraid of Moore's harassment but she was more frightened to quit her job, thinking it might jeopardize her immigration status. The last straw was while working around the house, Moore called her and she found him lying on a bed fondling his penis. Singson left the room crying but Moore then warned that she would be deported if anyone found out about the incident.

"Singson decided to leave her job, but still afraid to give the real reasons for doing so. She was not given her vacation pay nor a reference, despite the fact she had worked for nine months.

"In March 1993, Singson filed a human rights complaint. Moore denied the allegations but his testimony often differed with that of his wife, so that in the end, Singson's evidence was considered more believable than that of the couple.

"The B.C. Council of Human Rights held that Moore either knew or ought to have known that his conduct was unwelcome and concluded that Singson had been sexually harassed. Singson was awarded damages of \$3,500 to compensate for loss of dignity, and \$4,450 in severance pay."

(Thanks to former Board Member Yola Grant who sent us this article. If you are being sexually harassed or suspect it, call INTERCEDE 483-4554)

YOU MIGHT BE MISSING SOMETHING IF YOU HAVEN'T JOINED YET...

INTERCEDE Caregivers Cooperative, Inc.
Giving our best service, Getting the best benefits
Call 486-0548

INTERCEDE SERVICE UNIT

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