

DOMESTICS' CROSS-CULTURAL NEWS

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

Toll Free 1-877-483-4554

October 2002



DOCUMENTING CAREGIVERS' EXPERIENCE WITH ONTARIO ESA

After Ontario passed a new Employment Standards Act (ESA), which took effect in September last year, the Board of Directors of INTERCEDE made a decision to pursue a project of documenting how caregivers, particularly those who live-in their employer's household under Immigration's Live-in Caregiver Program (LCP), were living with the new law.

The question that was on their minds was: Are live-in caregivers better protected under the new ESA? And if not, what is to be done?

With funding received from **Status of Women Canada**, INTERCEDE started a project called: "Live-in Caregivers and the New Ontario Employment Standards Act". By February 2002, planning of the project and its activities was underway. Discussions took place within the Board and Staff development meetings, and during our second leadership and advocacy training attended by 16 members and volunteers.

The main aspects of the project consist of educational workshops, individual interviews, anecdotal data from our client cases, serialized articles highlighting the key provisions of the ESA, and a six-part training of advocates focusing their attention on the ESA.

Materials gathered from interviews and case management files will be analyzed and a report will be submitted for feedback at the end of the year. The data gathered and the report of conclusions will be the subject of an Action Forum, a one-day sharing with other sector women workers and their organizations as well as submitted for discussion at an annual conference of domestic workers planned for February 2003.

It is hoped that action plans will develop out of these two gatherings. At the end of the project in March, a handy booklet of the project report will be published which will contain lobby points for future campaigns.

INTERCEDE has sought and already benefited from the help of groups like TOFFE (Toronto Organization For Fair Employment), Parkdale Legal Services, Workers Information Centre and others, as well as from individuals like Prof. Tania Das Gupta, Mary Gellatly, Prof. Sedef Arat-Koc, etc.

At this time we are encouraging live-in caregivers to present themselves for interviews. These interviews are conducted by volunteer interviewer Cecille Ban-Ang, and counsellors Coco Diaz and Anita Fortuno.

Meanwhile, our "ESA Advocacy Training" saw a first registration of 15 women who are undergoing an intensive 6-Sunday series which started on August 25. In these workshops, apart from the provisions of the ESA, and issues such as racism and sexism, they will learn advocacy skills such as elements of communication, styles of communication, assertiveness, and stress management. At the end of the training, these women will form a core of INTERCEDE's advocates specializing on the ESA. They will plan and lead the organizing of both the Action Forum and a campaign to lobby the provincial government on aspects of the ESA.

INTERCEDE

cordially invites you to its

ANNUAL GENERAL MEETING

Sunday, October 6, 2002, 3-7 p.m.
At Cecil Community Centre, 58 Cecil St.
(one block south of College cor. Spadina)

- 3:00 p.m. Business Meeting and Elections
- 3:30 p.m. Guest Speaker: **Mr. Jim Campbell**
*Regional Manager, Selection Integration & Refugee Operations
Canada Immigration & Citizenship*
"Changes to Immigration Regulations"
- 4:00 p.m. Raffle Draw
- Snacks & Refreshment

KEY PROVISIONS UNDER ONTARIO'S EMPLOYMENT STANDARDS ACT (3RD of a series, continued from July and August issues)

On September 4, 2001, a new Employment Standards Act (ESA) took effect in Ontario. This is the third installment of a series, begun in August, in which key provisions of the ESA are explained for the information and protection of domestic and caregiver workers, whether live-in or live-out, and whether they are still or no longer under Immigration's Live-in Caregiver program.

Public Holidays

You are legally entitled to eight public holidays with pay each year. These are: New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving, Christmas Day (Dec. 25) and Boxing Day (Dec.26).

It does not matter how recently you were hired or how many days you worked before the holiday, you have right to public holiday as long as you worked your regularly scheduled day before and after the holiday.

If you did not work your regular workdays before or after the holiday, you can still qualify if you have a good reason such as illness, injury or other emergencies

If you work on a public holiday, you get what is called a "holiday pay" and this is calculated by dividing your total earnings in the previous four weeks by 20. This is about equal to one day's pay for a full-time worker.

You may agree in writing to one of the following ways of getting paid if you work on a public holiday:

1. get 1.5 x your regular hourly rate (this is your overtime rate or "premium pay") PLUS "holiday pay" (your total earnings in the previous four weeks divided by 20) for every hour you worked on the public holiday.

Example: You worked 9 hours on Labour Day Sept. 2. At minimum wage of \$6.85 per hour, your "premium pay" will be $1.5 \times \$6.85 = \$10.28 \times 9 \text{ hours} = \92.52 . If you are paid weekly at \$301.40, your total earnings in the last four weeks would be \$1205.60 divided by 20 = **\$60.28**, which is your "holiday pay". For working 9 hours on Labour Day, you are owed "premium pay" plus "holiday pay" ($\$92.52 + \60.28) = **\$152.80**

2. get your regular hourly rate for the hours you worked on the public holiday PLUS get a day off with "holiday pay". Example: You worked 9 hours on Labour Day. At minimum wage of \$6.85 x 9 hours equals \$61.65. You get paid this **\$61.65** for the holiday you worked and get another **day off** with "holiday pay" of **\$60.28**. For working 9 hours on Labour Day, you are owed regular pay of \$61.65 plus holiday pay of $\$60.28 = \121.93 plus **one day off** (to be taken within three months).

The choice of method of payment for working on a public holiday depends on whether it is important for you to have a day off and rest, on the number of hours you worked on the holiday and whether the total pay amount is bigger or smaller.

Vacation

After you have worked 12 months with your employer, you are entitled to two weeks of vacation with pay.

If you have not taken any vacation and you leave your job, you are owed 4 per cent of your gross wages. These gross wages should include all the wages you were paid from your first day of work, any wage still owing, and all overtime pay.

Even if you are working part-time, you are entitled to vacation pay at the same 4 per cent of gross wages.

Your vacation can be taken in one- or two-week blocks.

Only if you agree in writing can you be made to take your vacation in less than the one- or two-week blocks. You have the right to refuse to divide up your vacation into single days and to refuse to sign any agreement to this effect.

(Continued next issue)



OPEN WORK PERMIT FOR PERMANENT RESIDENCE APPLICANTS

Rumors are not true that there is no more need for an Open Employment Authorization when caregivers apply for permanent residence.

A caregiver who has completed the twenty-four months requirement working as live-in caregiver within three years can apply for Permanent Residence as well as an Open Employment Authorization on separate forms.

Since the implementation of the new Immigration law on June 28, 2002, there is a **separate application form** for Open Employment Authorization. The application kit for this purpose is IMM 5217, "Applying to Change Conditions or Extend Your Stay in Canada".

You have to send your application for Open Employment together with a separate application for Permanent Residence. Approval will depend on "approval in principle" of the application for Permanent Residence. You **cannot** send an application for Open Employment Authorization ahead of your application for Permanent Residence.

For further information you can visit or call INTERCEDE office and our counsellors will assist you.



NEW REQUIREMENT FOR EXTENSION OF EMPLOYMENT AUTHORIZATION

If you are about to request for extension of your Employment Authorization, you **must** attach an employment contract signed by you and your employer.

You must submit your application for an extension at least two months before expiry of your current employment authorization. We have clients who submitted their applications a month before expiry date but since they did not submit an employment contract, their application was returned to them with the instruction to resubmit with an employment contract.

By the time CIC Alberta received and opened their application for extension, their employment authorization had expired. This resulted in their lost of status and they are advised to apply for restoration for an additional fee of \$200.00. To avoid this situation, submit your application earlier and be sure you attach an employment contract.

For further assistance, you can visit or call INTERCEDE office.



AMEND observes seven years of R.A. 8042

With a commitment to continue the struggle, the alliance of Migrant Workers and Advocates to Amend R.A. 8042 (AMEND) in co-operation with the College of Social Work and Community Development in UP Diliman marked the 7th anniversary of R.A. 8042 (Migrant Workers and Overseas Filipinos Act of 1995) with a concert held at the Little Theatre of the University of the Philippines in Manila on June 7.

With the theme "Isa, dalawa...pito! Ituloy and laban ng OFW!", said concert aimed to assess and further educate workers about the 7-year-old R.A. 8042 and its impact on overseas workers, the struggles that AMEND had gone through and the challenges ahead to finally amend anti-migrant worker provisions of said law.

AMEND spokesperson and Kanlungan Executive Director Mary Lou Alcid stressed the urgency of amending R. A. 8042, particularly the repeal of Sections 29 and 30 that provide the legal basis for the gradual elimination of the regulatory functions of the Philippine Overseas Employment Administration (POEA). Deregulation, according to Alcid compromises migrant workers rights as it transforms recruitment agencies into information providers, reduces employment to a private matter between employer and employee and leaves the protection of workers to the possession of skills.

The artists who performed in the concert were: Mon Aiko, the band Bridge, Susan Fernandez and Asin, Batis Aware Theatre Group, composed of former entertainers in Japan, and Bannuar Ti La Union (Heroes of La Union), a provincial organization of former overseas workers and OFW families promoting migrant workers' rights and interests.

AMEND members read their respective statements in between the musical numbers. They included the CATW-AP, MARINO, MMOA, AKBAYAN, Daughters of Charity, KAKAMMPI, Alterlaw, Unlad Kabayan, Migrant Forum in Asia, LEARN, Batis Center for Women and Kanlungan. They committed themselves to continue working towards transforming R.A. 8042 into a truly pro-OFW law.

(Reprint/excerpt form TNT, Philippine-based Kanlungan Centre Foundation's quarterly)



FREE JOB SEARCH WORKSHOP

FOR NEWCOMERS

When: Tuesdays and Thursdays
October 8, 10, 15 & 17
October 22, 24, 29 & 31
January 14, 16, 21 & 23, 2003
Time : 5:00 p.m. to 9:00 p.m.

Where: INTERCEDE
234 Eglinton Ave. East, Suite 205
(Eglinton & Mt. Pleasant)
Toronto, On. M4P 1K5

FOR CAREGIVERS

WHEN: Sunday
October 13, 20, 27 & November 3, 2002
January 12, 19, 26, February 2, 2003
TIME : 11:00 a.m. to 5:00 p.m.

WHERE: George Brown College
St. James Campus
200 King St. East,
3rd Floor, Rm. 325-A

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

Funded by Citizenship and Immigration Canada &
sponsored by COSTI & OCASI

VOLUNTEER OPPORTUNITIES

Are you a new immigrant who wants to gain
Canadian work experience?

Do you know that doing volunteer work is a valid Canadian work experience? Also, it increases your chances of finding job leads through networking by meeting and helping people.

So if you're interested and looking for volunteer work, you're welcome to apply here at Intercede, where we can put your mind, hands and feet to productive work. We have events, workshops, computer-based and outreach-related tasks where your skills, interests, talents or hobbies may be put to good use. To apply, call (416) 483-4554 extension 21 or 30.



COCO'S CORNER

Marina's Story

I would like to share the unfair treatment I received from Immigration, as a participant of the Live-in Caregiver Program. May 6, 2002, I filed an application to extend my Employment Authorization with the same employer long before the expiry date of June 20, 2002.

A week prior to the expiry, I made a follow-up at the Immigration in Vegreville, Alberta and I was advised to just wait. But on July 10, my application was returned and I was asked to provide a contract that I can download from the INTERNET. I complied and mailed the application and contract back to CIC Alberta.

To my surprise, again my application was returned with a letter advising me to fill-up another form applying for a Restoration of my status which I paid for with an additional \$ 200 since my Immigration Status had expired.

Last week I received a letter informing that I am already "out of status" for more than 90 days and that I have committed an offence under the Immigration and Refugee Protection Act, that I have not abided by the conditions imposed under my Employment Authorization.

Immigration recently sent a letter that an officer has evaluated my case and came to the conclusion that I have to leave Canada.

What have I done to deserve this?

- I applied to renew my work permit ahead of the expiry date.
- The contract requirement is new but I complied.
- I had no control over the delay that caught me with an expired permit.
- Now I have lost status and have to pay more money to restore it.

I came legally to Canada, I have been employed with the same employer who still needs my services, and yet due to a slow Immigration process or backlog, I am asked to leave Canada? I did nothing wrong but I am penalized!

EMERGENCY FIRST AID + HEARTSAVER - \$69.00

October 19, 2002 - Saturday - 9 am - 5 pm
November 23, 2002- Saturday - 9 am - 5 pm

EMERGENCY FIRST AID+INFANT/CHILD CPR - \$65.00

October 27, 2002 - Sunday - 9:30 am - 6:30 pm
November 09, 2002 - Saturday - 9 am - 6 pm

Please register at least one month before the start of training date by mailing a cheque payable to:

INTERCEDE
234 Eglinton Ave. East, Ste. 205, Toronto, Ontario
M4P 1K5

Classes at **ST. JOHN AMBULANCE**, 46 Wellesley St. East

For registration call Genie at 416-483-4554 x 21

INTERCEDE

Address: 234 Eglinton Avenue East, Suite 205
Toronto Ontario
M4P 1K5

Regular Hours: Mon-Fri 9 am - 4 p.m.
Telephone: (416) 483-4554
Fax: (416) 483-9781
Toll-Free: 1-877-483-4554
E-mail: info@intercedetoronto.on

INTERCEDE STAFF:
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Anita Fortuno - Settlement Counsellor
Genie Policarpio - Intake & Administrative Assistant

We wish to thank: Citizenship and Immigration Canada - ISAP Program and Job Search Program with COSTI-OCASI; Ontario Status of Women; the Municipality of Toronto CSGP, Access & Equity and "Breaking the Cycle of Violence" grant programs, for their financial support.

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