

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

September 1989

(INTERCEDE)

?I HAVE A QUESTION?

ABOUT EMPLOYMENT

What advice would you give to a domestic worker who has a work permit under the Foreign Domestic Movement program (FDM) but who is asked to work as a saleslady in her employer's store?

Answer: A domestic worker under the FDM would be violating her work permit if she worked in a capacity other than what is expressly stated in her work permit. Her employer may be charged for this violation, and if convicted may receive severe sanctions. She should advise her employer of this fact and not accept to work as a saleslady.

My contract expires on August 25; is my employer obliged to give me a release letter or a certification of employment?

Answer: If you are terminating your contract and will not be renewing it, you may request your employer for a letter of reference. If your employer does not give you this letter of reference and your contract has expired, you do not need any release papers from your employer to be able to look for another employer.

The offer of employment I received before coming to Canada stated that I would be taking care of only one child. But when I arrived and started working, I found that I had to take care of four children. Do I have the right to refuse to work for the employer who sponsored me and look for another employer?

Answer: Yes, you have the right to refuse to continue working for your present employer who is clearly violating the terms of your contract. Try first to negotiate to stick to the original arrangement that you would take care of only one child or for other terms (like additional pay or reducing your other duties for taking care of three more children) that are agreeable to you.

What should I do if my employer is not intending to renew my contract when it expires but is not telling me beforehand so I can make my own plans?

Answer: Clarify with your employer whether your contract will be renewed or not. If not,

!ANNOUNCEMENT!

The Toronto Organization for Domestic Workers' Rights (INTERCEDE), invites all members to attend the

Annual General Meeting and Election of the Board of Directors

Sunday, September 10, 1989
2:30 p.m. - 5:00 p.m.

Cecil Community Centre
58 Cecil St. (corner Spadina), Toronto

2:30 - 3:30 Reports and Election of the Board of Directors

3:30 - 5:30 Special Presentation

Guest Speaker:

Ms. NAOMI ALBOIM

Asst. Deputy Minister

Ontario Women's Directorate

(Members who will be voting are listed in the insert to this newsletter).

The CLASP Legal Clinic will be serving clients but there will be no INTERCEDE counselling.

No application for membership will be accepted during this meeting.

Refreshments will be served.

clarify when your last day of work will be so that you can plan ahead.

What happens if my employer does not remit the tax deductions taken out of my pay; will I have a problem with Immigration?

Answer: It is your employer's responsibility to remit the deductions taken from your wages. Revenue Canada will have to run after your employer if these deductions have not been sent to the government. Your responsibility is to file your income tax return and pay whatever tax you are required to pay at that time. If you think or know that your employer is not remitting your tax deductions, make sure to inform Revenue

?I HAVE A QUESTION?

Canada when you file your income tax return. To know what is being deducted from your salary, ask your employer for a breakdown of your deductions every payday.

ABOUT IMMIGRATION ASSESSMENTS

I have been in Canada for over two years now but my second assessment is scheduled for 1990 yet - this means that my assessment is overdue. What should I do?

Answer: You can write Canada Immigration about the delay in your assessment. State the date when you had your first assessment and supply any information from that date about your upgrading, volunteer work, additional savings and all other efforts you have made to meet the criteria for landed status.

Note that when you write to Immigration, you must state your date of birth and, if you know it, your immigration file number.

I did not declare my real educational attainment during my first assessment, should I do so on my second assessment?

Answer: Misrepresentation of your educational level should not be considered a major problem, specially if the courses you have been taking for your upgrading will actually enhance your ability to get a job in your chosen field of study after you quit domestic work. Go ahead and state your true educational degree during your second assessment.

After my second assessment, do I automatically get an open job permit?

Answer: You will get an open job permit if you have met all the requirements or criteria for landed immigrant status during your second assessment; this means that you may work at a job other than domestic work during the period that your landed immigrant papers are being processed.

I was released from employment because my employer was admitted to a nursing home. I will be going for my second assessment in September. Will my assessment be affected if I don't have a new employer by that time?

Answer: It is not your fault that you lost your employment. Make sure to explain the circumstances to your interviewing officer at Immigration. However, it would be better that you are able to present an offer of employment by the time of your second assessment and this employment may be domestic work or a job along the lines of your upgrading.

My husband wants to send me to the U.S. to study. Will this affect my status under the FDM (I will complete my two years in December)?

Answer: You cannot remain under the FDM while studying outside of Canada. You will forfeit your status under the FDM and will have to start all over again, that is, reapply and complete another two years to qualify for landed status.

ON SPONSORSHIP

My parents sponsored me as an assisted relative together with my other brothers and sisters even if I am already in the FDM. Can I therefore ask Immigration to issue me an open job permit now?

Answer: No. You will have to complete the FDM program requirements if you intend to get landed through this program. However, if the sponsorship of your parents comes through first, you can be landed and will not have to remain under the FDM. You should inquire with Immigration about your case.

What should be my level of income to be able to sponsor a dependent?

Answer: The level of income required depends on the total number of people involved; for example, if you are a sole sponsor, with no family dependents in Canada, and you are sponsoring

If you or someone you know have not received this newsletter because of a change of address, please tear the slip below and mail to:

INTERCEDE

489 College St., Suite 402

Toronto, Ontario M6G 1A5

I have changed my address. Please send DOMESTICS' CROSS-CULTURAL NEWS to my new address:

NAME:.....

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CITY/PROVINCE:.....

POSTAL CODE..... TELEPHONE:

two dependents from your country of origin, the number of people involved is a total of three; the required income for you to sponsor two dependents would be \$19,623. There are other factors that may also be considered, so you would be wise to consult the Immigration centre nearest you.

By Columbia Diaz

COURT SAYS SEXUAL HARASSMENT IS SEX DISCRIMINATION

The Supreme Court of Canada ruled in May that sexual harassment is a form of sex discrimination and employers who tolerate it will be held responsible.

In the unanimous decision in *Janzen and Govereau v. Platy Enterprises*, written by Chief Justice Dickson, the Court said that "sexual harassment is an abuse of economic and sexual power" to which women are particularly vulnerable due to their lower status in the labour market.

"By requiring an employee, male or female, to contend with unwelcome sexual actions or explicit sexual demands, sexual harassment in the workplace attacks the dignity and self respect of the victim, both as employee and human being." It creates a disadvantageous condition of employment on the basis of sex, the Court said.

In a 6-0 ruling, the Court upheld the appeal of Dianna Janzen and Tracy Govereau, two Winnipeg waitresses, who were sexually harassed by the cook in the restaurant where they worked. Both women filed complaints of sex discrimination with the Manitoba Human Rights Commission and won a ruling in their favour with damages from the Board of Adjudication.

But the Manitoba Court of Appeals struck down the ruling, saying that sexual harassment was not sex discrimination and the employer should not be liable. It said since sexual harassment was not specifically prohibited in the human rights legislation, the women were not protected.

The Women's Legal Education and Action Fund (LEAF) intervened in this case at the Supreme Court to argue for a broad interpretation of human rights legislation and a ruling that sexual harassment is sex discrimination.

LEAF Counsel Louise Lamb said it is women's job ghettoization and lack of power in the workplace which make women vulnerable to sexual harassment at work. Sexual harassment creates a discriminatory work environment for women.

The Supreme Court's decision is very important for women, said LEAF litigation director, Helena Orton. "Not only has it given women clear grounds to fight sexual harassment but it has sent a clear message to employers that sexual harassment will not be tolerated. The effect will be that women can participate more equally in the workplace."

"The decision reflects LEAF's analysis that protection from sexual harassment is fundamental for women's equality," said Orton, "it marks an important development in equality jurisprudence."

From Leaf Letter, No. 7, Summer 1989
(Women's Legal Education and Action Fund)

ANNOUNCEMENT

The office of the
Canada Immigration Centre formerly at
236 Eglinton Avenue West
HAS MOVED TO
Main Floor, 4900 Yonge Street
Willowdale, Ontario M2N 6A4

APPEAL

Subscribers to *Domestics' Cross-Cultural News* have increased more than 100 per cent! This means more money needed for printing and mailing more copies.

We would appreciate donations from friends, groups and organizations who are currently receiving this newsletter.

Please make cheques payable to:
Toronto Organization for Domestic Workers' Rights

Reminder:

It saves us money when you inform us of your change of address promptly.

INTERCEDE SERVICE UNIT

Place: 489 College St., Suite 402, Toronto, Ont.
Time: Monday - Friday, 9 a.m. - 4 p.m.

INTERCEDE STAFF

Coordinator/Editor: Fely Villasin
Counsellor: Columbia Diaz

SEVEN NOMINEES TO FILL VACANCIES IN INTERCEDE BOARD

Seven women, four of whom are domestic workers, have been nominated by the Board of Directors of INTERCEDE to be presented for election during the coming Annual General Meeting September 10, 1989.

The seven are:

1. **Herminia Andrade** - domestic worker, now a landed immigrant, is a longtime member and consistent volunteer of INTERCEDE.
2. **Thelma Coolen** - was a George Brown placement student at the Service Unit of INTERCEDE in early 1989. She is finishing a Counsellor Advocate Program in Family Violence and works at a group home.
3. **Sedef Arat-Koc** - is a graduate student at the Sociology Department of the U of T finishing her Ph. D.; she has written research papers on domestic workers and is currently researching women and citizenship in Canada. She is affiliated with the Refugee Documentation Centre of York University.
4. **Judy Rebick** - is active in the women's movement, member of the National Action Commit-

tee on the Status of Women and of the Steering Committee of the Alliance for Employment Equity.

5. **Rosemary Seymour** - domestic worker now on open job permit has been a member since 1987 and a consistent volunteer at the INTERCEDE Service Unit. Seymour has also volunteered as a "feeder" at the Riverdale Hospital.

6. **Celia Tababan** - is a domestic worker and volunteer of INTERCEDE. She also volunteers work at the Kababayan Community Centre.

7. **Annie Wong** - (So Hing Wong) is a domestic worker and joined INTERCEDE this year. She was a full-time community worker in a home for the disabled in Hongkong before she came to Canada.

"The women nominated by the Board for election this year all have proven their interest and desire to improve the lot of domestic workers through contribution of their time and energy to the work of Intercede or through their writing or involvement in women's issues," said Mary Jarrell, vice president, who will conduct the nominations and election section of the AGM.

*We wish to thank
The Immigration Settlement and
Adaptation Program (ISAP), Canada
Employment and Immigration,
for our core funding;
and
The Secretary of State
for funding our educational and
outreach programs.*

*We also wish to acknowledge the
financial support of:
the Ontario Ministry of Citizenship,
the Municipality of Metropolitan
Toronto and the City of Toronto*

*INTERCEDE's monthly meeting for
October will be on
Sunday, October 1, 1989
3:00 p.m. to 5:00 p.m.
Cecil Community Center
58 Cecil St.*

*Lynda Davies, Executive Director of
Assaulted Women's Helpline, will
speak on
"What Constitutes Sexual Harassment
in the Domestic Workers' Workplace".
There will be CLASP legal clinic and
INTERCEDE counselling.*

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FIRST CLASS