



LIVE-IN CAREGIVERS

**WEST COAST DOMESTIC WORKERS'
ASSOCIATION**

Alisha M. Bell, Barrister & Solicitor

INTRODUCTION



- **What is the West Coast Domestic Workers' Association?**
- **What is the Live-in Caregiver Program (LCP)?**

HISTORICAL OVERVIEW



- ▶ 1900s Canada encouraged women from primarily Central/Eastern Europe to come to Canada to perform “domestic labor” in exchange for permanent resident status;
- ▶ 1955 Canada entered into agreements with the governments of Jamaica and Barbados for the Caribbean Domestic Scheme;
- ▶ In 1981, Canadian government instituted the Foreign Domestic Movement
- ▶ In 1992, Canadian government instituted the Live in Caregiver Program (LCP)

HISTORICAL OVERVIEW



Caregivers and commentators in the late 80s and early 90s:

- ▶ Massive power imbalance between the caregiver and the employer,
- ▶ The lack of recognition of the value of care giving work,
- ▶ Among other issues, the structure of the program made it difficult for caregivers to make reports exploitation and abuse.

TODAY



Caregivers and Commentators:

- ▶ Massive power imbalance between the caregiver and the employer.
- ▶ The lack of recognition of the value of care giving work.
- ▶ Among other issues, the structure of the program makes it difficult for caregivers to report abuse and exploitation.

WORKING AS A LIVE-IN CAREGIVER IN THE LCP



- Who is giving care?
- Who is being cared for?
- What is it like working in the LCP?
 - Strict entry requirements
 - Strict work permit conditions
 - Temporary Resident Status in anticipation of gaining Permanent Resident Status
 - Government backlogs
 - Lack of social services or support

CASE STUDIES



Live-in Caregivers for Elderly Persons

Reported Issues:

- Elderly person as employer vs. son/daughter as employer
 - Death of employer/person being cared for
 - Caring for elderly couples
 - Power of attorney
 - Lack of knowledge of employment standards
- Demanding nature of the work: wandering, violence

CURRENT ISSUES



LIVE IN REQUIREMENT

- Lack of privacy
- Isolation
 - Difficult to report abuse
 - Difficult to build support networks
- Lack of distinction between private time and work time (constant presence in the employer's house)
 - Failure to pay for overtime
 - Being on call 24/7
 - Rest and leisure time
 - Requests to do work outside of the job description

CURRENT ISSUES



Family Separation

- ❑ Length of separation
- ❑ The nature of working abroad
- ❑ Inadmissibility Issues
 - Separation Agreements vs. Divorce
 - CIC Vancouver has been asking for final divorce order rather than accepting separation agreements as proof that a marriage is at an end.
 - It is WCDWA's position that divorce is a personal choice.

CURRENT ISSUES



Temporary Status– The Need for Immediate Landed Status

- ▶ Problems inherent to temporary status
 - Lack of bargaining power– can you say no to an employer (immigration status)?
 - Fear of jeopardizing status by reporting employment violations
 - Fear of leaving employment situations and changing employers
 - Fear of bureaucracy and length of processing times in order to change employers.

CURRENT ISSUES



Navigating the Immigration System

- ❑ Employer-driven
- ❑ Complex applications
- ❑ Coping with the backlog
 - Processing times for Work Permits
 - Lately, many caregivers seeking to renew their permits are being sent notices that there will be a 3–4 month delay in processing due to backlogs.
 - Implications: Caregivers without status, employers are turned off by long waits, cannot work in the meantime (unless for previous employer if applicant has implied status).

CURRENT ISSUES



Navigating the Immigration System Cont'd.

❑ PR PROCESSING TIMES

- ❑ Federal government has committed resources to reduce PR wait times for federal skilled workers.
- ❑ For the LCP class, PR wait times continue to grow. Current average waiting time for uncomplicated cases 3–5 years from date of application.

CURRENT ISSUES



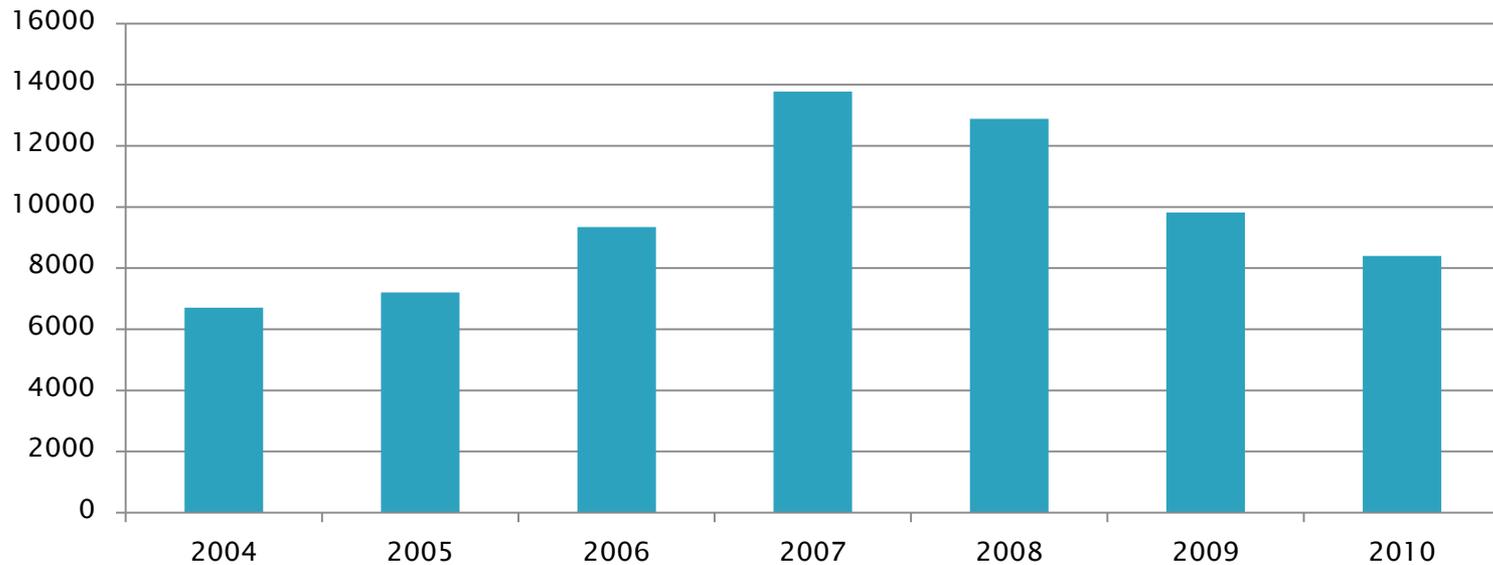
Implications

- ▶ Canadian demographics show that there is still need for caregivers, particularly as the baby boomer generation heads towards retirement age.
- ▶ Are more caregivers coming in as temporary foreign workers without the option to land after 24 months? Difficult to tell without disaggregated data.

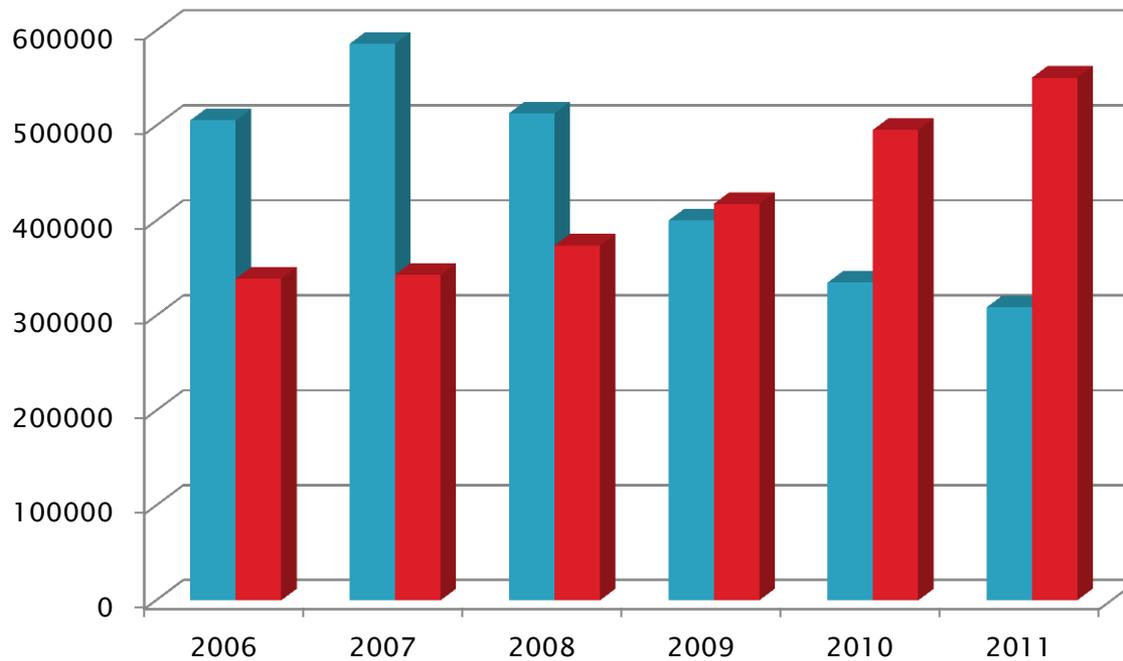
CURRENT ISSUES



Reduction in the number of live in caregivers entering Canada



CURRENT ISSUES



CURRENT ISSUES



Minimum Wage Increases and Employer Backlash

Employers complain that they cannot afford to pay their live in caregiver due to increases in minimum wage. They suggest:

- ▶ Increase amount employers can charge caregivers for room and board.
- ▶ Legislation stating that minimum wage increases do not apply to caregivers (like agricultural workers).

CURRENT ISSUES



LACK OF ENFORCEMENT

- ▶ Domestic Worker Registry
- ▶ CIC's Name and Shame List
- ▶ Template Contracts

Monitoring? Consequences for bad employers?

ADVOCACY PROPOSALS



- ▶ Access to Information– caregivers are informed about their rights, relevant laws, recourses prior to departure and given orientation upon arrival, particularly to details of NGOs, settlement workers who can provide them with support.
- ▶ Access to Justice– caregivers have easy access to complaints mechanisms, representation.
- ▶ Granted landed status immediately upon arrival.
- ▶ Improvements to Employment Standards Legislation.
- ▶ Abolition of the live in requirement.

ADVOCACY PROPOSALS



- ▶ Service Canada should commit to reducing their backlog for LMOs. There should be a way to expedite issuance of LMOs for urgent cases.
- ▶ Separation agreements should be accepted as final word on dissolution of marriage because divorce is a personal choice.
- ▶ Government should consult caregivers before reducing numbers of caregivers who come into the program. We would be clawing back on all the progress we have made in getting care giving work recognized as a special skill deserving of special treatment since the inception of the program if live in caregivers will have to enter Canada as a TFW without the choice to land.



Thank you

