

# DOMESTICS' CROSS-CULTURAL NEWS

NOV 2000

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

Toll Free 1-877-483-4554

November 2000



## RAISE EMPLOYMENT STANDARDS FOR THE 21ST CENTURY

INTERCEDE participated in the Ontario Government's consultation on the *Employment Standards Act* (ESA) and related workplace legislation. We offered the following recommendations to raise employment standards for the 21<sup>st</sup> century for domestic workers in Ontario:

1. The *Employment Standards Act* must protect and ensure the rights of all workers particularly those who are not unionized or organized such as live-in or live-out domestic workers working in employers' households.
2. Raise the minimum wage to a decent living wage and apply minimum wage to all domestic workers including baby-sitters and companions, live-in or live-out, part-time or full-time.
3. Prohibit deduction of room and board from minimum wage, particularly for all kinds of live-in domestic workers, including baby-sitters and companions; and very importantly, providing for effective standards and monitoring of their accommodation including spot checks by Ministry of Labour staff.
4. Protect domestic workers against excessive hours of work to which they have been ordinarily subjected, by setting maximum hours to 40 per week, by ensuring overtime pay beyond each 40 hour-week, ensuring that domestic workers have the right to refuse overtime, that all overtime be 1-1/2 times the regular

hourly rate of pay and, finally, that all overtime work be paid and not be negotiable for time-off-in-lieu (as it is now).

5. Ensure the right of a domestic worker to take a one-hour break for every four hours of work each day, and 24 consecutive hours of time-off in each work week.
6. Unscrupulous employment and recruitment agencies have victimized many domestic workers and have gotten away with it; the *Employment Agencies Act* must be reviewed for stricter provisions and penalties in order to discourage unscrupulous practices and excessive fees.
7. Vacation must be guaranteed to domestic workers and enable them to take a longer rest from their hard menial and backbreaking work; vacation weeks should not be allowed to be partitioned into "individual" vacation days.
8. Domestic workers must have the right to all statutory public holidays and retain the right to substitute day off for any holiday worked.
9. Remove the \$10,000 cap on claims and the six-month-after-the-violation limit on claim application. These two restrictions have let employers of domestic workers get away with rampant abuse and ESA violations.

*All Domestic / Caregiver Workers,  
All Newcomers and Women on Temporary  
Work Permit welcome to attend*

### INTERCEDE MEETING Every First Sunday of the Month

(if holiday, meeting is on the second Sunday)

Next Meeting:

Time:

Location:

**Sunday, November 5, 2000**

3 - 5 p.m.

Cecil Community Centre, 58 Cecil Street  
(1 block south of College, at Spadina Rd)

Topic: **What's Happening to Ontario's Employment Standards Act?**

*Renew or Apply for Membership*

10. There is no question that in employer-employee relations where the employee is a live-in, and even live-out, domestic worker, the latter is always at a disadvantage and power weighs heavily in favour of the employer. For this reason, disputes and complaints can not possibly be mediated through "management" and need to be settled through the Ministry.

11. Given the power dynamics in their relationship with employers, domestic workers should be allowed to complain anonymously or to have a third party make a complaint on their behalf. If this were law, employers would be less inclined to ignore Employment Standards and domestic workers would be more

capable of enforcing their legal and human rights.

12. Penalties against offending employers must be enforced by enabling the Ministry of Labour to do so through adequate resources, including staffing.

13. It is about time that Ontario respect and implement the international commitments of the Canadian government under the Convention on the Elimination of Discrimination Against Women (CEDAW) and in the Beijing Declaration and Platform for Action, namely: to subject current and proposed laws and policies to a gender-impact study or analysis, in view of ending discrimination against women.



## ***INTERCEDE Fundraising Raffle***

**Grand Prize: "Round Trip to the Philippines" (Low Season)**

**2nd Prize: \$500 Cash by Eastview Travel, 3rd Prize: \$250 Cash**  
*Consolation Prizes*

**Draw: Sunday, December 3, 2000**

at 5 p.m., Cecil Community Centre, 58 Cecil Street

**\$2 ticket or \$20 booklet of 10 \* Order Your Tickets Now!**

Lottery License No. M 136908

### **WORKERS WORSE OFF WITH CHANGES TO ESA PLANNED BY HARRIS GOVERNMENT**

*By Employment Standards Work Group*

Have you been working longer hours and taking home less pay? Finding it harder to make ends meet? Well, things could get worse if the provincial government passes a new law that will make changes to our working conditions.

Mike Harris wants us to work longer hours at less pay. It's going to be harder on our health, harder on our families and loved ones, and harder on our paycheque.

The Harris government is planning to change Employment Standards by this fall. The Employment Standards Act (ESA) sets out our basic rights in the

workplace like minimum wages and working conditions. The government will tell you that their changes will give you more choice and flexibility. But they won't.

The new law is going to give more power to employers to make us work longer hours, give us even less control over work schedules and less overtime pay. But it's not too late. The changes are not yet in place. The government has to bring in new legislation to make the changes it wants. We can still stop those changes from becoming law.

What exactly are the changes being proposed?

The Ontario government's plan is to make us work longer hours for less pay:

### 60-hour work week

Now our maximum work week is 48 hours. This is being increased up to 60 hours a week.

### Work up to 180 hours maximum over 3 weeks

The maximum work week would be averaged over 3 weeks, instead of one. So some weeks you could work more than 60 hours. For example, you could be made to work 40 hour week + 65 hour week + 75 hour week = 180 – and this would be legal.

### Less overtime pay

You would no longer get overtime pay after 44 hours in one week. Overtime would be paid only after you've worked 132 hours over 3 weeks. For example if you worked 35 hour week then a 60 hour week then 35 hour week = 130 hours, you will not be entitled to overtime for the 60 hour middle week.

### Goodbye to your weekend

Harris' Tories will dump the "1 day's rest in 7" Act which gave us a day off each week. Instead we would have to work 12 days in a row before getting a day off.

### No substitute day off for Public Holiday

There would no requirement for your boss to give you a substitute day off when you work a public holiday.

### Vacation one day at a time

The government would allow employers to pressure us to take our vacation one day at a time rather than one week at a time.

### Family Crisis Leave may not be for you

The government is offering to give workers in places with more than 50 workers, 10 days of unpaid "family crisis leave" which would cover everything from bereavement to illness. This would cover only one-half of Ontario workers.

The government is not proposing to extend parental leave to allow women to take advantage of the new parental benefits under Employment insurance which entitles workers to a full year of parental leave after Dec. 30, 2000.

### Fewer workers will be covered by ESA

The government will allow whole industries to apply to get out of the rules of the Employment Standards Act if they face a "financial problem" or a "temporary emergency".

These are some of the changes which the Harris Government wants to legislate on the excuse of making the ESA "flexible, modern, simple and fair" for the 21<sup>st</sup> century. But these changes will bring us way back to 19<sup>th</sup> century conditions.

Let Mike Harris know that you oppose his proposed changes to the ESA. Making people work longer, on more erratic hours for less money is bad public policy. Let him know you will not tolerate eroding workers' basic rights.

Tell the government what you think by calling (416) 325-7341, faxing (416)325-6241 or email to [webprem@gov.on.ca](mailto:webprem@gov.on.ca) or call your member of provincial parliament. Remember it's supposed to be a democratic country and you can have your say.

Learn more with the *Employment Standards Work Group* which is educating and campaigning against Harris' backward proposals. Call INTERCEDE or Mary Gellatly at *Parkdale Community Legal Services* (416) 531-2411 ext. 246 or Consuelo Rubio at the *Centre for Spanish Speaking Peoples*, (416) 533-8545 ext.26.



**Looking for work? Changing careers?  
Want to earn extra money while in school?**



**INTERCEDE offers  
FREE Job Search Workshops  
for Caregivers / Newcomers and their Families**

*You will learn how to:*

- identify your interests, skills & career goals
- write an effective resume
- conduct successful job interviews
- use the internet to find work
- gain self-esteem and confidence in a supportive environment

GROUP 1: Saturdays Nov 4, 11, 18 & 25 (10 am - 5 PM)

GROUP 2: Monday & Wednesday Nov 13, 15, 20, & 22 (5 PM - 9 PM)

GROUP 3: Monday & Wednesday Nov 27, 29, Dec 4 & 6 (5 PM - 9 PM)

**Classes held at George Brown College, St. James Campus  
200 King St. East, Rm. 544-E**

*Certificates of completion to be issued by George Brown College*

**Call now to register, space is limited (416) 483-4554 ext. 25**

*Funded by Citizenship & Immigration Canada \* Sponsored by COSTI & OCASI*



**50,000 WOMEN ON PARLIAMENT HILL JOIN WORLD MARCH TO END POVERTY & VIOLENCE**

Two bus loads of INTERCEDE members set off for Ottawa in the early hours of October 15 to join up to 50000 women on Parliament Hill calling for an end to poverty and violence against women.

The world march of women which was launched in March, culminated at the United Nations in New York on October 17, a world-wide mobilization participated in by women in over 157 countries.

Canada's women presented 13 demands ranging from health to immigration to child care to education to pensions etc. emphasizing that "it's time for change"! These are concrete measures seeking to eliminate poverty and ensure an equitable distribution of wealth between rich and poor, between men and women and seeking to eliminate violence against women and ensure equality between women and men.

INTERCEDE's contingent of marchers called for an end to all forms of slavery including slavery disguised as the Live-in Caregiver Program. They called for Canada's ratification of the United Nations Convention for the Protection of the Rights of all Migrant Workers and members of their families. They called for an end to discrimination against domestic workers and caregivers by admitting them as immigrants and not as temporary permit workers in Canada.

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

Following the march and rally on Parliament Hill, representatives of the Canadian Women's March Committee met with Prime Minister Jean Chretien to present him with the women's 13 demands and 68 proposals for legislative change. They were disappointed with the Prime Minister's lack of response, having given only a directive that they talk with his ministers and with the provinces.

Terri Brown, President of the National Action Committee on the Status of Women, expressed her frustration that Chretien "showed a profound lack of leadership". Nancy Riche, Secretary-Treasurer of the Canadian Labour Congress said: "The PM just doesn't get it!" adding that he will have "to catch up with us now because we are going to work and will continue to organize and push for what we want."

At the end of the day, INTERCEDE members came back flush with a sense of empowerment and women's collective strength.



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**I WAS ACCUSED OF THEFT BECAUSE I FILED A CLAIM**

*by Risa Rivera*

My first 4 months as a live-in caregiver with my second employer was miserable, but I did not take any action because I did not want to jeopardize my Immigration status. Although I wanted to finish my term of employment, I simply could not endure the verbal abuse from my employer, who yelled, blamed me for anything missing, insulted me and treated me like a person without common sense. I received threats of being reported to Immigration every time I tried to express myself or assert my rights. I tried my hardest to meet employer's demands but on my tenth month, I decided to leave.

My employer did not pay my last salary, so I tried to collect the unpaid wages through the Ministry of Labour, Employment Standards Branch (ESB). My employer retaliated by accusing me of stealing him personal property. Fortunately, the ESB ruled in my favour and ordered payment of my salary. The case of theft against me was dropped and my name cleared after it was proven in court that I did not steal the used clothing that my employer said I took.

When I filed my valid claim with the ESB, my vindictive employer tried to make my life miserable and took advantage of the fact that I am a temporary worker under the Live-In Caregiver Program. *(This writer did not want to use her real name)*

