

# DOMESTICS' CROSS-CULTURAL NEWS

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

September 2006

Toll Free 1-877-483-4554



## **“ELIMINATE EXPLOITATION” IN THE LIVE-IN CAREGIVER PROGRAM URGES UNITED NATIONS ECOSOC COMMITTEE**

The United Nations Economic and Social Council's Committee (ECOSOC) on Economic, Social and Cultural Rights at its 36<sup>th</sup> session, held May 1 to 19 this year, made its “observations” about Canada's 4<sup>th</sup> and 5<sup>th</sup> reports on how it is implementing the International Covenant on Economic, Social and Cultural Rights.

While noting 10 “Positive Aspects” in Canada's observance of its Covenant obligations, the ECOSOC Committee nevertheless expressed 23 “Principal Subjects of Concern” and urged Canada to adopt 40 recommendations.

Among its key recommendations, the Committee urged the Canadian government to ensure the effective protection of workers, particularly women, in precarious, part-time and temporary low wage jobs.

For caregivers and domestic workers in Canada under the LCP, the ECOSOC recommendation No. 49 is of utmost value and states: “The Committee urges the State party to adopt effective measures, legislative or otherwise, to eliminate exploitation and abuse of migrant domestic workers who are under the federal Livein Caregiver Program.”

INTERCEDE considers this paragraph as an encouraging step in its advocacy to improve the LCP and stop discrimination against mostly women workers from poor countries.

Among the “Positive Aspects”, the Committee mentioned the high standard of living which shows that Canada has the capacity to realize most of the Covenant rights, the low unemployment rate, programs to improve health and care, and those meant to lower mortality rates in aboriginal communities. Positive comments were also made about the increase in maternity and parental benefits from six months to one year, and the government's efforts to redress discrimination against women in the area of equal pay for equal work.

However the concerns and subsequent recommendations expressed by the Committee highlighted Canada's inadequacies in fulfilling treaty obligations concerning the economic, social and cultural rights of its people. The Committee noted Canada's failure to implement most of the Committee's 1993 and 1998 recommendations, nor address in an effective manner its concerns. These concerns include: the lack of legal measures and redress available to individuals when governments fail to implement the Covenant; the cuts in financial support to civil legal aid services which can result in denied benefits and services to poor people, particularly poor women; the number of people still living in poverty despite Canada's economic prosperity, and the high poverty rates among Aboriginal peoples, African-Canadians, immigrants, persons with disabilities, youth, low income and single mothers.

### **“TAKE YOUR EMPLOYER TO DINNER” INTERCEDE FUNDRAISER**

Sunday October 1, 2006  
7 pm  
Bright Pearl Restaurant  
346 Spadina Ave.

\$50 person      \$360 Table of eight  
Prize draw and 60/40 raffle!

Sunday, September 10, 2006, 3-5 p.m.  
At Cecil Community Centre, 58 Cecil St.  
(one block south of College cor. Spadina)

**Topic: Breast and Cervical Health**  
**Speaker: Kim Dinh**  
**Nurse, Toronto Public Health**

All Domestic/Caregiver workers, Newcomers and those  
on Temporary Work Permit are welcome to attend

Apply for/renew your membership - \$10.

## INFORMATION MEETING ON PROPOSED LAW AIMED TO BENEFIT IMMIGRANT PROFESSIONALS

The Ontario Council of Agencies Serving Immigrants (OCASI) has issued an invitation to a meeting on **The Fair Access to Regulated Professions Act, Bill 124** featuring keynote speaker, Hon. Mike Colle, Ontario Minister of Citizenship and Immigration, on Thursday, September 14, 2006 at 6 pm, at the Council Chambers of Toronto City Hall, 100 Queen St. West.

OCASI is sponsoring this information session to increase awareness in support of the Fair Access to Regulated Professions Act, Bill 124. This proposed law was tabled in the Ontario Legislature on June 8, 2006, and is intended to ensure timely application and admission practices, and fair and transparent access to regulated professions by trained professionals immigrating to Canada.

The proposed Bill 124 will address:

- Fair, transparent and timely application and admission practices.
- A Fairness Commissioner to assess and oversee auditing and compliance with legislation. This would help ensure that regulatory bodies treat all applicants fairly.
- The creation of an Access Centre to help those with experience outside Canada to navigate through the system and much more.

For more information or to confirm your participation please call Martha Orellana at OCASI at (416) 322-4950 ext.230 or [morellana@ocasi.org](mailto:morellana@ocasi.org) Light Refreshment will be served at 5:30 p.m.

### PLEASE BE WARNED

**It has come to our attention that the good name of INTERCEDE is being used without our authorization nor knowledge by unscrupulous parties including recruitment and employment agencies, immigration consultants, and similar others in order to lend credibility to their businesses and for other opportunistic reasons and intentions. Be reminded that all INTERCEDE services are FREE.**

**If you encounter any such misrepresentation of INTERCEDE, in whatever form or context, please report to us including all relevant information so that we can pursue the matter promptly. Call 416-483-4554 or email [info@intercedetoronto.org](mailto:info@intercedetoronto.org).**

#### CARIBBEAN GROUP DISCUSS PLAN

On August 19, 2006, INTERCEDE Black Caribbean Connection Group met to discuss plans for the remaining months of the year 2006.

Discussion revolved around future fundraising, recruitment of new members and raising awareness about the Live-in Caregiver Program in the Caribbean where little information seems to be available.

The outcome of the afternoon's discussion was very positive and encouraging. However, the women acknowledged that there is a lot of work needed in order to accomplish their objectives and the needed to commit time and effort to do so.

If you are a black caregiver or domestic worker and would like to join the Caribbean Connection please contact Bernice Small at 416 483-4554 ext. 22 for more information.

**Next Meeting: Saturday, September 16, 2006,  
2— 4 p.m. at INTERCEDE's office,  
234 Eglinton Ave. E. Ste. 405**

#### BBQ FUNDRAISING AT EARL BALES PARK

*By Bernice Small*

On July 30, 2006, INTERCEDE held a fundraising barbeque at Earl Bales Park where 168 people came and raised \$1,120.

The menu at the barbeque included vegetable rice, BBQ chicken, and pork, dinner rolls, garden salad, watermelon and cold drinks. After a filling lunch, there were games such as soft ball, cricket and domino.

The event was a follow-up to last year's fundraising BBQ which was planned and organized by the INTERCEDE Black Caribbean Connection Group. This year the event was broadened to all INTERCEDE members who showed their support and came out in full force, willing and ready to help in any way they could.

The food was great, the atmosphere was inviting and everyone had fun. INTERCEDE would like to thank all who came out in support of this event and helped make it a success. Without your hard work and dedication year after year, we will not be able to make it happen. Thank you everyone!

## COCO'S CORNER

### NO ONE IS ABOVE THE LAW!

Gemma was too scared to even mention the name of her employer when she first came to INTERCEDE. But from years of talking with caregivers and domestic workers, we have learned how to make people like Gemma feel safe enough to relate all the facts about the abuse they have suffered.

It turned out that her rich, well-known and well-connected employer had a number of live-in caregivers who were unsatisfied with their employment conditions and only a few of whom made the effort to report the employment abuses they had encountered. The housekeepers, gardener, cook and nurses in the household were all employed under the Live-In Caregiver Program. In addition to having to meet the needs of a working couple and their two grown children in a large house, they were also responsible for the couple's sick, elderly parents who required 24-hour care. The caregivers looking after the elderly couple were nurses by profession who came to Canada under the LCP and were paid little more than the other workers. All of the employees worked excessive hours without overtime pay and without regard for public holidays. They were warned by both their employer and employment agency that any complaints or reports would not be believed since no complaints had been filed against the employer before.

Through our discussions with Gemma she began to learn and understand the Employment Standards Act, and fully comprehend how she and her co-workers had been abused. We were also able to assure her that her Immigration papers would not be in jeopardy if she decided to file a claim for her termination, vacation and overtime pay. Still, she was hesitant to file a claim until she had received Employment Authorization for another employer. It wasn't until four and a half months after her termination by the abusive employer that she finally filed her claim.

In filing her claim, she requested a Record of Employment for the five months she worked with the family and attached her personal record of overtime hours, the dates of public holidays she worked, her entitlement to 4% vacation pay and one week's termination pay since she was terminated without notice when she refused to work on a public holiday. In connection to her claim, Gemma requested the use of INTERCEDE's address and a consent form which allowed an INTERCEDE counselor respond on her behalf to any questions regarding the claim.

Exactly 6 weeks after Gemma sent her claim she received her compensation. Although it was not the full amount she had requested, she felt that it was acceptable and also felt relief and pride in having taken action against the abuses of her former employer.

Gemma not only stood up for her employment rights, she sent an important message to both her former co-workers and her former employer. To her former co-workers, she showed them that they did not have to be intimidated simply because of their temporary status. To her former employers, the message was loud and clear: stop the exploitation and abuse of live-in caregivers.

Nobody is above the law.

## Q & A

- Q. My 24 month live-in work under the LCP will be completed in November and I plan on filing my application for Permanent Residence. I have a 3 year old son from my husband of over six years. We are now separated and my husband has strongly expressed that I can never have my son in Canada. I also have a 16 year old son from a previous relationship. I have no record that he is my son as he was registered as the son of my sister and brother-in-law. Can I include him as my dependent in my Permanent Residence application for concurrent processing instead of my 3 year old son, who is being kept away from me by my estranged husband? I need advice on what to do.*
- A. You are in a very complicated situation. Let's try to simplify matters. First, if you declared your marital status as "married" in your immigration papers prior to your arrival in Canada, you should report your new status. Let them know that you are now separated with no chance of reconciliation and, therefore, have no intention of sponsoring your husband. Regarding your sons, you can declare your 3 year old son and let it be known that he will not be joining you until you can come to an agreement with your husband. As for your eldest son, you should seek the advice of a family lawyer in your country of origin. He or she should know how best to proceed in terms of reclaiming your legal guardianship. I also encourage you to come to INTERCEDE for assistance and referral to a legal clinic office.*
- Q. I recently received my Open Employment Authorization and was proposed to by my boyfriend who is in Canada on a visitor's visa. If I decide to marry him can he file an application for Permanent Residence, or can I inform immigration and request that they process his papers with mine?*
- A. Congratulations and good luck! Once you get married you will have to report the change in your marital status to Immigration. This will delay the approval of your Permanent Residence application. Your new husband will be required to undergo a medical exam, pass a security clearance and have valid immigration status in order for his papers to be processed concurrently with your application. Call INTERCEDE for assistance.*
- Q. After my niece filed her application for Permanent Residence she left for the United States and got married to a U.S. citizen. She went back and forth between Canada and the U.S. until she received her Open Employment Authorization. She gave birth to her daughter in Canada (since her OHIP card was still valid), then went back to the U.S. after a couple of weeks to join her husband. She then failed to renew her Open Employment Authorization, which has now been expired for five months. When she attempted to come back to Canada for her daughter's medical check-up she was refused entry. Can she still apply for the restoration of her status and follow up on the approval of her Permanent Residence?*
- A. Your niece showed a lack of responsibility in guarding her Canadian status, but do advise her to get in touch with the nearest Canadian Consular Office in the United States. Because she left Canada while her papers were still being processed, she may not be able to restore her Immigration status. She and her husband should come up with an alternative plan to keep her legal status in the U.S.. Good luck to your niece.*

(Continued from August issue)

### TOP WAYS TO FIND WORK

(by Shawn Mintz works for A.C.C.E.S)

6. Unfortunately, you may not be able to have the same job in Canada right away. Try to find a job that's related to your field of expertise. If you are an engineer find a job as a technician or technologist. Research the positions that are related to your occupation and apply for them. Getting your foot in the door of a company is a great start, once in you will probably be able to apply for internal openings.
7. Through volunteering, co-op, on-the-job programs and job trials you will be able to prove your skills and abilities to a Canadian employer, learn about the Canadian workplace culture, gain 'Canadian Experience' and build your network. I would use my availability to volunteer as a marketing strategy. For example if an employer doesn't have current openings say "I understand that you do not have current openings, I would love to volunteer for your company."
8. When asked 'Do you have Canadian Experience?' don't just say no and feel that you have been rejected and that all employers are looking for this so-called 'Canadian Experience'. Tell the employer how your skills are similar to the skills that they are looking for. Also tell them how your international experience will help to benefit the company.
9. In an interview prepare yourself by researching the company, the position and yourself. Sell your skills to the employer by telling them stories of your accomplishments and achievements. You are a small company selling your most valuable product, yourself.
10. Stay positive, be persistent, proactive, follow-up with all contacts and maintain your motivation level. You will do it and you can do it. Good Luck.

### REMINDERS

#### Make an appointment first

Please call for an appointment before you decide to visit INTERCEDE and have your appointment confirmed by a counselor you want to see. Otherwise, counselors will not be able to talk to you as they may already be booked for other appointments and they will just give you an appointment for another day. To avoid being sent home and wasting your day, do confirm your appointment before coming to INTERCEDE.

### FREE JOB SEARCH WORKSHOP FOR CAREGIVERS & NEWCOMERS

**WHEN: SUNDAY**

**September 3, 10, 17 & 24, 2006**

**October 1, 15, 22 & 29, 2006**

**November 5, 12, 19 & 26, 2006**

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

**WHERE: PROLEGAL**

**164 Eglinton Ave. E., 3rd Floor**

**(West of Redpath, Walking distance from Eglinton Subway station)**

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

**Seating is limited.**

**Funded by Citizenship and Immigration Canada**

### INTERCEDE

**INTERCEDE STAFF:**

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

**Summer Hours: Mon-Friday 9 am – 6 p.m.**

**Telephone: (416) 483-4554**

**Fax: (416) 483-9781**

**Toll-Free: 1-877-483-4554**

**Web Site: www.intercedetoronto.org**

**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**

**Genie Policarpio - Intake & Administrative Assistant**

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

 **Citizenship and Immigration Canada**  **Citoyenneté et Immigration Canada**



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