

Domestics' Info

Vancouver Committee for Domestic Workers and Caregivers Rights



CDWCR seeks to improve the lives and working conditions of caregivers and domestic workers through information, counseling, organizing, support networks, educational and training programs, referrals for legal advice and temporary accommodation.

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“Landed Status Now”: CDWCR’s Position on Foreign Workers

Canada’s Temporary Foreign Worker Program (TFWP) had been the center of controversies and debates **recently**, prompting the government to review and re-assess the program. This review does not exempt the Live-in Caregiver Program (LCP).

Government says...

Employment Minister Jason Kenney said the government-run program, LCP, that allows families to hire abroad has “mutated” into a program of “family reunification,” whereby thousands of foreigners are coming to work for their own relatives in jobs that might otherwise not exist. The minister said the number of people — over 90% are from the Philippines — trying to get permanent resident status through the program “ran out of control.” Employment Minister Jason Kenney said that program will be reformed in the “fairly near future”. *(cont’d on page 3)*



Julie Diesta, CDWCR’s Coordinator, explained how the temporary status of live-in caregivers can make them vulnerable to abuse, during the interview conducted by Balitang Canada – a Filipino News TV Program. The interview was part of their series of featured stories focusing on LCP.

Employment Standards Workshop For Live-In Caregivers

The Employment Standards Workshop For Live-In Caregivers, one of the eight workshops under the 2014 Care-Net Project, was held on June 22, at the South Vancouver Neighbourhood House at Victoria Drive in Vancouver. Arsh Dhillon, Employment Standards Officer of the Employment Standards Branch (ESB) and Ai Li Lim, Staff Lawyer/Executive Director of the West Coast Domestic Workers Association (WCDWA) were the resource speakers. It was attended by 27 participants.

Some of the topics Mr. Dhillon discussed that would benefit workers under the Live-In Caregivers Program were:

- Definition of Domestics – Defined in the act as persons who are employed and reside at an employer’s private residence to provide cooking, child care or other prescribed services. They are covered by the Employment Standards Act (ESA) and Regulation. The provisions include overtime pay, statutory holidays and holiday pay, annual vacations and vacation pay, and minimum wage.

(Cont’d on page 3)

CIC Updates: CIC Changes Definition of a Dependent Child

Effective August 1, 2014, the definition of a dependent child is changed under the Citizenship and Immigration Canada’s (CIC’s) immigration programs. The age at which a child would be considered a dependant was reduced from under 22 to under 19. The exception for full-time students was also removed. Children of applicants who are 19 or over but are financially dependent on their parents and are enrolled in full-time studies would no longer be eligible to be processed as dependent children. In all cases, a child will continue to be considered a dependant, regardless of age, if they have depended on their parents for financial support because of a mental or physical condition.

For more information, please visit CIC's [website](http://www.cic.gc.ca/english/department/media/notices/2014-06-23.asp).
SOURCE:
<http://www.cic.gc.ca/english/department/media/notices/2014-06-23.asp>

Q&A on Domestic's Issues

Q: My employers had been asking me to work extra hours every day (at least 4 hours extra) for the last two weeks. Due to long work hours, I've been feeling tired and sickly. They are asking me to work extra hours again this week, but I don't think I can continue to work long hours for another day, let alone for another week. Can I refuse to work the extra hours they are asking me?

A: Yes, you can. An employer must not require or allow an employee to work excessive hours that can be harmful to employee's health and safety.

Q. My employer does not give me a pay stub every time I receive my pay so I am not sure how my pay is calculated and what deductions are taken from my pay. Is it required that my employer give me a copy of my pay stub?

A. On paydays, an employer must give each employee a written wage statement for the pay period, which includes the employer's name and address; the hours worked by the employee; the employee's wage rate; the employee's overtime rate; the hours of work at the overtime rate; the amount and purpose of each deductions; and the employee's gross and net wages.

For more information, please visit the CIC website: www.cic.gc.ca, or call CDWCR at (604.874.0649) West Coast Domestic Workers Association (604.669.4482).

Employment Standards , cont'd from page 1

- **Paying Wages** – All employees must be paid at least twice a month, and a pay period may not exceed 16 days. An employer can only deduct money required or permitted by the ESA, or by another Act of either British Columbia or Canada.
- **Hours of work and overtime:** After working eight hours in a day, an employee must be paid time-and-a-half for the next four hours work, and double time for all the hours worked in excess of 12 hours in a day. An employee who works more than 40 hours in a week must be paid time-and-half after 40 hours.
- **Termination of Employment-** An employee who is terminated may be eligible for compensation based on length of service (CLOS) or working notice, based on the following formula: after three consecutive months of employment – one week; after 12 months – two weeks; and after three consecutive years – three week's pay plus one week for each additional year for a maximum of eight weeks. An employee who voluntarily quits his or her job is not entitled to written notice or CLOS. The employee is not required to give notice to the employer.
- **Complaint Resolution** – The Act sets a six-month time limit for filing complaints. It also sets a six-month limit on the time period the ESB can go back to see whether an employer owes money to an employee. There is a Self-Help Kit that helps the employee to resolve issues with employer. Domestic's are not required to use the Self-Help Kit. However, they are still encouraged to fill the kit, as it will help them define the problem and identify the desired solution. If the employee and employers can not resolve the issues on their own, an employee can file a complaint with ESB.

Mr. Dhillon emphasized that the Employment Standards Act does not distinguish whether workers are in Canada as permanent or temporary residents. Regardless of immigration status, workers are entitled to their rights as covered by the act. Temporary Foreign Workers including live-in caregivers under the LCP are covered by the Employment Standards Act and Regulation. He also mentioned that it is illegal for employment agencies to charge a fee to employees for job placement. If the employment agencies are located in BC, they must be licensed. ESB can fine them if they are not licensed or if they charged fees to an employee.

Ai Li of WCDWA indicated that although most caregivers have valid reasons to file an Employment Standards complaint, caregivers would rather wait for the completion of their 24 months or 3900 hours requirement for permanent residency for fear of delaying and affecting their application for permanent residency. By the time they have completed their permanent residency requirements, the six-month limitation period has elapsed (the complaint must be filed within 6 months when the employer's violation was committed).

Ai Li reiterated Mr. Dhillon's information though, that the caregivers' immigration status does not affect their employment rights. As long as they work for an employer in BC, caregivers can file ESB complaints even if they have no valid work permit or immigration status, duties were not primarily caregiving, working with employers other than those in their work permit, or working only part-time. ESB, as confirmed by Mr. Dhillon, does not report illegal work to CIC. Caregivers should not hesitate to file a valid complaint against employers who violated workers' employment rights. However, caregivers who missed the six-month limitation requirement in filing a complaint under the ESB, can still file a complaint in Small Claims Court for Breach of Contract, within two years. Through this process, caregivers would also be able to recover unpaid wages beyond the ESB's six-month limitation period.

Overall, the resource speakers were very mindful of who are the participants in the workshop. Their topics were very informative and very relevant to the needs of the foreign live-in caregivers. It is important to be reminded that the inclusion of the domestic workers in the Employment Standards Act in 1992 was a result of CDWCR's and others' lobbying work with the provincial government at the time.

For more information about the topics discussed and to download the specific factsheets related to Employment standards Act, please visit www.labour.gov.bc.ca/esb.

Landed Status Now, *cont'd from page 1*

CDWCR says...

The Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) agrees that the Live-in Caregiver Program (LCP) and Temporary Foreign Worker Program (TFWP) need to be reformed – but not because of the reasons presented by the government, but by the fact that these programs are exploitative and racist in nature. Any improvements to these programs, programs created by the Canadian government to fill Canadians' needs for workers, must be for the benefit of all, including, and more importantly, the workers who would do the work. Most workers attracted to the programs are from developing countries that do not have enough job opportunities. They will accept any work, under any work condition as long as it could feed their families and enable them to send their children to school.

LCP was created by the Canadian government to fill the Canadians' need for caregivers. Instead of providing its citizens with universal, affordable and quality childcare, elderly care and care for persons with disabilities, the Canadian government passes this burden to its citizens and the workers that provide the services. Live-in caregivers allow their Canadian employers to run their business with peace of mind, to be effective lawmakers, doctors, nurses, teachers, etc. with low pay and usually with no benefits. As live-in workers, they are more vulnerable to abuse and exploitation from their employers than other workers.

Temporary foreign workers flip burgers, replace beddings, clean the malls, farm and pick fruits and vegetables, mix cements for multi-billion dollar companies in Canada. Without these temporary foreign workers, how are these multi-billion dollar companies going to amass their billions?

Foreign workers contribute to the economic, social and political well-being of the Canadian society, and similar to Canadians and Canadian immigrants who are making the same contributions, foreign workers deserve the same right to Canadian citizenship.

CDWCR believes that the "pathway to landed status" for temporary foreign workers and foreign live-in caregivers is not a sufficient measure to curb or stop potential abuse of these workers. Their vulnerability arises from the temporary nature of their immigration status here in Canada. They work hard without complaints for fear of losing their job and be sent home, and in the case of live-in caregivers, for fear of not only losing their job, but also of losing the roof over their heads. Employers **who** know and in most cases exploit the situations to their advantage, prefer temporary foreign workers **to** Canadians and permanent residents.

It's a long and hard struggle, but we, in CDWCR, will continue our work to improve the lives of foreign live-in caregivers and other workers in Canada. In 1979, when we said "if we're good enough to work, we're good enough to stay!" for domestic workers under the Temporary Authorization Program - we meant it then, and we mean it now for workers under the LCP and the TFWP.

CDWCR Elects New Steering Committee Members

CDWCR elected a new set of Steering Committee (SC) members at its Annual General Meeting held last May 4, 2014 at the South Vancouver Neighbourhood House, Victoria Drive, Vancouver, BC.

Following are the new SC members: Carina Alamil, Encarnacion Bato, Lotis Caluza, Judith Diesta, Julie Diesta, Corazon Domingo, Vivian de Guzman, Ludy Inting, Leonora Lagunzad, Angie Lisao, Lorina Serafico, Maribel Aloria, and Cenen Bagon.

Singing Nannies in Action

The "Singing Nannies," since its formation last November 2013, has been performing in community events under the musical direction of Kimwell del Rosario. Some of **the events were:**

- April 27: Make a Request Concert
- May 25 : Vancouver Spring Fest 2014 at the PNE
- June 14 : Angat Pinoy, North Vancouver
- June 28: Philippine Canada Friendship Ball
- June 29: Awitan Concert

The "Singing Nannies" has become a positive outlet for its members to share their talents and to gain support and friendship from each other. CDWCR would like to acknowledge Kimwell del Rosario for sharing his musical talents and for patiently working with the Singing Nannies into transforming the group to what they have become now – a recognized singing group!

If you would like to invite the "Singing Nannies" to perform in your upcoming events, please call Julie Diesta at (604) 874-0649. Singing Nannies helps fund raise for CDWCR.



ANNOUNCEMENT

**Upcoming 2014 CDWCR
Care-Net Project
Workshops**

- September 14 – Financial Basics**
- October 19 – Preparing for Permanent Residence**
- November 16 – Life after LCP**

Workshops are held at:

**South Vancouver
Neighbourhood House**
6470 Victoria Drive and 49th
Avenue,
Vancouver, BC,
1pm to 5pm.
Free lunch: 12pm- 1pm.
To register phone:
(604) 874-0649

Other Activities

- Oct. 25, 2014 – Halloween Fundraising Dance
- Dec. 20 – CDWCR’s 22nd anniversary celebration

Details to be announced.

For updates and more information visit our website:
<http://www.cdwcr.org>

Care-Net Project 2014 Updates

CDWCR completed the following workshops under the 2014 Care-Net Project

Immigration Workshop, Feb. 16: Citizenship and Immigration Canada (CIC) Officer Ray Leblanc and Adriana Rietzler, Legal Advocate of West Coast Domestic Workers Association (WCDWA) were the forum’s resource speakers. The workshop was attended by 50 participants. Topics covered included changes to process and processing times of applications related to LCP such as work permit, open work permit, permanent residency application. WCDWA representative discussed common issues faced by LCP participants and how to avoid and address them.

Income Tax Preparation, March 9: This workshop was facilitated by the following CDWCR members and volunteers : Lorina Serafico, Judith Diesta, Lotis Caluza and Vilma Digma Tacsagon. It was attended by 26 participants. During the workshop, participants were shown how to calculate their taxes properly.

Elderly Care Workshop, April 13: – This was attended by 30 participants. Charlene Murphy from Drake Meadox and Mrs Encarnacio Bato, a long time CDWCR volunteer served as resource speakers. Topics covered included preparation to becoming an older adult and dealing with older adult abuse.



CIC Officer Ray Leblanc presenting during the Immigration workshop.

Employment Standards Workshop, June 22, 2014: (please see separate article – page 1)

Childcare Workshop, August. 10: This workshop was facilitated by Julie Diesta, former Family Daycare provider; and current Family Daycare operators: Nora Lagunzad and Cora Domingo. They are all members and volunteers of CDWCR. Topics discussed included tips on how to handle challenging kids, creating healthy and fun meal for kids and how to make and take “Felt Stories” for kids. This was attended by 13 participants.

All workshops were held at the South Vancouver Neighbourhood House , Victoria Drive, Vancouver, BC . The Care-Net project is made possible through the funding assistance of BCGEU. (British Columbia Government & Service Employees Union).

ANNOUNCEMENT:

Due to the increasing printing and mailing cost, CDWCR will be sending out **copies of the Newsletter** to its members though e-mail. If you want to receive your copy through email, please send your email address and updated contact information to **cdwcr.org@gmail.com**. Print out can be availed by attending CDWCR workshops. Thank you for your understanding.

We wish to thank:

- BCGEU (British Columbia Government & Service Employees Union)
- HEU (Hospital Employees Union)
- COPE 378 (Canadian Office and Profession Employees Union Local 378)
- HSA (Health Sciences Association of BC)
- WCDWA (West Coast Domestic Workers Association)
- Immigrant Services Society of BC (ISS)

We also want to acknowledge everyone's effort in putting our newsletter together. Thank you very much for all your contributions.

Membership Form Mail to: CDWCR PO Box 37033, Vancouver, BC V5P 3X0 For inquiries: (604) 874-0649

Yes, I want to help the Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR)

Sign me up! I want to become a CDWCR member (membership is \$5/year)

Date of Membership: _____

I would like to make a donation to CDWCR ‘s work. (Sorry, we are not registered for tax deductible donations.)

Name: _____

Address: _____

City: _____ Province: _____ Postal Code: _____ Email address: _____

Telephone Number : Home: _____ Cell: _____