

# DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

October 1992



(INTERCEDE)

## ANNOUNCEMENT TO ALL MEMBERS AND FRIENDS

You Are Invited to  
**THE ANNUAL GENERAL MEETING AND ELECTION OF THE BOARD OF DIRECTORS**

on Sunday, October 4, 1992

3 p.m. to 6 p.m.

Cecil Community Centre

58 Cecil Street (near College corner Spadina)

2 p.m. - 3 p.m.

Registration

3 p.m. - 4 p.m.

Business Meeting

4 p.m. - 5 p.m.

Program

**GUEST SPEAKER: MS. SHIRLEY HOY**

Assistant Deputy Minister, Ontario Women's Directorate

**THEATRE PIECES: "Racism Hurts Us All"**

5 p.m. - 6 p.m.

Refreshments

Members are qualified to vote by presenting valid membership ID (Sept. 1991 to August 1992). All participants in INTERCEDE facilitator workshops are requested to attend.

Non-members and friends, please confirm attendance by calling 324-8791.

## IF YOU HAVE AN ACCIDENT WHILE WORKING . . .

You may be entitled to compensation. Since 1985, employers have been required by law to register their domestic worker with the Worker's Compensation Board (WCB). If you work more than 24 hours on average a week, the Workers' Compensation Act protects you.

Domestic workers are covered for injuries that occur while working whether they happen by accident, or are a willful act of another, or disablement resulting from exposure to chemicals or work conditions.

If you are a domestic worker on an open employment authorization or with permanent residence status and you work less than 24 hours a week for any one employer, but more than 24 hours a week for multiple employers you are considered an independent contractor. As such, you must register yourself with the WCB.

*Cont'd Pg 3 - Accident at Work*

## YOUR PROTECTION UNDER EMPLOYMENT LAWS

The Employment Standards Act (ESA) gives partial protection to full-time domestic workers in Ontario. At the very least, you must be paid the minimum hourly wage and be given two days off each week if you live-in.

You must get paid time and a half for overtime work and two weeks paid vacation time after the first year of working for the same employer.

Keep records of hours you work. The Employment Standards Branch (ESB) is responsible for enforcing the ESA. You can make a claim to receive money owing within 2 years after the wages were owed.

You are entitled to time off for eight public holidays and to be paid for them after working 3 months for the same employer. If you live-in there is a maximum amount that your employer can deduct for board and lodging.

*Cont'd Pg 2 - Employment Laws Protection*

**From Pg 1 - Employment Laws Protection**

Your employer is required by law to give you a written statement of earnings explaining the deductions from your pay. If your job is ending you are entitled to termination pay or appropriate advanced notice.

Agreements signed between a domestic worker and her employer for work below the minimum standards of the Act are not legally valid.

If you have a problem that you are unable to solve on your own, you can make a formal complaint. Complaints to the ESB should not jeopardize your Immigration status. For further information contact INTERCEDE or the nearest Legal Aid Clinic.

**UNEMPLOYMENT INSURANCE**

You have the right to collect Unemployment Insurance (UI), if you are unable to work as a result of losing your job, illness, injury or pregnancy.

To be eligible for UI, once you lost your job, the domestic worker must be able and willing to work. If you do not have a reasonable explanation for the termination of employment you may be penalized with a 7 to 12 week delay and receive only 50% of your previous gross earnings.

You must have worked 20 weeks within the last 52 weeks before you can apply. In certain cases less may be accepted.

Applications should be submitted one week after termination of employment or as soon as possible. If you are unable to get the necessary Record of Employment (ROE) from your employer, the employment centre has special forms to fill out for missing ROE's.

Employers are not obligated to pay you for sick leave. However, domestic workers do have the right to refuse to work if they get sick and to apply for sickness benefits if they cannot work over a period of time. A formal complaint can be made to the ESB if you are fired because of illness.

If you are pregnant and have worked for your employer at least 13 weeks before the date your baby is due, you have the right to a minimum of 17 weeks of unpaid pregnancy leave. Domestic workers can also apply for an additional 10 weeks of parental benefits once the baby is born. The ESA protects you from being fired or laid off just because you are pregnant. You are entitled to get your job back after your leave unless released for another reason.

Remember, you are entitled to these benefits as your employer is obligated to remit unemployment insurance premiums on your behalf to Revenue Canada. Your Immigration status should not be affected.

If you are refused UI and would like to make an appeal, assistance or referrals can be made through CLASP Legal Clinic and INTERCEDE.

**Thank you to Paula Chapman from CLASP for her presentation at INTERCEDE's September monthly meeting.**

We wish to thank the Employment and Immigration Canada (Immigration Settlement and Adaptation Program); Secretary of State, (Multiculturalism and Citizenship); 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.

**TO ALL SUBSCRIBERS (Does not apply to current members)**  
INTERESTED TO CONTINUE RECEIVING THIS NEWSLETTER? SEND THE FORM BELOW WITH PAYMENT.  
IF NO RENEWAL SUBSCRIPTION BY END OF OCTOBER, WE'LL REMOVE YOUR NAME FROM OUR MAILING LIST.

RENEWAL SUBSCRIPTION :

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 : \_\_\_\_\_

POSTAL CODE : \_\_\_\_\_ TELEPHONE : \_\_\_\_\_

YEARLY SUBSCRIPTION RATES :

INTERCEDE Members :	FREE	Non-member Domestic :	\$ 5.00
Non-Profit Organizations:	FREE	Others	\$20.00

From Pg 1 - Accident at Work

If injured tell someone immediately, especially your employer. You should go to the Doctor's or Hospital emergency as soon as possible. Under the Act the employer is responsible to see to it that an injured worker gets medical attention whether its paying for you to take a cab or driving you personally. If your employer does not submit the claim form, the Doctor should, otherwise you may have to do it yourself. Strictly follow the Doctor's advice about returning to work.

Especially if you are unable to get immediate medical treatment, it is important that you keep a written record of the date of the accident, details of the injury and its effects, who you told, and what your employer said. If you cannot see the Doctor the same day call their office to report the incident for your file. Tell as many people as you can.

There is no limitation date on when you can claim for an accident under the Act. What is important is that you provide evidence that the accident happened and that you tried to take the appropriate steps. If there has been a delay in reporting, it would be a good idea to get a legal aid clinic to assist you with your claim or to contact INTERCEDE for further information.

Once an injury has been reported to WCB you will be assigned a claim number and your case will be investigated. Compensation for accidents after 1990 include temporary benefits 90% of average net earnings before the injury, Health Care benefits and permanent benefits which could include a lump sum for pain and suffering, and a calculation of ongoing wage loss.

Thank you to Robin Gordon of CLASP Legal Aid Clinic for her presentation at INTERCEDE's September monthly meeting.

**MEETING OF  
CARIBBEAN DOMESTIC WORKERS**

*Sunday, October 18, 1992  
3 pm - 5 pm  
INTERCEDE Office  
489 College St., Room 402, Toronto  
call 324-8751 for more info*

**DESPITE RECESSION IMMIGRATION  
FEES KEEP INCREASING**

Immigration has done it again! As of September 1, 1992, Immigration increased their already high fees. These changes will affect all domestic workers under the Live-In Caregiver Program (LCP).

Domestic workers wishing to get a new Employment Authorization before its expiration date or to change employers or to extend their status to get time to look for an employer will now be expected to pay \$100.

Domestic workers applying for permanent residence

after two years of live-in work will now have to shell out a staggering \$800 in fees and \$100 with each renewal until they get their landing. The processing of your Permanent Residence application now costs \$450 and \$100 for an Open Employment Authorization. Added to this is the fee implemented last year for the "Order in Council" which makes you pay \$250 for your right to apply for permanent residence within Canada, after you receive your open permit.

The cost of Student Authorizations remains unchanged at \$75 and the Minister's Permit at \$100.

**ORIENTATION MEETING  
FOR DOMESTIC WORKERS  
SPECIALLY NEWCOMERS**

Sunday October 18, 1992

10 am - 4 pm

George Brown College, Room 541  
200 King Street East (King Subway)

Participants will receive Orientation Kits  
and Certificate of Participation

Free lunch

**REGISTER NOW** by calling 324-8751

**QUESTION AND ANSWER**

I filed my application for permanent residence in May 1990 and was issued an open employment authorization. Two years later, in May 1992, I again renewed my open employment authorization and asked to know the status of my application for permanent residence. I was told I had to continue waiting. Last month, Immigration sent me a new set of application forms to fill. Do you think I will finally get my landed immigrant papers soon?

**Answer:** A number of workers have made similar complaints about delays in receiving their landed status and are frustrated with a repetition of filling another set of application forms or updating expired documents such as security clearances.

We will forward this question to Immigration authorities and give their answer in our next issue.

I have been a holder of an Open Employment Authorization since 1990. I had major surgery six months ago and until today I am still unemployed and on UI. Will this affect the approval of my application for permanent residence?

**Answer:** We don't think you should be penalized for losing your job because you fell ill while waiting for your landed status to be approved in the past two years. If Immigration requires it, give the necessary information about your surgery and enclose your Doctor's certificate about the state of your health and if you are now capable of working, send a record of your search for employment or if you find one, a certification of your current employment.

I have worked for three months with an employer who kept promising he would get an offer of employment approved by Canada Employment. I recently learned that his offer was not approved. Now I have to look for another employer but how do I get payment for the time I worked with this last employer?

**Answer:** First of all, we have been advising workers in the LCP not to start work with a new employer until a new employment authorization has been issued for that employer.

You are owed three months salary and you deserve to get payment. Try to talk with your last employer to pay you the amount due. If he does not pay, you have the right to make a claim with the Ministry of Labour. Be sure to have a record of the hours and the kind of work you did as proof to back your claim. You can offer other proof such as your knowledge of the family members, what your employer's job is, etc. Or you can have someone testify you have worked with this employer. Be sure you contact INTERCEDE about your situation.

### IMPORTANT PHONE NUMBERS

Canada Immigration Centre	973-4444
Educ & Skills Training Ctr, Labour Council	345-9312
Employment Standards Enforcement	326-7160
Immigrant Women's Health Centre	323-9986
Immigrant Women's Job Placement Centre	488-0084
OHIP Toronto	482-1111
Scarborough	1-800-263-3814
Mississauga	275-2730
Ontario Human Rights Commission	326-9511
Unemployment Insurance	730-1211
Workers' Compensation	927-9555
Revenue Canada (taxation)	869-1500

Toronto Rape Crisis Center (24 Hr line)	597-8808
Assaulted Help Line	863-0511

### 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

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c/o INTERCEDE  
489 College Street., Suite 402  
Toronto, Ontario  
M6G 1A5

FIRST CLASS

### ENGLISH CLASSES FOR CHINESE DOMESTIC WORKERS

The ILGWU welcomes domestic workers who want to join English Classes together with Chinese Homeworkers

**WHEN?** Every Sunday, starting October 4, 1992  
1 pm to 4 pm

**WHERE?** ILGWU Building, 33 Cecil Street

**REGISTER** by calling INTERCEDE 324-8751

If I submitted my application for permanent residence on August 10, 1992, and it was returned, is that because I should have paid the new increased fees?

**Answer:** The new fees are valid from September 1st so the fees you paid should be correct. If you have a receipt for the payment you made, send this along with your application form, check that you have filled it correctly and that you have made the proper attachments. Make sure to send a cover letter explaining that you had sent your documents before the new fees were applicable.

I misrepresented my marital status and dependents when I first applied under the FDM. I corrected this misrepresentation when I filed my application for permanent residence although the name in my document remained my single name. I have since renewed my passport using my married name. Will I have a problem about this once my landed status is approved?

**Answer:** Since you have corrected the misrepresentation, this should now be part of your file. When you go to pick up your immigration documents, bring your old passport and other identification to show you are the same person shown in those documents.

### INTERCEDE SERVICE UNIT

Place : 489 College St., Suite 402, Toronto, Ont  
Time : Monday - Friday, 9 am - 4 pm  
Telephone : (416) 324-8751 Fax No. 324-8790

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