

Written by

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By JOSEPH G. LARIOS

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C HICAGO (*jGLi*) – A group of Filipina Live-In Caregivers (LIC's) in Montreal, Canada had taken to the streets to dramatize their demands to call attention to Quebec Premiere Jean Charest to appoint an independent inquiry that will look into the ongoing discrimination, exploitation and human trafficking because the Quebec human-rights commission mishandled their complaints.

Carrying placards, the caregivers demonstrated last May 10 and May 11 in front of the Ministry of Immigration and Cultural Communities and the Quebec Human Rights Commission two years after they filed a civil rights complaint that has been largely ignored.

Led by a Filipino women's rights advocacy group called PINAY (nickname of Filipino woman), the caregivers have lamented that in the last six months, the Quebec human-rights commission has once tried to dismiss the complaint. The caregivers were given until last May 10 by the Commission's investigators the last chance for final comments before she recommends closing the file.

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On May 6, 2009, PINAY filed a complaint on behalf of 26 Filipina LICs after each of them paid between 2004 and 2008 in

Asia

an average of \$4,000 to John Aurora, owner of a domestic worker's placement agency in exchange for a job in

Montreal

. They added \$1,400 each for their transportation.

However, when they arrived in Montreal, many found themselves either jobless for weeks or have to find other jobs on their own.

They were housed by Aurora in different properties, where they lived for months under sub-standard conditions, which included having to sleep on the floor, sharing one bed and one blanket with two others; inadequate heating; overcrowding, poor air circulation, etc.

Many were pressured into signing a lease without being shown the full text of the lease. They did not even have a copy of a lease for their own. They were charged additional fees and penalties for repairs and late rent payments. Additional clauses were added in some cases after the signing of the lease, without their knowledge.

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Many of the women were asked to perform housekeeping chores and cooking for Aurora without getting paid. When they tried to leave,

Aurora

took them to the Rental Board, a government agency, for violating the lease agreement. From 2008 to 2010, 16 women lost their cases before the Rental Board and they were asked to pay thousands of dollars to

Aurora

At present, there are at least eight more active cases before the board involving 10 more women and Aurora.

In October 2010, the Commission informed PINAY that it would be closing the case due to Aurora's

death in 2009 and because

Aurora

's company, Super Nanny, was not registered, and

Aurora

's daughter has denied involvement in the case.

Because the caregivers could not afford a lawyer, they sought the help of CRARR (Center for Research Action on Race Relations), a civil-rights advocate in Montreal, which found excessive delay – eight months -- on the part of the Commission to meet with LIC's in February 2010 to get their declarations.

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The LICs were not informed of the investigation process, including the damages to claim and the possibility of naming Aurora associates, including his daughter, as co-respondents in the case.

Although, the Commission was informed of Aurora's death in September 2009, it still wrote Aurora on November 2009 to summon him to attend a hearing.

After two years of investigation, the Commission declined to inform CRARR and PINAY whether its staff visited the housing facilities of the LICs or interviewed Aurora's estates and associates to tell them their roles and status in the case.

The Commission did not admit as evidence the testimony of Aurora's daughter that she is actively managing her father's affairs and properties during the cross-examination before the Rental Board.

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In March 2010 when CRARR amended the complaint to include Aurora's associates as co-respondents in the case, the Commission denied the amendment as "too late to do so due to the three-year prescription or statute of limitation for civil action, as most of the discriminatory acts occurred in 2006 and 2007." The Commission also ruled that the Aurora associates as employees cannot be held responsible for employer's actions.

"There are obviously serious problems in the Commission's investigation into our complaint. We don't see any other solution than for the Government to name an independent inquiry to do the job objectively, correctly and fairly," said PINAY's President Evelyn Calugay.

"We also call for a review of where and why things went so wrong at the Commission. People at the Commission should be held accountable," Calugay added.

In January 2011, CRARR's Executive Director, Mr. Fo Niemi, and PINAY informed in writing Immigration and Cultural Communities Minister Kathleen Weil about the situation, and broader systemic issues involving the Government's measures for LICs; to date, they have yet to receive a response.

If they lose in the case before the Commission, their next recourse is to take the Commission to court, Ms. Calugay said. "But because these women are only earning minimum wage and sole supporters of their family, they cannot afford to hire a lawyer to take the Commission to court.

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We hope the Philippine government and Filipino Canadian community can help us raise money to hire a lawyer." # # #

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