

DOMESTICS' CROSS-CULTURAL NEWS

INTERCEDE for the Rights of Domestic Workers, Caregivers and Newcomers

November 2005

Toll Free 1-877-483-4554



INTERCEDE REPORT TO UNITED NATIONS CONSULTATION ON WOMEN AND HOUSING

The following report, written by Fely Villasin, was submitted by INTERCEDE to a United Nations consultation on Women and Housing led by the Rapporteur, Miloon Kothari. This was among the reports gathered by the National Coalition on Housing, including Centre for Equality Rights in Accommodation (CERA), which organized Canada's NGO participation in the consultation.

INTERCEDE is a community-based, non-government organization whose mandate is to assist a majority of women admitted to Canada from abroad (up to 5000 a year and largely from the Philippines) under an immigration program called the Live-in Caregiver Program(LCP). This assistance takes the form of individual services related to immigration rules, newcomer orientation, adaptation, information, employment, social services, and others. INTERCEDE offers educational meetings, training workshops, social/recreational activities and facilitates support groups such as for Black and Caribbean women, for lesbians, and for members living with cancer. A key aspect of INTERCEDE work is advocating with the Canadian government at all levels to improve policies and laws affecting our constituents.

The Live-in Caregiver Program(LCP) has been criticized by INTERCEDE for the slavery-like conditions experienced by women who do a combination of caregiving and domestic work, most of whom are women from poor countries such as the Philippines, others in Asia and the Caribbean. These conditions stem from the requirements of the LCP itself.

Among these **LCP key requirements** are the following:

1. LCP workers are obligated to live in the house of their employers as a condition of valid stay in Canada.
2. Unlike other workers for whom there is considerable demand, LCP workers are not admitted as permanent residents (or landed immigrants) but only as temporary-permit workers. This constitutes discrimination against women who are recruited into the country to do caregiving and domestic work, normally regarded as "women's work". In effect this temporary permit accords them the status of migrant workers whose labour and human rights are vulnerable to widespread exploitation and abuse.
3. An LCP worker is granted a permit to work in Canada for a specific employer named in the permit and no one else.
4. The worker who leaves an employer under whatever circumstance cannot just work for a new one without government approval and without obtaining and paying to process a new work permit which specifies the name of the new employer.
5. The LCP allows participants to apply for permanent resident (landed immigrant status) on condition that they have completed 24 months of live-in caregiving work within three years of arriving in Canada. This landed status is the cherished goal of every worker in the LCP and the 24/36 requirement is her biggest hurdle.

The LCP combination of requirements described above makes every participant in the Program vulnerable to abuses by employers, employment agencies, immigration consultants, immigration officers, by their own governments, by the Canadian government, and even by their own communities.

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*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 for/renew your membership - \$10.

Sunday, November 6, 2005, 3-5 p.m.
At Cecil Community Centre, 58 Cecil St.
(one block south of College cor. Spadina)

***YOUR RIGHTS UNDER OWWA
with Jong Olalia, Labour Attache
Philippine Overseas Labour Office***

The difficulties and lack of choices women workers experience by being in the Live-in Caregiver Program have serious consequences on their housing situation as well as their health and well-being. INTERCEDE has dealt with numerous cases involving LCP workers and the effects of the LCP live-in requirement. Following are among the most common and **urgent cases**:

1. Because she is required to live-in her place of work as a condition of valid status in Canada, a caregiver/domestic worker in the LCP lost her home when she lost her job. It is not a rare instance when a woman finds herself out in the street at night, in the middle of winter after being summarily terminated from employment for any reason: asking to be paid proper wages or overtime; being suspected of child abuse, often unfairly; being accused of theft, often falsely; or even for giving notice that she intends to leave her employment!
2. Because she lives in her place of work, a caregiver/domestic worker was considered to be at the employer's beck and call; she was expected to be on duty long after she had completed the legal hours of work. This is why majority of caregivers in the LCP exceed the legal hours of work and are never paid proper overtime wages.
3. An LCP worker dared not complain even when she was aware that her employers were violating the Ontario Employment Standards Act because she was afraid of being terminated. It is common for LCP workers not to lodge any complaint against erring employers for fear of being terminated. If terminated, they lose a place to sleep, they have to go through the hassle of finding a new employer, they risk delays in getting landed status or they may not meet the 24/36 requirement for landed status.
4. A caregiver/domestic worker complained of not having any privacy and being refused a lock for her room, much less did she get her own washroom all of which were specified in her work contract. The LCP worker has to accept whatever "private accommodation" is provided by the employer with whom she must live-in. It can be a corner of the basement separated by a TV screen – one in which a worker was raped by a male employer. It can be an unlocked workden where her wards and employers can freely come and go. Or it can indeed be a room without any locks where another worker was accosted one night by her drunk male employer.
5. Living in the employer's household prevented a worker from cooking or eating her own ethnic dishes because of complaints about unfamiliar odors. Worse, she was monitored for any food or beverage she used up, which resulted in her losing over 20 pounds in just one month. Worse still was the blow to her dignity each time she received a complaint that she had drunk too much of the juice or ate more than one toast. To be able to eat freely and rest sufficiently, LCP workers have been pooling

together to rent week-end apartments or bed-spaces in private homes.

6. Needless to say, the live-in requirement prevents any LCP worker from bringing with her any member of the family and this was the cause for the deep depression suffered by one who did not find any support or comfort in her life of isolation and anxiety. INTERCEDE finds that there is a disproportionate number of workers who suffer from stress-related illnesses, both chronic and "catastrophic", among LCP participants.
7. Living-in the employer's household made an adult woman in her 40's feel like she was an irresponsible adolescent who had to have a curfew for coming home at night and did not have any right to receive visitors, or even to use the telephone to talk long-distance to her family far away.

Perhaps there are some exceptions, but on the whole, the above situations are commonly lived by women who come to Canada as caregivers/domestic workers under Immigration's Live-in Caregiver Program. Indeed many of these women's rights are violated by this program, including the right to choose their preferred accommodation, the right to privacy, the right to be safe from violence and the threat of violence including rape and sexual harassment, the right to live in freedom and human dignity.

Our long-time appeal and recommendation to the government of Canada is:

Stop discriminating against caregivers and domestic workers; Stop discriminating against women's work and admit them to Canada as permanent residents the way other workers whose labour is in demand are admitted.

INTERCEDE POT LUCK CHRISTMAS PARTY COME ONE COME ALL

Sunday, December 4, 2005, 3—7 pm
Cecil Community Centre
58 Cecil St., Toronto
(S of College, E of Spadina)

Program: 60/40 Raffle Draw

**Please bring a Gift of \$10+ for Exchange
and call to give us your idea for the
Christmas Program at 416 483 4554 ext 21**

Q & A

Q - My sister received a refusal letter on her application for permanent residence under the LCP. She fully completed the 24 months live-in work with only one employer who she still works for up to now. The reason for the denial is non-completion of 24 months live-in work in Canada because every winter she is in Florida with her elderly employer. Can you help her?

A - This is an unfair decision made by immigration. It has been a practice of some elderly employers to bring their caregivers to Florida and other warmer places during winter. These caregivers leave Canada as part of their job to take care and accompany their employers who are elderly, or with special needs. They declare their income and pay their taxes in Canada. Have your sister contact us and thank you for sharing this information. We'll make an immediate inquiry at Immigration.

Q - I recently received my Open Employment Authorization and have the intention to enroll in a Nursing course at one of the colleges in Toronto. I am a graduate of Midwifery. Will I get credits for this or would I need to start from the beginning. Can I apply for a student loan?

A - First, contact the Ontario College of Nurses and ask for this information as well as have your credentials evaluated. Student loans are only available to students who are residents and citizens of Canada. Once you receive your landed status you can apply for a student loan.

Q - I want to express my disappointment and frustration at Citizenship and Immigration Canada. I have been in Canada for nine years, completed the required two years live-in work under the LCP, filed an application for permanent but was refused because my only son is considered "medically inadmissible" He is considered a slow learner, and at has the intelligence level of and eight year old.

I applied for Humanitarian and Compassionate consideration stating that my son is very capable of doing everything on his own. He cooks, bathes himself and cleans the house. He can play and take care of younger kids. He is very independent and my whole town can vouch for his being fun and trustworthy person. He was never been involved in any trouble. What are my chances to get approved for Permanent Residence in Canada? I have a good job, earning enough to support my son and my husband. Will I be re-united with them or will Immigration continue to refuse my application?

A - Canada is considered a champion of human rights and extends humanitarian and compassionate consideration in certain cases but yours will be difficult. Immigration refusal completely violates your rights you are punished for something that you do not deserve and so is you child for having a disability. There is a Charter of Rights and Freedom and the Convention on the Rights of the Child, which we will look into with the help of a lawyer.

Q - My employer requested me to work last Thanksgiving Day and I expected to be paid but was not. I asked for payment of that public holiday either in cash or an extra off-day but I was

refused. My employer insists that I am not entitled since I am just on my second month on the job. Is it true?

A - Your employer is wrong, regardless of the length of your employment you are entitled to be off on statutory holidays or be paid double for that day if you work. Remember caregivers/domestic workers are covered under the Ontario Employment Standards Act.

Q - Do I have the right to refuse to go to my male employer's house when it is his turn to have his children following a joint custody arrangement with his wife? I am very uncomfortable because his girlfriend complains about how I take care of the children. I need to have three more months complete the required 24 months to file my application for landing. Any advice on what to do?

A - Discuss your concern with your female employer and suggest that you only want to do your work as babysitter for her children in her own house where you have been staying in the past two years. It is important that you approach her in a tactful manner to avoid termination of employment and to be able to complete your 24 month requirement.

Q - I am a live-in caregiver and during my days off, I paid for driving lessons. I just received my G2 driving license and when my employer learned about this, she was so happy and asked me to drive the children to school everyday and do some groceries every now and then. Lately, after driving the children to school, I was issued a traffic violation ticket. Although I feel I did not commit any violation I have to pay a penalty. I asked my employer if she could help me pay this because that incident happened on my way back to their home after bringing their children to school. She got furious and told me that it was may fault so I should deal with it. Is there a way I could oblige my employer to help me pay that penalty?

A - I understand your excitement being able to drive around Toronto but now you are doing errands for your employer. This is not part of your contract as a live-in caregiver. If they insist, you should have an agreement adding driving as one of your responsibilities and any additional compensation, as well as provision for related expenses including penalties, gas, insurance, etc should accidents happen while you are doing errands for them.

For now I'm afraid you cannot force them to help you pay for the penalty because you have no previous agreement about driving for the family. You can only depend on their kindness.



CARIBBEAN CONNECTION

If you are a Caregiver or a domestic worker and are interested in attending a Caribbean Connection Meeting please call Bernice Small at (416) 483-4554 ext 22.

**Next Meeting: Saturday, November 19, 2005, 2— 4 p.m.
at INTERCEDE's office, 234 Eglinton Ave. E. Ste. 405,**

Coco's corner:

In my daily commute by bus or train I often bump into people who used to be members or clients of INTERCEDE. Sometimes they would approach me and ask if INTERCEDE still exists. I quickly answer "yes" and hand out a calling card if I happen to have one handy.

Birthday celebration, weddings, baptisms and funeral wakes are other occasions where I re-connect with friends who make referrals to INTERCEDE.

To my surprise, several of those contacts try to avoid being identified as former domestic workers. Some try to "glamorize" their previous occupation as being "nannies". They feel that "nanny" evokes the more respectable British nannies and lessens the stigma of being a domestic worker.

This bothers me a lot because in my 20 years as counselor at INTERCEDE, no matter what their educational background or training, Filipinas in the LCP had to do a combination of caregiving and domestic work. It takes a skill to perform the task of cleaning, laundry and cooking. As a woman and mother I never felt offended and will never be defensive about being called a domestic worker. We should be proud and make an effort to recognize the value of woman's work in the home!



**INTERCEDE
60/40 RAFFLE**

More Money for Christmas

**Win 40 per cent of total raffle funds raised -
And 60 per cent goes to INTERCEDE.**

Winning ticket will be drawn at the Christmas party
On December 4, 2005

Get your tickets now, the more you buy the more you win

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

WHEN: SUNDAY

**November 6, 13, 20 & 27, 2005
December 3, 11, 17 & 18, 2005
January 8, 15, 22 & 29, 2006**

TIME : 10:30 a.m. to 5:00 p.m.

**WHERE: 164 Eglinton Ave. E., 3rd Floor, Computer Rm.
West of INTERCEDE's office**

**Please call (416)483-4554 ext. 30 or 21 to sign up.
Seating is limited.**

Funded by Citizenship and Immigration Canada

INTERCEDE

**Address: 234 Eglinton Avenue East, Suite 405
Toronto Ontario
M4P 1K5**

**Regular Hours: Mon-Friday 9 am - 5 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 - Part - Time Executive Director**
- Jo Alcampo - Administrative Consultant**
- Columbia Diaz - Settlement Counsellor & Program Manager**
- Anita Fortuno - Settlement Counsellor**
- Bernice Small - Settlement Counsellor**
- Vicky Policarpio - JSW Facilitator**
- Salma Saadi - JSW Co-Facilitator**
- Genie Policarpio - Intake & Administrative Assistant**

We wish to thank: Citizenship and Immigration Canada - ISAP and Job Search Program; the Municipality of Toronto CSGP, and The Ontario solicitor General's Office for their financial support.



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