

# DOMESTICS' CROSS-CULTURAL NEWS

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

Nov/Dec 1997



(INTERCEDE)

## IF CANADA IS A HUMAN RIGHTS CHAMPION, WHY NOT SIGN THE CONVENTION ON MIGRANT RIGHTS?

During a lobby to the different political parties which is an annual activity capping the Annual General Meeting of the National Action on the Status of Women (NAC), the government was asked to respond to the Appeal for Canada to sign the International Convention on the Protection of the Rights of All Migrant Workers and members of their Families.

On October 8, 1997, the government issued a response through a letter to NAC president Joan Grant-Cummings (a past president of INTERCEDE) sent by Citizenship and Immigration Minister Lucienne Robillard.

### Canada will not sign because...

In her letter, Mme Robillard states that "while Canada is very much in favour of protecting the rights of migrant workers, we are not in a position to ratify this U.N. Convention." She further states that because of "drafting deficiencies...only seven countries have ratified the Convention while no western developed country and non immigrant-receiving country has done so."

The "drafting deficiencies" cited by the Minister, refer to the fact that the "Convention, which deals with such areas as housing, rent control, vocational training, health, social services and the death penalty, would create legal problems not only for Citizenship and Immigration Canada but also several other federal departments and the provinces."

The Minister points out that the Convention "does not distinguish between the rights of migrants who become permanent residents, as the vast majority do in Canada, and those who are temporary workers in Canada for specified work contracts only", and she goes on to assert how perma-

nent residents here have rights "which go beyond those outlined in the Convention."

The letter concludes with the Minister's assurance that "we will continue to show leadership internationally in promoting the protection of the rights of migrants of all kinds, particularly women and children."

### Appeal is international,

The Appeal to Canada to sign and ratify the Convention for Migrant workers' rights has now been signed by more than a thousand individuals and 73 organizations belonging to 14 countries. A signature campaign was launched by the third INTERCEDE interprovincial conference of domestic workers held in Regina in October 1996.

Repeatedly, women migrant workers' groups around the world have appealed to members of the United Nations to sign and ratify this Convention. They did so in statement after statement during more than a year of meetings and conferences leading to the Beijing Conference on Women in 1995. In Beijing, more than 50 women's groups from different parts of the world lobbied, demonstrated, and signed a statement listing the Convention first among their demands to ensure fundamental human rights of women migrants who comprise more than half of migrant workers in the world today.

This International Convention obliges UN member states to recognize and protect the fundamental rights of migrant workers and their families who are vulnerable to abuses and violations in countries where they work as temporary residents.

Among its provisions, the Convention protects migrant workers from cruel and inhuman treatment, from forced labour, slavery or servitude, and from threats and physical violence. It guarantees the right

## INTERCEDE CHRISTMAS PARTY "POT LUCK"

Sunday, December 7, 1997 3-6 p.m.

Cecil Community Center, 58 Cecil Street

Bring a gift (not less than \$10) and join the gift giving!

**COME AND JOIN THE FUN!**

*MERRY CHRISTMAS AND HAPPY NEW YEAR*

## Tax Information and Financial Planning

Sunday, December 14, 1997 2-5 pm

Please register in advance 483-4554

of migrant workers to organize into associations or unions, to be paid wages similar to those received by citizens of their host country, or to transfer their earnings to their home states. It provides the right of migrants and their families to receive medical care, education and other social services. Furthermore, the UN agreement protects migrant workers from arbitrary detention and assures them access to their consular authorities in case they are arrested.

### Initial points counter to Robillard's response

1. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families Art. 2, 1. stipulates: "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national."

This description includes those, according to Mme Robillard's letter, "who are temporary workers in Canada for specified work contracts only." This would cover domestic workers in the Live-in Caregiver Program who indeed are visitors with work permits from their time of arrival in Canada to the time they receive landed status, which would usually span a period of 3 to up to 5 years on average. Counting from 1992 alone, we are talking of 23,446 mostly women.

This description would also cover those visitors who have been granted work permits who are not counted as immigrants but fall under what was called the "non-immigrant employment authorization program" (NIEAP). Under this program in 1993, non-immigrant workers with temporary visas totalled at least 151,890 (we are trying to get 1994-1996 figures).

This description would include many of those exempted from the normal requirements for employment authorizations or "exempt EAs" that totalled 62,292 in 1994. These "exempt EA" workers fall under various categories such as: performing arts (10,098), NAFTA (9,655), repairing and servicing equipment (4,441), etc.

These numbers do not include "seasonal workers" and "frontier workers", who are also covered by the Convention. These numbers of workers are significantly high and merit serious consideration for protection under the Convention.

Mme Robillard assures that landed immigrants (permanent residents) "enjoy a wide range of rights" but is silent on precisely the increasing number of migrant, seasonal, frontier workers and all other workers working in Canada who do not have rights, who themselves and their families do not have any protection.

Are these thousands of "migrant workers" so invisible, so negligible - when in fact their numbers have grown and may in fact now exceed the number of landed immigrant workers entering the country?

2. Housing, health and social services are indeed concerns for every human being and precisely migrant workers' absence or lack of rights to these basic needs in countries like Canada, is what prompts the creation of instruments such as this Convention.

Precisely the absence of basic protection and basic services for temporary workers themselves (not to speak of their family members) continues to be a serious preoccupation of human rights advocates particularly those working in the area of migration.

Migrant workers contribute enormously to their country of employment by their cheap and disposable labour. In Canada, they pay taxes, CPP, unemployment insurance, all sorts of government fees and they spend here, they deserve to be guaranteed basic services and basic rights in housing, health, social services, in the justice system etc. The Convention tries to assure very fundamental rights for them.

And this is why even the Commission on the Status of Women of the United Nations in its March 1997 session adopted a resolution on women migrant workers encouraging member states to sign and ratify or accede to the Convention.

## INCREASE YOUR CONFIDENCE!

### BE A LEADER!

*A Series of Workshops to End Violence Against Women*  
**Sunday, February 8, 1998**

*Understanding different forms of Violence against Women*  
**Sunday, April 19, 1998**

*Effective Steps & Intervention against Violence vs. Women*  
**Sunday, May 17, 1998**

*How to use resources on Violence against Women*  
**Sunday, June 21, 1998**

*Educating other women on Violence against Women*

Please register by calling 483-4554

3. It is true that signers so far are mainly migrant sending countries. It should be obvious that such countries like the Philippines and Sri Lanka would have the most interest, if not be the most pressured by their citizens, to ratify such protective instruments as the Convention because it is their migrating workers who are victims of the gross exploitation, abuses and violations of human rights that are no secret to the whole world.

But this should not mean that receiving countries can be insensitive or blase about the rights of workers migrating to them. Why prioritize the freedom of movement and protection of the rights of their corporations over the rights and freedoms of human beings like migrant workers when negotiating on trade and investments etc. with countries of the South?

4. It is our understanding that international treaties and conventions would usually and necessarily require changes to national laws and policies and in this sense, they would be "inconvenient" to say the least and "create legal problems".

But isn't this the price of championing and implementing human rights for all human beings?

To blame drafting deficiencies in order not to commit to a Convention that could protect millions of workers roaming the world would be to miss a great opportunity to promote human rights.

5. If Canada had problems with the "drafting deficiencies" of the Convention we don't understand why it did not and would not now remedy such deficiencies or find ways to do so in keeping with its "record of leadership in condemning human rights violations."

With such a large number of temporary workers in Canada, it is not enough to just boast of Canada's international leadership in promoting the human rights of migrants but to sign up on an agreement that will ensure that such rights are indeed protected and promoted.

Wouldn't it be more assuring if Canada found the means to ratify this convention so as to prove its international leadership in "promoting the protection of the rights of migrants of all kinds"?

### The campaign is just beginning

The fourth INTERCEDE domestic workers conference which will take place in Vancouver as part of the non-government activities before the official APEC summit will be following up the campaign for Canada's signature.

Buoyed by support expressed by union women belonging to the Canadian Labour Congress who will be adding their signatures to the Appeal, migrant and domestic workers are meeting November 15 and 16 to discuss the next steps they will take to present their case to the government.

The conference will also be occasion to follow-up a campaign to include domestic work and workers in the immigration point system and to agree on a submission to the Immigration Legislative Review Committee.

### **INTERCEDE, NOT JUST FOR DOMESTIC WORKERS BUT THEIR FAMILIES AND FRIENDS TOO!!**

It's official! At the Annual General Meeting on Sunday, October 5th, the name of our organization was formally changed to "INTERCEDE for the Rights of Domestic Workers, Caregivers and Newcomers" as part of Constitutional Amendments to our By-laws.

"We will need to let the word out; let our clients and members know that INTERCEDE is here to assist newcomers among their relatives and friends", said Carol Salmon, Counsellor.

"INTERCEDE will continue to assist domestic and caregiver workers, whether they are temporary, landed or citizens and we don't want them to think that they have to have problems to use our services", added Coco Diaz, Counsellor.

The governance of INTERCEDE was also changed from a 13 member Board of Directors to seven. INTERCEDE welcomes returning Board members, Jo Alcampo, Allen Fabro, Mila Ibanez, Vicenta Noblefranca and Jo-ann Seamon. We look forward to working with newly elected members, Judith Astudillo and Florence Gut-omen.

Guest speaker and former domestic worker, Filomena Canebo talked about her early experiences and difficulties as a newcomer working in the hotel industry. Ms. Canebo is currently a Union Organizer for the King Edward Hotel.

Members helped INTERCEDE by evaluating and making suggestions to improve our programs/services and how to outreach to other caregivers who do not know about our organization.

The meeting ended with food and refreshments!

NEWS FLASH! The board has now appointed the following executive officers for 1997-1998:

President	Allen Fabro
Vice-President	Mila Ibanez
Secretary-Treasurer	Jo Alcampo

## QUESTION-AND-ANSWER

*Counsellor Coco Diaz  
answers some interesting questions*

**Q1.** I have not declared my 3 minor children as dependent since I came to Canada. Prior to filing for permanent residence, I was advised by a lawyer that I better not tell the truth about them because it would complicate my immigration processing especially because they are using the family name of their father to whom I am not married. Two years after I received my permanent residence, I wanted to file sponsorship for my children and again I sought advice from a lawyer. I was told to delay sponsorship until I became a Canadian citizen which I am at present. Can I now file to sponsor my children?

**A.** I am angered and sorry by the kind of wrong advice you received from your lawyer! However, you deserve to be re-united with your children. The only possibility now is for you to be brave and risk the consequences that may occur once you declare the truth about your children. You can file your sponsorship and honestly state the reasons that prompted you to misrepresent the truth about them. Call INTERCEDE for assistance in this special case.

*Anyone who has misrepresented any facts to IMMIGRATION (marital status, dependents, etc.) had better correct it as soon as possible but especially at the time of applying for permanent residence under the LCP.*

**Q2.** I filed my application for permanent residence under the LCP program and requested for a concurrent processing of my two daughters. I am divorced and recently re-married in Canada to somebody who had been refused under the Refugee program. I notified Immigration about the change of my marital status and paid for the processing fees for my husband's inclusion in my application. Will this affect or delay approval of my landed status and my daughters'?

**A.** Unfortunately you will have to anticipate perhaps quite a long delay and may even encounter more complicated problems in the processing of your permanent residence. If your husband was refused under the Refugee program, serious reasons such as medical or security inadmissibility may definitely affect your status. You should seek a lawyer's advice as well as call INTERCEDE for assistance.

### VANCOUVER CDWCR

Committee for Domestic Workers' &  
Caregivers' Rights

(an INTERCEDE Affiliate)

Contact Julie or Lorina (604) 874-0649

*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; Canadian Auto Workers (CAW) the Trillium Foundation, and Urban Rural Mission for their financial support.*

*A word of advice to applicants for landed status under the LCP. Please delay marriage plans to anyone who has any negative records with Immigration until after you acquire permanent residence.*

**Q3.** I am not a domestic worker, I arrived as a Landed Immigrant sponsored by my mother. During the processing of my sponsorship papers, I gave birth to a son who was 4 months old when I arrived in Canada. On my arrival, I was asked at the Pearson airport if there were changes to any information that I would like to declare. Without hesitation, I told the officer that I have a child who was born during the final stages of the processing of my immigration application. My passport and Immigration documents were immediately confiscated and I was told that I could not work. I need to work to support my son. What should I do?

**A.** I sympathize with your plight and would advise that you seek legal assistance while also getting in touch with an immigrant settlement counsellor in your community or with INTERCEDE. We will have to resolve the status you now have in Canada as a result of your misrepresentation in your application for Immigration. Only after doing so can we proceed to the sponsorship of your child. Meanwhile, I would advise that you seek employment so that once you find a job you can request for return of your immigration documents with proof of employment. Mind you the outcome is never assured but it is one way to go.

**Q4.** My dependents have completed the requirements for their Permanent Resident Visa to Canada. However, my husband recently received a notice that our youngest child could not be admitted because they found out that her birth certificate was fraudulent. My husband had previously reported that our youngest child is not our biological child but that of my sister. But we took care of her since birth and had registered her as our own. What should we do so that she can join the rest of our family?

**A.** Truth does prevail! Since your husband and other children have completed the requirements, go ahead and request the Visa office to release their visa to travel and join you. As for your "youngest" child you may consider a proper process of formal adoption so that she can be sponsored at a later date. In order for her to be considered your legal dependent you need to have a court-ordered adoption.

### MARK YOUR CALENDAR MONTHLY MEETINGS

**Sunday, January 11, 1998 3-5 pm**

Topic: Becoming A Citizen

**Sunday, February 1, 1998 3-5 pm**

Topic: Child Safety and Security for Caregivers

**Sunday, March 1, 1998 3-5 pm**

Topic: Women's Rights

#### INTERCEDE SERVICE UNIT

Place: 234 Eglinton Ave. E., Suite 205,  
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