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CHICAGO (*jGLi*) – Judge Thomas Davis of the Superior Court of Quebec in Montreal, Canada heard on Thursday, Sept. 20, arguments whether there is merit to further hear the application for judicial review from a group of eight Filipina live-in caregivers (LIC's) against the Quebec Human Rights Commission they alleged mishandled their case due to gross negligence and irregularities.

The Commission's negligence prompted the LIC's to bring the case to the Superior Court of Quebec to ask the court to require the Commission to do its investigation more properly.

According to Me Heidy Melissa Arango, counsel for the LIC's, Judge Davis "will first decide whether (a Quebec Filipino women's' group) PINAY and the LIC

's motion for judicial review should be dismissed or not. If the judge decides not to dismiss their motion for judicial review, then the case will go on.

However, if the judge decides to the contrary, PINAY and the women don't even get to be heard by the court."

"The Commission (an administrative agency) made numerous errors in its investigation and that is why, we are asking the Superior Court of Quebec to send the case back to the Commission so it can correct its own errors,"

Attorney Arango added.

At the Thursday's hearing Athanassia Bitzakidis, the Commission's lawyer, presented her arguments for the dismissal of PINAY and the LIC's motion for judicial review.

But Attorney Arango presented counter arguments for the Superior Court of Quebec to continue to hear the case for judicial review. Counsel's arguments essentially concern the "delay for filing a motion for judicial review, the nature of the decision, the Commission's exercise of its discretionary power and procedural fairness."

Attorney Arango said, “This is a case of severe discrimination, harassment and exploitation of these women over a period of several years and the Commission failed to protect these women as it was negligent in the handling of their complaint.”

“This is a case of public interest and its outcome will have an impact on Filipino community's perception of the Canadian justice system and on domestic workers in general. Also at stake is Canada’s commitment to international obligations to protect domestic and migrant workers from discrimination and exploitation.”

The PINAY (nickname for a Filipina) and the eight Filipino live-in caregivers are also seeking payment of CAD\$10,000 each to each of the eight caregivers from the commission in the first of such case that a high amount of damages is being sought against the commission. They are seeking a total of CAD\$90,000 in damages against the commission.

The case arose when 26 Filipino women, who, with PINAY’s assistance, filed in May 2009 a complaint with the human rights commission against John Aurora, a West Island, Quebec immigration consultant and recruiter,

who died in September 2009.

Aurora often traveled to Hong Kong and other Asian cities, with a secretary, to recruit workers for a fee (an average of US\$4,000) in return for jobs. Once the workers arrived in Montreal, these women were subjected to abusive employment, housing and other mistreatments.

Because they did not have the live-in caregiver jobs promised them after paying for these job offers, they had to fend for themselves, spending their own money for their stay, while awaiting confirmation of new job offers and completion of government procedures for the issuance of new work permits.

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HRC DISMISSED COMPLAINT, CITING LACK OF EVIDENCE □ □

They also signed leases with Aurora to rent his rooming house, while they endured substandard living conditions that included sleeping on the floor and overcrowding. These women turned to public agencies for help without success. When they filed a complaint before Quebec Human Rights Commission, this was dismissed in October 2010 due to Aurora's death and the fact that his daughter denied involvement.

Despite the submission of evidence for discrimination and exploitation, the

Commission finally dismissed their case in June 2012, citing lack of evidence.[] []

The legal motion filed before the Superior Court of Quebec in August 2012 alleged that the Commission's handling of the case involved irregularities, negligence and other problems, which include as follows: the Commission waited nine months to meet with half of the victims, contrary to standard preliminary evaluation practice of meeting them within two to three months from the filing of the complaint; the Commission refused to indicate, despite numerous requests, whether it visited the premises, where the women were housed in substandard conditions, and address these housing issues; it failed to produce the standard investigation report after three years of investigation contrary to its own guidelines; it failed to inform victims of their right to name other persons, who engaged in acts of discrimination and exploitation as co-respondents and to claim damages against them; and it ruled that Aurora's successor couldn't be held liable for punitive damages, contrary to a 2010 Supreme Court decision.[] []

Evelyn Calugay, PINAY's President, in a phone interview, said, PINAY is grateful for the help of Attorney Arango and her supervising lawyer Walter Tom. Attorney Arango even paid for the CAD\$271.00 court and bailiff's fees "because our group composed of 250 members has no money. The Commission's errors during its three-year investigation and its decision to close the file is not acceptable. I hope the judge will rule in our favor.

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“I am still holding out hope that we will win the case. If worse comes to worst, that just confirms that there is really no justice for small people wherever we go. It is the same. *Dahil wala kaming pera* (because we don't have money), the marginalized sector, (the ruling class) will just take us for granted. # # #

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