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l'immigration, l'intégration et la dynamique urbaine

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# **Another Look at the Live-in-Caregivers Program**

***An Analysis of an Action Research Survey Conducted by  
PINAY, the Quebec Filipino Women's Association  
With The Centre for Applied Family Studies***

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This paper presents an analysis of data gathered during interviews conducted by PINAY, the Quebec Filipino Women's Organization. It owes recognition to all the PINAY members who helped formulate and administer the interviews. Special thanks to PINAY members who helped input the data and participated in the focus groups: Connie, Cynthia, Dina, Edith, Edwina, Elaine, Evelyn, Glen, Guada, Hazel, Jasmine C., Jasmine D., Joy, Judy, Maria, Marie, Mel, Naomi, Sofia, Tess A., Tess T. and Virginia.

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## **INTRODUCTION**

The Canadian economy has always relied on the contributions of immigrant workers in order to expand and consolidate. From the earliest stages of Canadian history, labour shortages have been met through the recruitment of migrants who can fill the need according to gender and ethnic differentiation (Iacovetta, Draper & Ventresca, 1998). Examples include male Chinese labourers and Ukrainian families and women from disadvantaged backgrounds. Gender has also played an important role in the movement of labour to Canada. From *les Filles du Roy* of the 17<sup>th</sup> century to Irish and Finnish maids of the 18<sup>th</sup> and 19<sup>th</sup> centuries, Canada has benefited from the domestic labour of migrant women workers and continues to do so in the present (Macklin, 1992).

Today, however, the globalisation of the international economy has changed the nature of the relationship between sending and receiving countries (Chossudovsky, 1998). Both Canada and source countries have implemented unilateral policies and practices which regulate this international movement of labour, ensuring the regulation of migrants' labour and earnings through policies which act as *de facto* international "trade agreements".

## **DESCRIPTION OF THE LIVE-IN CAREGIVER PROGRAMME**

Throughout Canada's history, Canadian women have seen live-in work as highly undesirable, forcing those seeking live-in help to recruit outside the country. The Caribbean Domestic Scheme program began Canada's formal import of domestic workers in 1955, under agreement between the governments of Canada, Jamaica and Barbados. It permitted single, childless women to enter Canada to work as live-in domestics. The Foreign Domestic Movement (FDM) of 1981 was the next version of this labour import and, since 1992, the Live-In Caregiver

program (LCP) has served as the framework for this international flow of labour within the current context of the shortage of affordable child and elder live-in care.

The programme is set up so that if women migrate to Canada and complete 24 months of live-in caregiver work in a government-approved employer's home within a three-year period, then these women have the right to apply from within Canada to become permanent residents. Since they have already proven their ability to work and live in Canada, live-in caregivers have their applications almost automatically approved. For migrant women, this eventual acceptance as a permanent resident constitutes the main appeal of the LCP. Since the educational and capital requirements of our current immigration laws do not permit most women to enter the country as independent immigrants, the LCP is one of the only options legally open to women without capital or skills recognised as economically beneficial to Canada.

As stated by Citizenship and Immigration Canada (CIC), "The Live-In Caregiver Programme exists only because there is a shortage of Canadians to fill the need for live-in care work. There is no shortage of Canadian workers available for care-giving positions where there is no live-in requirement" (CIC, 1999:2). As live-in caregivers, migrant workers may be responsible for childcare, elder care, cooking, cleaning and any number of other household tasks. Live-in domestic work is traditionally women's work and immigrant work: today 84 percent of LCP migrants are women (CIC, 2002) and over 80 percent of them are from the Philippines (Karas, 1997).

For Filipino LCP workers, the governmental Philippine Overseas Employment Administration (POEA) claims to protect migrant workers rights while bringing in \$2 billion US a year, half of which is used to pay off foreign debts (Parreñas, 2001; POEA, 2001). Since 1973, in fact, with the support and encouragement of the International Monetary Fund and the World Bank, the Philippine government has been implementing what is commonly termed its Labour Export

Program (Diocson, 2001). In today's version of the program, the POEA facilitates training of live-in caregivers and other workers and its Government Placement Branch (GPB) helps foreign employers recruit Filipino workers (POEA, 2001).

### ***PINAY – QUEBEC FILIPINO WOMEN'S ORGANISATION***

PINAY is a non-profit organisation of Filipino migrant workers created in 1991, in response to the need to organise and empower Filipino women in Montreal. Since then, it has brought domestic and LCP workers and their supporters together in the struggle for the basic rights and welfare of the Filipino migrant workers in Canada. The primary objectives of PINAY include advocacy and promotion of the rights and welfare of Filipino migrant workers, and participation and support for the women's movement in the Philippines working towards social change. It has, therefore, developed a wide and diverse network of national and international women's organisations.

In response to the individual cases that were presented to PINAY, a "Transition Home" for workers who are in Canada under the Live-in Caregiver Program was created. It is a place in which these women can seek temporary refuge, meet other women in similar situations, obtain information, receive counselling, have access to a legal clinic and receive necessary referrals. A sustainable goal is to establish a centre where migrant women can meet to hold workshops and educational discussions, while continuing to provide shelter to domestic workers in need. Currently the transition home is funded by personal donations and PINAY's efforts in fundraising in the community.

On top of providing direct services for domestic workers and live-in caregivers, PINAY also:

- Spearheaded the *Stop the Expulsion of Melca Salvador Campaign* which kept Melca and her son in Canada and also helped expose the oppression and exploitation of the LCP workers
- Co-organized the March 8 Coordination and Action Committee of Women of Ethnic Diversity in Montreal since 2002
- Lobbied the government individually and part as a larger FDNS (Front de défense des non-syndiqués) campaign to amend the Quebec Labour Standards to improve the rights and protection of all workers, particularly migrant workers
- Wrote, coordinated and presented a popular theatre play on the history of the struggle of Filipino migrant workers. All of the participants were Filipino migrant workers or their children.
- Facilitated a workshop on the LCP at the conference Advancing the Filipino Women's Social, Political and Economic Equality in Vancouver hosted by the Philippines Women's Centre
- Assisted in the organizing of the World March of Women in Montreal in March 2000, spearheaded by the Federation des Femmes du Quebec
- Actively participates as a member of National Action Committee on the Status of Women (NAC)
- Joined the Anti-Poverty March in Ottawa in 1996
- Participated in a Canadian National participatory research project on the situation of Filipino domestic workers in 1995

## **OBJECTIVES OF THE SURVEY**

The implications of the LCP and immigrant domestic work for employment segregation (Parreñas, 2001; Spitzer, Bernardino & Pereira, 2002; Chang, 2000), professional accreditation (PWC, 2001) and human trafficking (Blackell, 2001; Oxman-Martinez, Martinez & Hanley, 2001), have been explored by researchers and initial results suggest that the women who come on the LCP face many barriers to full equality within Canada. There remain, however, significant gaps in our understanding of the LCP's impact on women migrating under this program. This current state of knowledge leaves many questions about the lived experiences of LCP workers.

For the members of PINAY, it was seen as important to have a better understanding of the working conditions of Montreal-based Live-In Caregivers for a number of reasons:

- To ensure that PINAY's activities are continuing to answer to the needs and interests of contemporary LCP workers
- To have factual information on which to base PINAY's advocacy work regarding immigration and labour policies affecting live-in caregivers
- To reach out to isolated LCP workers, letting them know that PINAY is there to support them and offering them information about their basic rights
- To explore the feasibility of creating a live-in caregivers' association that would serve as a union of sorts
- To empower the existing PINAY membership by involving them in the development, implementation and analysis of a research that directly touches their lives.

PINAY members felt that a grassroots survey was the best approach to use. It would allow the involvement of many women, whether they were being interviewed or answering questions. Many women did both.

## **RESEARCH METHODS**

PINAY embarked on its research project in the summer of 1998. The development of the survey was a participatory process, undertaken entirely independently of academics. The PINAY membership met regularly, deciding first the goals of their survey and then choosing question subjects according to the areas in which they felt they needed information or in which they had seen many problems in the past. The questionnaire went through a series of drafts before being accepted by the group. It was tested with a number of caregivers and the wording and arrangement of the questions were adjusted in order to clarify the meaning. After a year of discussions and numerous drafts later, the launch of the survey was appropriately on March 8<sup>th</sup>, Women's Day, 1999.

The approach to sampling used by PINAY was innovative, allowing interviewers to reach 119 live-in caregivers, a group that is notoriously hard to reach. PINAY members used their own experiences to target parks, schools, bus routes, restaurants and stores that they knew a lot of caregivers would frequent. Reaching live-in caregivers at the homes of their employers is problematic for two important reasons: (1) because Human Resources Development Canada keeps employer information confidential, it is next to impossible to identify LCP workplaces; (2) even if workplaces are identified, many LCP workers would be uncomfortable if their employers knew they were participating in the survey. In public places, there is more chance of the LCP workers agreeing to talk about their experiences and being open to discussions about their rights.

Throughout the process of collecting data, PINAY members met regularly to talk about preliminary responses, potential places to reach respondents, exchange tips on approaching and interviewing people and also about how to use the results in the long run. After the data collection was complete, in the summer of 2002, PINAY connected with researchers and

students at McGill University and the Université de Montréal for support in analysing the information that had been collected. With financial support from the *Immigration and Metropolis* research centre, a spreadsheet was developed to enter the data, PINAY members were trained in how to input the data, and then basic descriptive statistics were compiled. A series of focus groups were held in which PINAY members discussed their interpretation of the research findings. Of a total of 23 participants in the focus groups, all were either currently or recently working under the LCP program or were the adult children of LCP workers. All the women were migrants to Canada from the Philippines.

The goal of the focus group was to present the findings in a descriptive format, and ask current live-in caregivers for feedback about the validity of the information as well as if it reflected their current situation. It was expected to obtain a critical analysis of the information and to better understand the factors that lead to work environments like those described in the findings and possible strategies to improve the situation. It was also an opportunity to educate domestic workers on their rights and how to enforce them. A secondary goal was to look at ways to formulate and improve a future survey. Finally, this report working paper was written by University researchers in collaboration with our partners.

## ***FINDINGS AND DISCUSSIONS***

In total, there were 119 questionnaires administered. All of the respondents were women and the majority of them were at one time under the Live-In Caregiver Program. What was clear was that all were working in their employer's house either as a caregiver, housekeeper or both at the time of the survey. The findings are divided into three sections: working conditions, personal life and service demand & accessibility.

## **1. Working Conditions**

### **➤ Location of workplace**

The areas in Montreal where the largest numbers of caregivers surveyed worked were neighbourhoods with above average family incomes (Statistics Canada, 2001). Westmount (26%), Dollard-des-Ormeaux (23%), Hampstead (19%) and Côte-St-Luc (13%) had the greatest concentrations of respondents. The lowest concentration was in the downtown area, with only 3 responses. This pattern is not surprising and reflects a trend of upper class families relying on immigrant labour for affordable childcare and domestic work. Focus group members believe that Côte-St-Luc was under-represented, probably due to the type of live-in caregiving work most common in this neighbourhood: caregiving for dependent elderly. Elderly adults (65 and over) are 12 536 and they represent 26.7% of the total population of this area (CLSC René-Cassin, 2004). This phenomenon is discussed more fully in the next section.

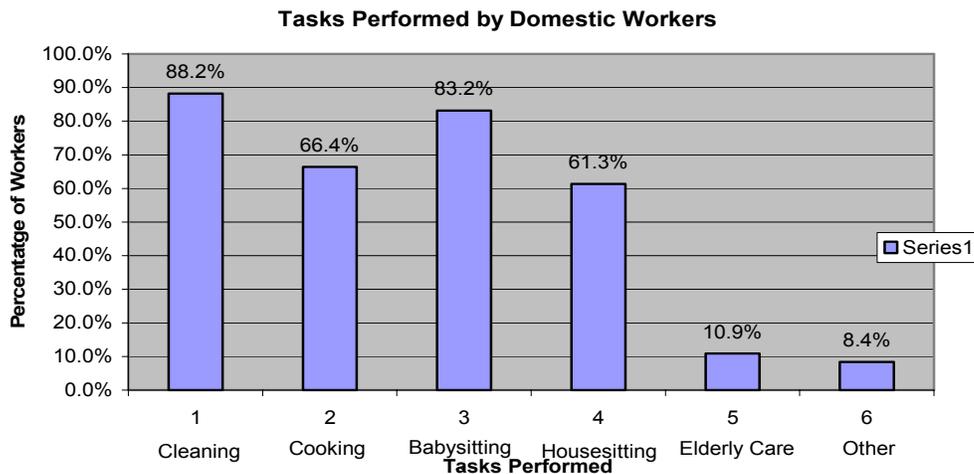
### **➤ Job descriptions**

The job descriptions or duties of those interviewed most often included cleaning (88%) and childcare (83%). But more often than not, these tasks were accompanied by other time consuming responsibilities that are not usually written into an LCP contract and are prohibited by Quebec's lower labour standards for live-ins. For example, many of the women reported cooking for the family (66%) and house-sitting (61%). Some women were even assigned the responsibility of laundry, pet care, driving and tutoring the children. It states in the Labour Standards that a *live-in caregiver's* duties should only include tasks that directly relate to the care of the person or persons in question. So if workers' duties include things like pet care, tutoring and car washing, they should be considered *domestics* and be entitled to the higher minimum wage and shorter work-week accorded all other workers under the regular Labour Standards (Commission des normes du travail, 2001).

When consulting the PINAY members, it was reported that this multi-tasking behaviour is not uncommon and that it probably occurs more often than the statistics show. Many of the women in the focus group stated that they were often left to mind the house, sometimes with the children, for days at a time, while the parents were out of town. This would mean that they were on duty for 24 hours a day.

There was also concern expressed about the under-representation of eldercare workers in the survey. As mentioned earlier, respondents were approached in parks, metros and stores. The caregivers were often with the children that they cared for, minding them as they played in the parks or having them accompany them on errands. It was explained that caregivers for the elderly are less likely to go outdoors and are often more isolated because of the nature of their job, thus harder to locate. As well, eldercare workers are more difficult to recognise since the one they care for does not usually accompany them out.

Table 1



➤ ***Hours worked and overtime***

More than half of respondents (56%) worked 49 hours or more, with some working over 60 or 70 hours per week. Appropriately, 52% reported receiving overtime pay at least some of the time. Although it appears that the majority of workers are being paid for their overtime efforts, the focus group expressed a different sentiment. A possible misrepresentation of the information may be caused by the fact that it is unclear if a positive response to being paid overtime meant that they were paid overtime always, frequently or sometimes. Our results can only be applied to women who received overtime pay at one time or another.

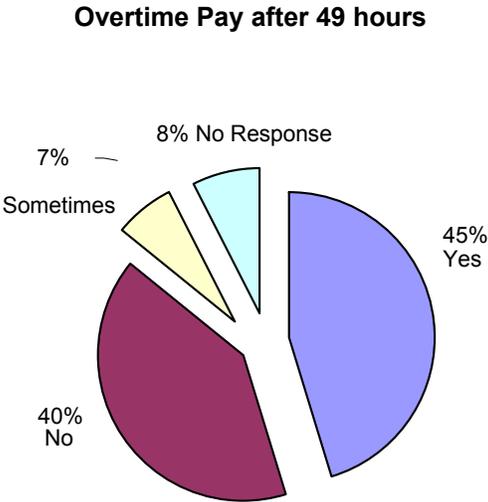
Many in the focus group confirm that they often work more hours than their contract stipulates, which is sometimes already over 49 hours a week, and are usually not paid for their extra efforts. For exceptional overtime work of short duration (such as for special events or on their days off) focus group members report that they are usually paid for their overtime. Being paid overtime for the couple of extra hours regularly worked on an ordinary day, however, is another matter.

Paying LCP workers for the 24/7 responsibilities of caring for dependent children while parents are away would be prohibitively expensive for employers. In this situation, the women are usually compensated in other ways, such as with gifts (such as hand-me-down clothes or other used items); vacations (usually with the employer, which implies they are still required to work); or days off (but rarely equivalent to the extra time they actually worked or at the time-and-a-half rate due for overtime). This may be a reason many women do not complain when they work long hours, because many believe that the gifts are compensation enough.

It was also noted that many of the women may remain in silence about this exploitation because, in comparison to their country of origin or other countries where they may have worked, they may well have in Canada better conditions and higher pay. There was also

discussion around the fact that LCP workers are only in Canada with a temporary visa that is not always fully understood by the worker. The workers often feel that this status does not entitle them to the same rights as their permanent resident counterparts. There is also a well founded fear that a complaint could cause aggravation or unpleasant consequences in their workplace. Many workers in the focus group reported being threatened with a call to immigration or deportation after asking for better conditions. This precarious immigration status and lack of knowledge was cited as another factor that would hinder a LCP worker from complaining about working conditions.

Figure 2



➤ **Getting paid**

When looking at issues concerning money, it is interesting to note that while many are receiving overtime pay, some are not even receiving what they are entitled to in the first place. 24% of respondents were being paid less than the minimum wage at the time of the survey and 28% were not paid an indemnity for working on statutory holidays. As well, it is worthy of note that 57% do not receive a pay slip as required by law.

The focus group expressed that these conditions regarding pay are not odd and that many of them suffer from the same problems. The cause of these problems appears to stem again from lack of information and willingness to complain. There is also the possibility of misrepresentation regarding wages, as the specific survey question made no distinction between full and part time workers and wages were declared weekly. Some respondents may have reported earning less than the minimum weekly wage, but were in fact not working the 49 hours.

Figure 3

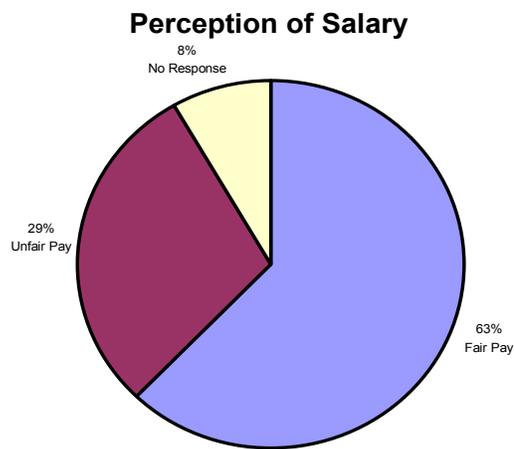
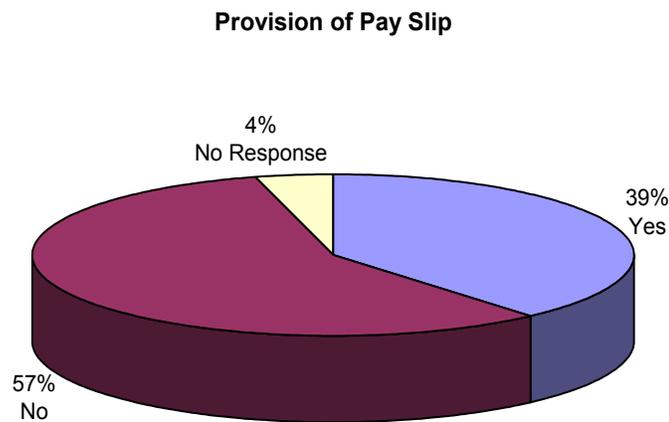


Figure 4



➤ ***Perceptions of exploitation***

Despite these infractions to the live-in caregivers Labour Standards, 63% believe they are paid fairly (8% did not respond) and 66% say that their contract is being respected (6% did not respond). As well, 65% of respondents reported that they have never been victim to discrimination in the workplace and similarly, 66% say they have never suffered abuse in the workplace (24% and 14% respectively did not respond to the questions). For those who have been victim to discrimination and abuses, examples included were working outside of job description, low salaries, unpaid overtime, long hours, racial discrimination, verbal abuse, sexual harassment, and “slave-like conditions”.

The fact that more women did not answer positively to the questions concerning discrimination and abuse was surprising to the members of the focus group. But for the respondents who did report problems, the types of acts that occurred were familiar to the participants in our focus group. Most of the focus group members felt that they have been victims to discrimination and abuses themselves, similar to those expressed in the survey, ranging from mild to very severe.

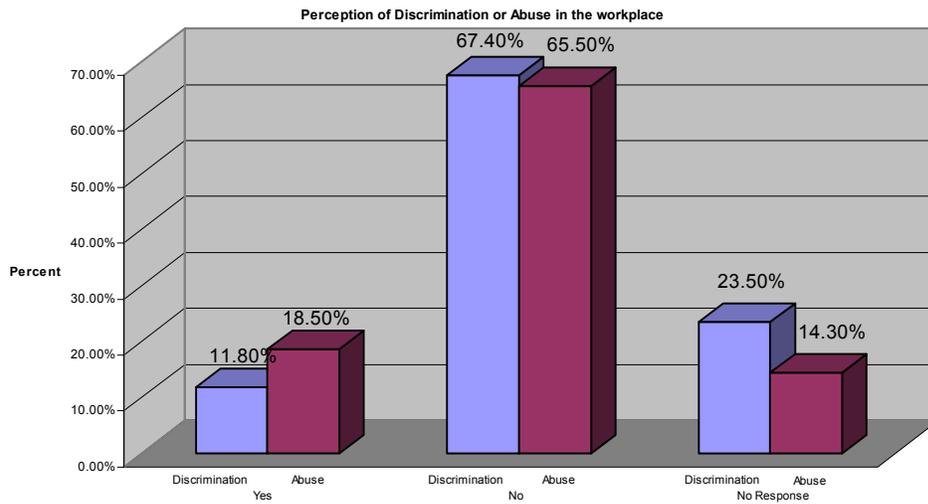
Focus group participants believed that the reasons so few survey respondents reported ‘discrimination’, ‘abuses’, ‘lack of respect’ and ‘unfair pay’ are related to the definitions associated with these terms and live-ins past work experiences. A similar point was raised here that was also mentioned when talking about wages for overtime work. The focus group infers that the women interviewed might believe the discrimination and abuses and working conditions that they are subject to here in Canada as insignificant in comparison to their past experiences in other countries (i.e. the Middle East, “Asian Tiger” countries) and their countries of origin. It was also mentioned that in many cultures, women are often not afforded the same rights as men and often are given a “second-class” citizenship. The discrimination and abuses related to LCP work, as defined by focus group members, might not be perceived as such by all women

who have experienced this “second-class citizenship”. The result may therefore be an acceptance of the dire situations mentioned above because of a feeling of exclusion from certain rights. These comments from the focus group raise the issue of the social construction of rights, discrimination and abuse.

From a Filipino perspective, the focus group argued that an employee accepting all the circumstances in their workplace in which they also live in could be due to one’s upbringing and the social values that are instilled throughout one’s life. The focus group, consisting of all Filipina women, stated that live-in caregivers could feel a debt of gratitude to their employers for giving them a job and allowing them to live in their house “free of charge”. They feel that this type of thinking could be attributed to the Filipino culture and custom. Although the focus group states that this could be a reason many Filipino workers remain silent, there was an overwhelming belief that lack of information, a temporary precarious dependant status and the feeling of exclusion from the right of fair and equal treatment are the driving forces of this exploitation, rather than cultural traditions.

As well, the focus group mentioned that live-ins are more often exposed to discrimination and abuse through the hiring agencies (based in the country of origin or in Canada) than from their employers themselves. The main abuses suffered through these agencies are financial, psychological and sexual abuse.

Table 5.



## **2. Personal Life**

### ➤ **Country of origin**

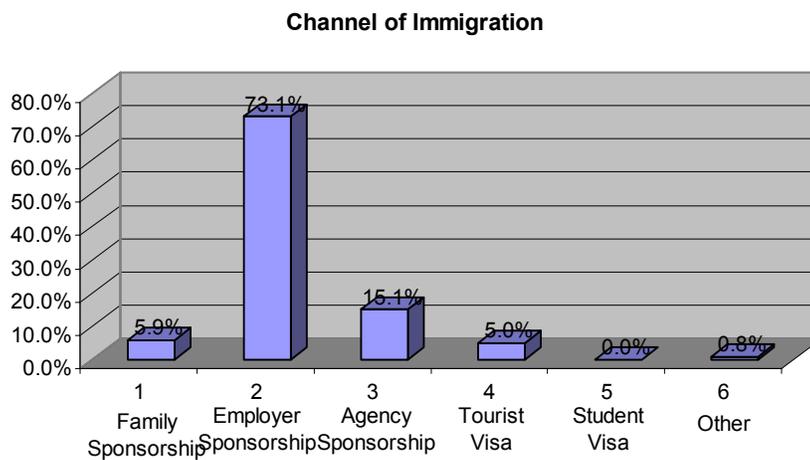
Of the 91 people that answered the question regarding their country of origin, 90 of them were from the Philippines. The other respondent came from St. Vincent. These results are higher than the estimated 80% of people under the LCP from the Philippines (Karas, 1997), probably due to the fact that the PINAY members who conducted the survey were all Filipina women and would more easily approach Filipino workers. Language was probably also a factor as PINAY members would have had difficulty communicating with francophone LCP workers who may come from the Maghreb and West Africa, for example.

### ➤ **Migration to Canada**

Below is a chart showing the percentages of the different channels of immigration that survey participants used to come to Canada. It is important to keep in mind that in order to come to Canada under the LCP, a work visa with the employer's name on it is required. The focus

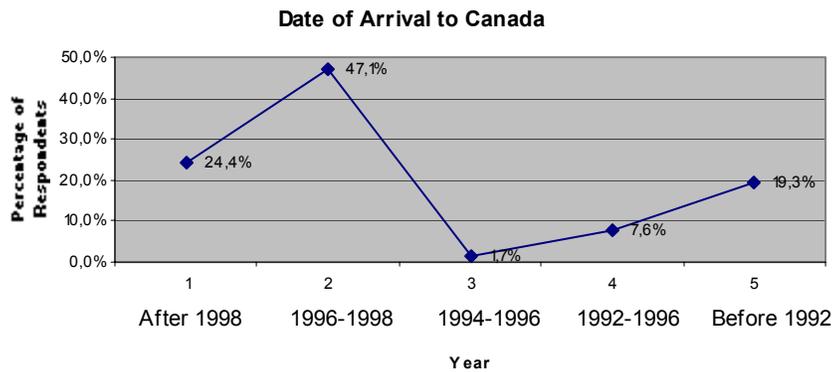
group mentioned that although workers cannot legally be sponsored by an agency, some agencies find ways around this immigration rule by having individuals (who do not intend to become LCP employers) file the application on behalf of the agency. In the survey, 88% of respondents came to Canada through a work sponsorship program with at least 15% of them having agency involvement. This implies that as many as 88% came over under the LCP.

Table 6



The focus group felt that the question on immigration channels was inadequately formulated. They believe that most people would have been sponsored directly by an employer, but that *how they found* the employer was not specified. The women in the focus group said that most caregivers receive the help of an agency, either here in Canada or in their country of origin, in order to locate potential employers.

Table 7



Above is a chart that exhibits the dates of arrival in Canada for the people surveyed (100% response to the question). The majority (72%) of workers came in the last three years, which is also the same length as the LCP contract. In relation to the inference that 88% came to Canada under the LCP, if one considers that 29% of respondents have come here before 1996 (3 years prior to the date the surveys were administered) some questions arise. Do women who come to Canada under the LCP, continue to do domestic work? What proportion of LCP workers do not gain permanent residency after the completion of the program?

➤ **Family support and social network**

When asked about dependents in their country of origin, the majority of respondents (83%) reported supporting family members overseas (8% did not respond). The majority of respondents also had family members in Canada; only one quarter were without relatives in the host country (100% response rate).

Discussion with the focus group confirmed that the Filipino culture is very much centred on the family. It is common custom for extended family members to take care of each other both physically and financially. It is also common practice for family members who work abroad to send money and gifts back home to support their family. This information from the focus group

can allow one to infer that despite the low wages of many of these LCP workers, many of them are still not keeping all their wages. In fact, they are often supporting not only their immediate families, but sometimes also parents, grandparents, aunts and uncles, nieces and nephews, and cousins, here in Canada and in their countries of origin.

Research has shown that there are also psychosocial problems associated with the situation described by these results (Finch & Vega, 2003; Hovey, 1999). Because such a large percentage has dependant family members back in their country of origin, many could be suffering from separation anxiety, stress, depression or a number of other emotional difficulties, due to the loss of family support. On top of this separation from family, there is also the work-related isolation that many domestics, especially live-ins, face. Domestics often work alone and for long hours, leaving little time for a social life with family and friends in Canada. With almost 25% with no family in Canada, a natural social network is absent in their lives and can compound these feelings of isolation that they may already feel. It has also been documented that families have familial relationship problems when reunited.

### **3. Service Demand & Accessibility**

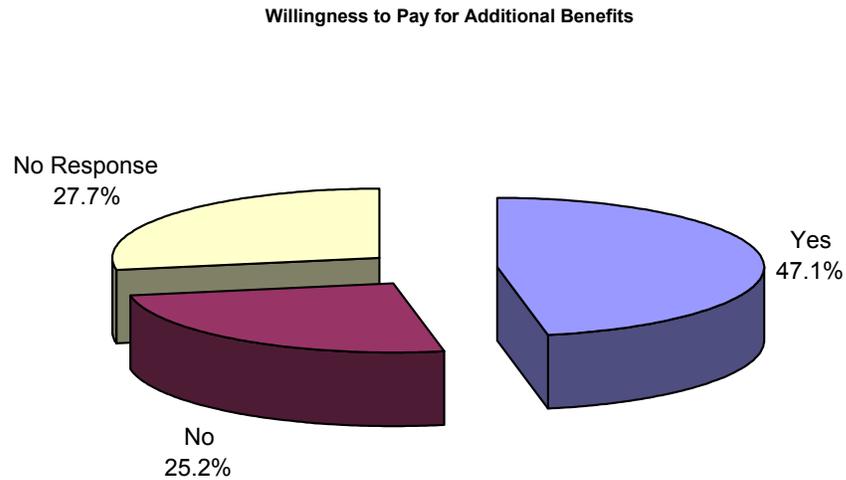
#### **➤ Health benefits**

Only 8% of those surveyed received any additional health benefits beyond provincial health care. This includes services like medical, dental and optical. In later parts of the survey there was an expressed demand for these types of benefits. Survey respondents demonstrated the most interest in obtaining dental coverage (49%), professional health services not covered by medicare (39%) and medication (38%) (35 persons did not respond to this question). The respondents were also asked if they would be willing to pay for any additional benefits and 47% responded yes (28% did not respond).

The focus group believed that even 8% of LCP workers receiving extra health benefits from their employers is high and possibly a misrepresentation. It was expressed by several focus group participants that often employers will illegally claim the LCP worker as an employee of a company that they own where regular employees receive health benefits. The employer receives a tax break because it is considered a company expense and the employee receives extra health benefits. This situation can have negative ramifications for the LCP worker when they are applying for permanent residence. It clearly stipulates on a LCP work visa that one can only work for the employer whose name appears on the visa. If immigration officials see that the applicant was receiving cheques and claiming taxes with a T4 from a company rather than from the individual whose name is on their visa, they may be in violation of their visa conditions and may be refused residency. In this case they may not be able to defend themselves, as the employer will not admit to illegal actions on his part, as he will suffer as well.

Most LCP workers, with the wages being so low, cannot afford to pay for private insurance. So when a health matter arises such as dental and eye check-ups, the worker may not seek proper care or be required to pay more than her salary affords. When asked whether or not they would be willing to pay for these benefits or not, what PINAY had in mind was to see how much interest there would be in forming a caregivers association that would negotiate such services collectively. The response was positive, as almost 50% said they would be willing to pay.

Figure 8



➤ **Social services**

There is also an expressed demand for other social services. The three top ranking services were institutions or organisations for domestic workers (29%), counselling (11%) and shelter (3%). Although 62 persons did not respond to this question, 14% articulated that they did not require any social services.

The options given in the survey were limited to services and did not include anything with relation to workers' rights or social network building; however, responses such as these were sometimes written in the margins of the questionnaire. Perhaps the question was based on an assumption that domestics have psychosocial problems and could have been more objective and thorough in its wording and options presented. There is often a stigma associated with requesting social services and many people may not have answered due to this factor. Again, the social construction of psychosocial problems is an issue.

➤ ***Immigration-related problems***

Experiences with the immigration system are another issue that was explored in the survey: 4% had problems before coming to Canada, 31% had problems under the LCP and 8% had problems after the LCP, but an important proportion, more than a third (37%) did not respond to the last question. Despite the immigration problems, 79% of respondents stated that they had never visited their consular representative for assistance. For those who did seek assistance (10%), most went for issues related to passport or visa renewal, otherwise the experience was not found to be helpful and often they were asked to pay for the services.

The questions concerning visits to the consular representative were disappointing for the focus group. Since the focus groups and the respondents of the survey were mostly Filipino women at this point, the discussion was mostly about the Philippine consular as the services that they specifically offer were more familiar.

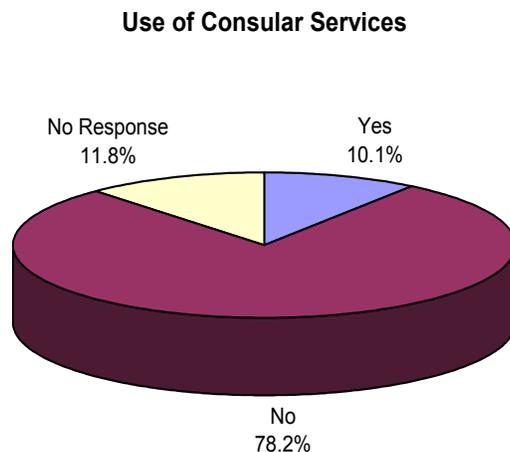
Few Filipino workers are aware that they have already paid for the Overseas Workers Welfare Assistance programme through the fees required before emigrating. If migrants have difficulties in the course of their work contracts, there should be resources available through the local consulate. In theory, this program should provide benefits such as legal aid in immigration and criminal cases and repatriation in cases of major crisis (ex. war, natural disaster).

The focus group explained that LCP workers face a wide variety of immigration problems. Often, these problems are related to the requirement of having a work visa with the name of a specific employer on it. Because of the delay that occurs when applying for a new visa when changing employers, and the need to maintain some sort of income, LCP workers are often forced into working illegally or “under the table”, which can cause problems in itself. There is also a two-year live-in work requirement that must be completed within three years in order to be eligible

for permanent residence status. Often LCP workers will work for a series of employers, and because of the delay between jobs, often do not meet this requirement.

The survey might have gathered more accurate information if the question had been more specific and allowed for clarification of the type of problem faced. The examples given by the respondents were considered by the focus group members to be fairly ordinary; they maintained that LCP workers experience many serious immigration problems. One possible explanation may be that workers who suffered severe immigration problems, as mentioned above, are probably not in the country to tell us their stories. Not fulfilling the two-year requirement or being caught working illegally, allows the Federal government to refuse permanent residence status or even worse, serve deportation orders.

Figure 9



## **CONCLUSION**

The results of this participatory research paint a bleak picture of the life of an LCP worker. They are subject to various forms of exploitation through different levels of national and overseas governmental agencies and in their workplaces. On the surface, the problems appear to stem

from lack of information or lack of access to information. This is true, but a thorough analysis shows that there are also systemic and structural problems with the way the LCP program is set up and operates that causes the workers to be in a vulnerable position. The fact that LCP workers are dependant upon a temporary visa that ties them to only one employer, the requirement to carry out their work by living-in, and the sub-standard work conditions that they must endure, are just a few factors that cause many of the aforementioned problems.

### ***FURTHER RESEARCH***

The focus group expressed an interest in formulating another survey and much of the discussion afterwards related to ways to improve it in the future and obtain more reliable answers. Other subjects that the focus group expressed a need to be studied were access to health and employment entitlements, especially concerning LCP workers who become pregnant while in Canada. It is a common problem that pregnant women who are under the LCP are not receiving the same treatment and benefits when it comes to maternity leave, employment insurance and medical care as their permanent resident and citizen counterparts. In the most flagrant cases of labour rights violation, these women are fired because they are viewed as unable to fulfil their job requirements. Documenting the alternative coping strategies used by LCP workers faced by such barriers would also be useful in understanding how to address such inequities.

There are also more general issues related to eligibility for public health insurance that need to be explored. The temporary status that LCP workers hold has negative ramifications when it comes to accessing health care. One of the biggest problems is that in Quebec there is a three-month waiting period for access to basic public health insurance each time a new visa is obtained. If a LCP workers changes employers, there is another wait until the new visa is administered.

Since this survey was conducted, the 2003 amendments to the Labour Standards in Quebec have included live-in caregivers under the general labour standards act. The main ways this will affect the job is the length of the workweek before overtime pay and the minimum hourly wage paid. The focus group would like to see a study of how, in practice rather than law, the new labour standards have affected the working conditions and quality of life of the live-in caregiver, especially those with the precarious dependant status of the LCP.

Of particular importance is the situation of LCP workers who are between employers. When they stop working for the employer on their visa, LCP workers are technically without immigration status in Canada. This not only inhibits their accessing the benefits for which they contributed while working (employment insurance, maternity leave, health care, Labour Standards Commission) but they also lose the right to work until they have found a new LCP employer, a process that can take several months. Since September 11<sup>th</sup>, 2001, there have been several cases where LCP workers between contracts have been detained and deported for having been found to be working under the table, a nearly unavoidable situation as they have no right to neither income supports nor legal work.

As was mentioned earlier in this working paper, there are questions concerning life after the LCP that are of interest to PINAY and the focus group. Specifically, what percentage of workers is receiving permanent residence and for the ones who do not receive it, under what conditions are they refused? What types of jobs are many of the trained nurses and teachers that come to Canada under the LCP doing after the program? British Columbia has made advances in accrediting overseas nurses but Québec has yet to adopt similar programs for accreditation.

Through further research, the members of PINAY hope to document problems with the current programme and suggest reforms that will better provide for the rights and dignity of migrant women workers. While quantitative data on the impacts of the LCP programme will provide

necessary documentation for policy reform, this study calls attention to the relevance of worker's narratives by combining focus group interpretation with survey findings. Statistics show some aspects of the problem whereas the narratives of current LCP workers demonstrate their everyday realities.

## References

Iacovetta, F., Draper, P., & Ventresca, R. (1998). *A nation of immigrants: women, workers and communities in Canadian history, 1840s-1860s*. Toronto: University of Toronto Press.

Macklin, A. (1992). Foreign Domestic Workers: Surrogate Housewife or Mail Order Servant? *McGill Law Journal* 37, 681-760.

Chossudovsky, M. (1998). *The Globalisation of Poverty: Impacts of IMF and World Bank Reforms*. New York: Zed Books.

CIC (Citizenship and Immigration Canada). (1999). *The Live-In Caregiver Program: information for employers and live-in caregivers from abroad*. Retrieved February 2, 2001, from [http://www.cic.gc.ca/english/visit/caregi\\_e1.html](http://www.cic.gc.ca/english/visit/caregi_e1.html)

CIC. (2002). *Facts and figures 2002: immigration overview*. Retrieved September 2, 2004, from [http://www.cic.gc.ca/english/pub/facts2002/others/others\\_2.html](http://www.cic.gc.ca/english/pub/facts2002/others/others_2.html)

Karas, S.R. (1997). *Canada: the Live-In Caregiver Program*. Paper presented to the International Bar Association, Migration and Nationality Committee, New Delhi.

Parreñas, R.S. (2001). *Servants of globalization: women, migration and domestic work*. Stanford, CA: Stanford University Press.

POEA (Philippine Overseas Employment Administration). (2001). *POEA InfoCentre*. Retrieved November 5, 2001, from <http://www.poea.gov.ph/html/gpb.htm>

- Diocson, C. (2001). *Filipino women's identity: a social, cultural and economic segregation in Canada*. Retrieved from the Philippine Women's Centre Online  
<http://pwc.bc.tripod.com/resources/RaceGen/speech.html>
- Spitzer, D., Bernardino, C., & Pereira, I.I. (2002) *In the shadows: live-in caregivers in Alberta*.  
Edmonton: Changing Together... A Centre for Immigrant Women
- Chang, G. (2000). *Disposable domestics: immigrant women workers in the global economy*.  
Cambridge, MA: South End Press.
- PWC (Philippine Women Centre). (2001). *Filipino nurses doing domestic work in Canada: a stalled development*. Vancouver: Author.
- Blackell, G. (2001). *How do we operationalize the definition of trafficking in the United Nations Protocol?* Presentation given at the National Metropolis Conference, Ottawa, October 19, 2001.
- Oxman-Martinez, J., Martinez, A., & Hanley, J. (2001). Trafficking women: gendered impacts of Canadian immigration policy. *Journal of International Migration and Integration* 2, 297-313.
- Statistics Canada. (2001). *2001 Community profiles*. Retrieved from  
<http://www12.statcan.ca/english/profil01/PlaceSearchForm1.cfm>
- CLSC René-Cassin. (2004). *Characteristics of the population*. Retrieved from  
<http://www.geronto.org/firstpage.htm>
- Commission des normes du travail. (2001). *Labour standards in Québec and domestics residing with their employer*. Québec: Gouvernement du Québec.
- Finch, B.K., & Vega, W.A. (2003). Acculturation stress, social support and self-rated health among Latinos in California. *Journal of Immigrant Health* 5, 109-116.
- Hovey, J.D. (1999). Psychosocial predictors of acculturative stress in Central American immigrants. *Journal of Immigrant Health* 1, 187-194.