

## **Backgrounder on the Live-in Caregiver Program**

**By: Dr. Ethel Tungohan**  
**Grant Notley Postdoctoral Research Fellow**  
**Political Science**  
**University of Alberta**

### *What is the Live-in Caregiver Program?*

The Live-in Caregiver Program (LCP) allows Canadian families to hire live-in caregivers from abroad to care for children, elderly folks, and disabled individuals. The terms of the program require live-in caregivers to live and work with their employers for a period of twenty-four months, after which they can apply for permanent residency and claim their spouses and children to join them. Live-in caregivers receive an open work permit after they have completed their twenty-four month live-in work requirement, which means they are no longer tied to their employers and can start looking for employment outside their employers' households.

### *History of Migrant Domestic and Care Work in Canada*

Contrary to Citizenship and Immigration Canada's (CIC) claims on its website (<http://www.cic.gc.ca/english/DEPARTMENT/media/backgrounders/2013/2013-06-21.asp>), the LCP was *not* created as a temporary work program. The Foreign Domestic Movement (FDM), which was established in 1981, preceded the LCP and had the same terms as the LCP in that it gave migrant domestic workers access to Canadian permanent residence after they complete a twenty-four month live-in work requirement. CIC implies on its website that it was only recently when live-in caregivers were able to acquire permanent residency – they have always had this ability since 1981.

It is also important to remember that granting migrant domestic workers the ability to apply for permanent residency only became possible after concerted political action by Canadian families and migrant domestic workers in the 1970s. The deportation of migrant domestic workers from the Caribbean, who were dubbed the “Seven Jamaican Mothers”, catalyzed the Canadian public into acting on behalf of migrant domestic workers, who they felt deserved the right to stay in Canada permanently.

### *What are the most common sources of abuse under the LCP?*

1. The live-in requirement – mandating that live-in caregivers live with their employers during the program is a big source of abuse. Live-in caregivers often lack privacy and find that they are asked to work even during their time off. In fact, most live-in caregivers do not get paid for overtime work. This also magnifies the probability of abuse of live-in caregivers. Live-in caregivers have said that their employers issue numerous invasive regulations, such as giving them a curfew, requiring that they hide their religious and cultural beliefs, and even, in some extreme circumstances, requiring that they follow a dress code at all times. The live-in caregivers we interviewed for the SSHRC-funded Gabriela Transition Experiences Survey even mention not being given enough food by their employers, showing that food insecurity is a big issue.
2. Employer-specific work permits – because live-in caregivers' status in Canada are tied to their employers, the power their employers have over them gets magnified. Employer-specific work permits make it more difficult for live-in caregivers to speak out about their abusive circumstances and workplace violations.

3. Being 'citizens-in-waiting' while under the program – the requirement that live-in caregivers can only apply for permanent residency only after completing a twenty-four month live-in work requirement additionally magnifies the power their employers hold over them. Live-in caregivers are frequently compelled to withstand employment abuse because they do not want their applications for permanent residency to be affected.

*What are the changes being proposed by Immigration Minister Chris Alexander on the LCP?*

In the aftermath of the controversy on the Temporary Foreign Worker Program (TFWP), Minister Alexander indicated reforms to the LCP are forthcoming. In July 2014, he has conducted a series of *closed door* consultations with Conservative members of the Filipino-Canadian community and employment agents to discuss the following changes, which he claims will 'modernize' the LCP:

1. Increasing the application fees employers of prospective live-in caregivers to \$1000 – this is in line with the increase in the application fee employers of temporary foreign workers will now have to pay. In both cases, these costs will very likely be born by the employee.
2. Removing live-in caregivers' automatic ability to apply for permanent residency upon completion of the program – Minister Alexander has said that he is disturbed by live-in caregivers' "automatic" right to apply for permanent residency. He proposes that upon completion of the twenty-four month live-in work requirement, live-in caregivers wishing to apply for permanent residency do so through the 'Express Entry' program, which will be taking effect in January 2015. This means that live-in caregivers will have to place their names in a common database and only after they are matched with another prospective employer will they be given access to permanent residency. *This will sharply reduce the number of live-in caregivers who can become permanent residents.* (See this <http://www.cic.gc.ca/english/resources/publications/employers/express-entry-presentation.asp> for more information on the Express Entry program).

*Why is Minister Alexander Proposing These Changes?*

Here are a few reasons why Minister Alexander believes the LCP should be changed:

1. Live-in caregiver vulnerability - Aside from the desire to 'modernize' the LCP, Minister Alexander and CIC officials have been talking about the concerns they have for live-in caregivers' "vulnerability." How exactly their proposals will reduce live-in caregivers' vulnerability is not clear.
2. Filipino families are 'abusing' the LCP - Minister Kenney made the irresponsible and unfounded statement in July 2014 that Filipino families are using the LCP as a 'hidden program of family reunification,' implying that the LCP has become a program allowing Filipino-Canadians to sponsor their relatives, who, in turn, come to Canada not to work as live-in caregivers but in the underground economy. Aside from the fact that these statements erroneously imply that Filipino families do not have a need for caregivers, these are not based in fact. The SSHRC-funded Gabriela Transition Experiences Survey (GATES) surveyed 631 former live-in caregivers across Canada and found that only 1 in 10 were hired directly by their relatives (see [www.gatesurvey.com](http://www.gatesurvey.com))
3. Live-in caregivers are having a hard time transitioning into Canada upon completing the program – Minister Alexander expressed his concern that live-in caregivers who acquire permanent residency have a difficult time economically transitioning to life in Canada. He points to the high number of former live-in caregivers who stay in care work as evidence of their inability to transition into Canada. In making these statements, Minister Alexander

not only does not look at structural impediments to newcomers' integration into Canada but also has a very limited definition of what 'integration' looks like. 68% of live-in caregivers in the GATES study stay in care work within three to five years after completing the program, a number that drops to 45% within five to ten years. While these numbers may be evidence of deskilling, these numbers also show that the high demand for care work in Canada that compel live-in caregivers to stay as care workers. Some live-in caregivers who participated in the GATES study indicate that, in fact, care work pays more compared to other jobs. Providing those who remain in care work after the LCP with job security should be the priority.

#### *Why Live-in Caregivers Should Continue Having the Ability to Apply for Permanent Residency*

1. Canadian families want this – the Canadian government has yet to provide a national strategy on child and elderly care. The average cost of childcare in Ontario is \$1,600/month per child and the C.D. Howe Institute shows that elderly care can cost up to \$36 000/year. With findings showing that the majority of live-in caregivers stay in care work upon completing the program – with a significant number working as personal support workers and as health care aides in elderly care homes – eliminating their ability to apply for permanent residency is to remove a population of front-line health professionals in Canada. In fact, the Canadian government should provide them with opportunities to be trained and certified in health fields to ensure that Canadian families get better care. Currently, laws prohibit live-in caregivers still under the LCP to take training and certification courses. Allowing them to take these courses during the LCP will improve the quality of care Canadian families receive and will additionally make it easier for them to find jobs after they finish the program.
2. Live-in caregivers are members of Canadian society – the live-in caregivers in the GATES study focus groups repeatedly mention that they are part of Canadian society. They pay taxes in Canada, they volunteer in community organizations, and they attend Canadian churches.
3. Care work is a permanent, and not a temporary need – With an aging population and the presence of a 'new' baby boom in Canada, the 'care crisis' in Canada is fast approaching. The Canadian government should devise a national child and elderly care strategy and utilize the presence of live-in caregivers when devising this strategy.

#### *Suggested Reforms*

The recommendations in the 2009 Standing Committee Report on the LCP should be fully implemented. (<http://www.cic.gc.ca/english/resources/publications/employers/express-entry-presentation.asp>) In fact, it is disappointing that very few of these recommendations were ever implemented. If the Canadian government is truly serious about eliminating live-in caregiver abuse, they should do the following:

1. Eliminate the mandatory live-in requirement.
2. Give live-in caregivers non-employer specific work permits.
3. Give live-in caregivers landed status upon arrival.
4. Create a monitoring body regulating the activities of employers and employment agents.
5. Remove restrictions barring live-in caregivers from taking training and certification courses over six months while under the LCP.

*If live-in caregivers are good enough to work in Canada, they are good enough to stay!*