

**LIVING ON THE EDGE: ADDRESSING EMPLOYMENT
GAPS FOR TEMPORARY MIGRANT WORKERS UNDER
THE LIVE-IN CAREGIVER PROGRAM**

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Abstract

This study evaluates unemployment gaps experienced by participants under Canada's Live-in Caregiver Program (LCP) – a program which allows foreign nationals to enter Canada as temporary residents and, if they complete the program requirements, allows them to apply for permanent residence from within Canada. Using data collected from legal files of a Vancouver based community organisation this study examines why some LCP workers experience longer employment gaps than others and what can be done to reduce these gaps. Policy alternatives are drawn from regression analysis and literature from other jurisdictions. To reduce the lengthiest of gaps this study recommends work permits be extended from one to four years. This recommendation is supplemented with additional programming and evaluation options.

Keywords:

Emigration and Immigration – Canada, Domestic – Women – Canada, Alien Labour -- Canada, Unemployment -- Canada

Executive Summary

The Live-in Caregiver Program (LCP) is not entirely an immigration program, nor is it entirely a temporary resident program. Designed to meet a currently unfilled demand for live-in work, LCP participants enter Canada as temporary residents with the provision that they can apply for permanent residence from within Canada, provided they complete 24 months of live-in caregiving work within a three year period. LCP participants must live with the employer for whom they work.

Because there is a general shortage of live-in caregivers in the labour market little or no unemployment within the LCP population would be expected. While no formal statistics or studies are available on the unemployment levels of LCP participants during their temporary residence, anecdotal evidence and preliminary results of this research indicate that there are caregivers who experience gaps in employment, sometimes of great length. This report attempts to answer **why some LCP workers experience longer employment gaps than others**. Employment gaps are an issue of public importance because of the social costs associated with the prominent precarious economic security of caregivers during unemployment, the implications of extending temporary status, and the implications related to a strong will to complete the work requirement.

The research is undertaken in a British Columbian context by looking at data collected from the client files of the West Coast Domestic Workers' Association (WCDWA). The WCDWA is a non-profit community organisation that provides free legal advice for caregivers and domestic workers. A large proportion of their clientele are former or current LCP participants. By accessing legal files dated between April 2004 and December 2004 data is generated to explore the causes of lengthy gaps within a sample of 101 employment gaps experienced by 49 caregivers. These gaps have a wide range and are found to average 168 days. An Ordinary Least Squares regression (OLS) tests 11 variables to explain why some LCP workers experience longer employment gaps than others. In combination, these variables account for just over 19 percent of the variance in the length of an employment gap with the only variable of significance being whether or not an LCP worker lost status.

Building from this finding, descriptive statistics, and other literature, policy alternatives are developed to address the four main reasons that caregivers lost status and the trouble that caregivers have in locating legitimate employers. These alternatives are evaluated using five criteria of cost, effectiveness, political viability, consistency with the goals of the program, and administrative ease. In the end, this study recommends that the LCP program be modified so as to:

- **Immediately provide minor work permit adjustments, where work permits are valid for 4 years after the date of arrival;**
- **Evaluate the possibility of giving an existing or new organisation a mandate to facilitate employer-employee contracts and provide information and resources similar to that implemented in the Province of Quebec;**
- **Continue with the current levels of information dissemination, but create an evaluative process of the effectiveness of governmental information communication, with the goal of successfully conveying the rules and regulations of the LCP program to its participants and their potential employers**
- **Undertake additional analysis to address the uncertainty that the alternative of “granting permanent residence status upon arrival” has in filling the labour market shortage of live-in caregiving work**

To my Mom and Dad

...for preparing me with the skills, abilities, confidence and determination to succeed...

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Despite their input and feedback, the views expressed in this report do not necessarily reflect the thoughts, opinions, or position of the WCDWA, and any errors made are those of the author.

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Glossary

CAQ	Quebec Acceptance Certificate
CIC	Citizenship and Immigration Canada
CPC	Case Processing Centre
EI	Employment Insurance
ESB	Employment Standards Branch
FDM	Foreign Domestic Movement
H&C	Humanitarian & Compassionate
HRSDC	Human Resources and Social Development Canada
LCP	Live-in Caregiver Program
MICC	<i>Ministère d'Immigration et Communautés Culturelles</i>
MRCI	<i>Ministère des Relations avec les Citoyens et de l'Immigration</i>
OLS	Ordinary Least Squares
PNP	Provincial Nominee Program
WCDWA	West Coast Domestic Workers' Association

1 Introduction

This study examines employment gaps experienced by temporary migrant workers under the Live-in Caregiver Program (LCP). More specifically, this study investigates why some LCP workers experience longer employment gaps than others and what can be done to reduce these gaps. Using data gathered from the personal files of a long established community organisation in Vancouver this study tests three sets of variables; demographic, those related to establishment, and those of an administrative nature. Using a multivariate Ordinary Least Squares (OLS) regression, it is found that the most significant contributing factor to long employment gaps for LCP workers is the loss of status. In order to address the reasons that caregivers lose status, and other contributing factors found in the literature, five policy alternatives are analysed relative to the status quo. This analysis is based on five key criteria resulting in the core recommendation of minor work permit adjustments in the form of longer work permits, valid for four years after the date of arrival in Canada.

Section 2 describes the policy problem of study, the context in which the LCP is situated in the Canadian migration system, and provides demographic details on the LCP migrant population. This is followed by a literature review of the social importance of studying unemployment gaps. A detailed description of the methodology, including data collection, sample selection, dependent variable, and the regression analysis model used, can be found in section 3. Descriptions and hypotheses of each of the 11 independent variables tested in this study are found in section 3.3, and regression findings and policy implications are found in section 4.

The policy alternatives presented in section 5 are measured against criteria presented in section 6 with the goal of providing a set of recommendations to address the problem of long employment gaps for LCP workers. Based on the best available information gathered from interviews with government agencies and literature, the final recommendation is to immediately provide work permits that are valid until four years after the date of arrival. Further research is also recommended in order to provide a richer analysis on the potential successes of other alternatives.

2 Policy Problem and Background

Created to fill a labour market shortfall, Canada's Live-in Caregiver Program (LCP) is not entirely an immigration program, nor is it entirely a temporary resident program. Participants enter Canada as temporary residents and within three years after arrival, if they complete at least two years of live-in caregiving work, they (and their dependants) are eligible for permanent residence regardless of their other personal characteristics.¹ Once in Canada as temporary residents, LCP workers face a number of restrictions to ensure that the conditions of the program are met. The central feature of the program is that the caregiver must live with the employer for whom they work:

“The Live-in Caregiver Program exists only because there is a shortage of Canadians or permanent residents to fill the need for live-in care work. There is no shortage of Canadians or permanent residents available for caregiving positions where there is no live-in requirement” (CIC, 2005).

Prior to entering Canada as a temporary resident, a LCP participant needs a signed employment contract. When the caregiver arrives in Canada, they are issued a work permit that is valid for a one-year period and are only permitted to work for the employer whose name appears on the work permit. LCP workers are permitted to change employers but the new employer must receive confirmation from Human Resources and Social Development Canada (HRSDC) and then the caregiver must be granted authorisation from Citizenship and Immigration Canada (CIC) prior to beginning work. HRSDC is responsible for ensuring that there are “no Canadians or other temporary workers in Canada who are willing, qualified, and available to take a job being offered to a foreign worker” (HRSDC, 2005).²

Working for an employer whose name does not appear on the caregiver's work permit is considered unauthorised work and does not contribute to the 24/36 work requirement needed in order to land.³ Working for an employer while “living out” is also considered unauthorised work,

¹ All applicants must have the standard medical and security clearance for all permanent residents.

² A potential employer can usually demonstrate this by showing that they have sufficiently advertised for the position. This advertising period is different for each province, and in at least three provinces, Quebec, BC, and PEI, there is no advertising requirement.

³ Refers to the completion of 24 months of live-in care work within 36 months after the date of arrival in Canada.

and is not counted when calculating the caregiver's completion of the work requirement. However, qualitative and quantitative research (Pratt, 1999; Mikita, 1994) shows that many caregivers choose to live-out on the weekend and their days off, often renting an apartment with a group of caregivers to share. There is no regulation against this practice as long as they continue to live-in their employer's home during their work week (Pratt, 1999; Mikita, 1994)

Because LCP workers are permitted into Canada because there are no longer any workers in Canada that can fill the individual demands of the employers, presumably there should be little or no unemployment within the LCP population. However, because 70 percent of LCP workers change employers at least once while under the program, employment gaps might be expected to occur for administrative and other reasons (Langevin & Belleau, 2001). While no formal statistics or studies are available on the unemployment levels of LCP participants during their temporary residence, anecdotal evidence indicates LCP participants experience gaps in employment, sometimes for lengthy periods of time.⁴

Anticipating that some gaps will occur, McLaughlin-Cox of CIC states that, "a live-in caregiver should not experience a gap of more than 90 days for reasons of unexpected unemployment (lay-off)" (2006). These 90 days is calculated by allowing 19 days for a job search, 44 days to receive HRSDC confirmation, and another 27 days to process a work permit at CIC and may vary slightly from province to province.⁵ To address the question of whether and **why some LCP workers experience longer employment gaps than others**, this report examines the LCP experience in a British Columbian context by looking at data collected from the client files of the West Coast Domestic Workers' Association (WCDWA).

2.1 The LCP in the Context of Canadian Migration

Given Canada's aging baby boom population and low natural birth rate, in recent years, Canada has used immigration as a tool to sustain the population, and particularly the labour force. There are three main classifications of immigrants to Canada: Refugee class, Family class, and Economic class⁶. Nevertheless, the current Canadian immigration system maintains special programs that allow foreigners to work in Canada in certain industries where there is a labour shortage, without being subject to the same point system or criteria. These foreign nationals are

⁴ Anecdotal evidence comes from this researcher's experience working with The Philippine Women's Centre of Quebec (PINAY) and the West Coast Domestic Workers' Association (WCDWA).

⁵ In BC, another 5 days will be added for the provincial domestic registry.

⁶ There is a fourth category of "other immigrants that accounted for 3 percent of the flow of immigrants to Canada in 2004. This includes Humanitarian and Compassionate cases and retirees.

permitted to work in Canada under certain conditions, and usually must have a job offer and a work permit. Examples include the Seasonal Agricultural Workers Program, the emerging Oil Sands Construction Projects in Alberta, and the Live-in Caregiver Program (LCP). The first two programs are similar, as they expect that participants will return to their country of origin following the completion of the season or project. The LCP is unique. Although participants enter Canada as temporary residents, after successful completion of a work requirement, they are afforded the opportunity to land in Canada as permanent residents in the Economic class.

2.1.1 The LCP as a Temporary Foreign Worker Program

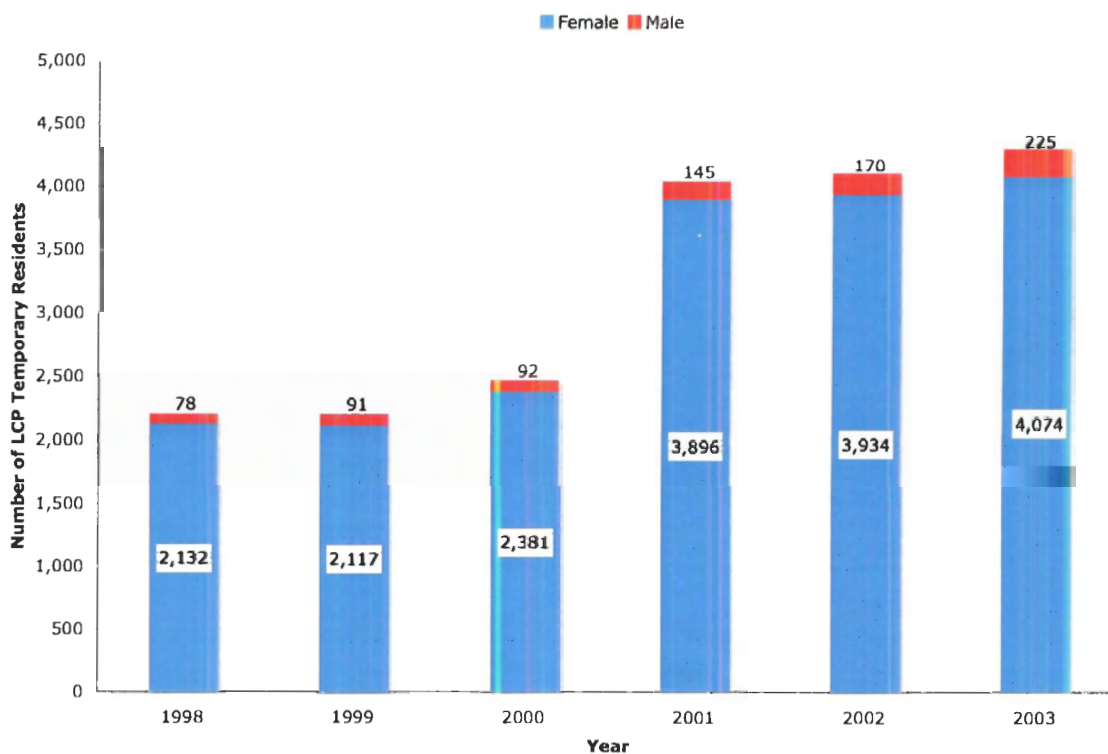
A LCP participant must be qualified to work without supervision in a private home providing care for children, the elderly, or people with disabilities. There are four main requirements stipulated by CIC that a caregiver must possess in order to enter under the LCP:

- Completed the equivalent of a Canadian high school education;
- Completed six months of full-time training in a classroom setting or twelve months of full-time paid employment, including at least six months of continuous employment with one employer in a field or occupation related to the caregiving job being sought. This must be completed within the three years prior to the day the application is submitted;
- Ability to speak, read and understand either English or French at a level that allows the caregiver to function independently in a home setting; and
- A written employment contract between the caregiver and the potential employer.⁷

These four requirements are in place to ensure that a skilled caregiver is sufficiently filling a direct labour market demand for skilled live-in caregivers, and that once the worker has landed in Canada, they will have at least the minimum skills to successfully work and build a life in Canada.

⁷ CIC, 2002

Figure 2.1: Annual Flow of LCP Temporary Residents, by Gender, 1998-2003



Source: Canada. Citizenship and Immigration Canada. (2005). Live-in Caregiver Program Fact Sheet. National Roundtable on the Review of the Live-in Caregiver Program. Ottawa.

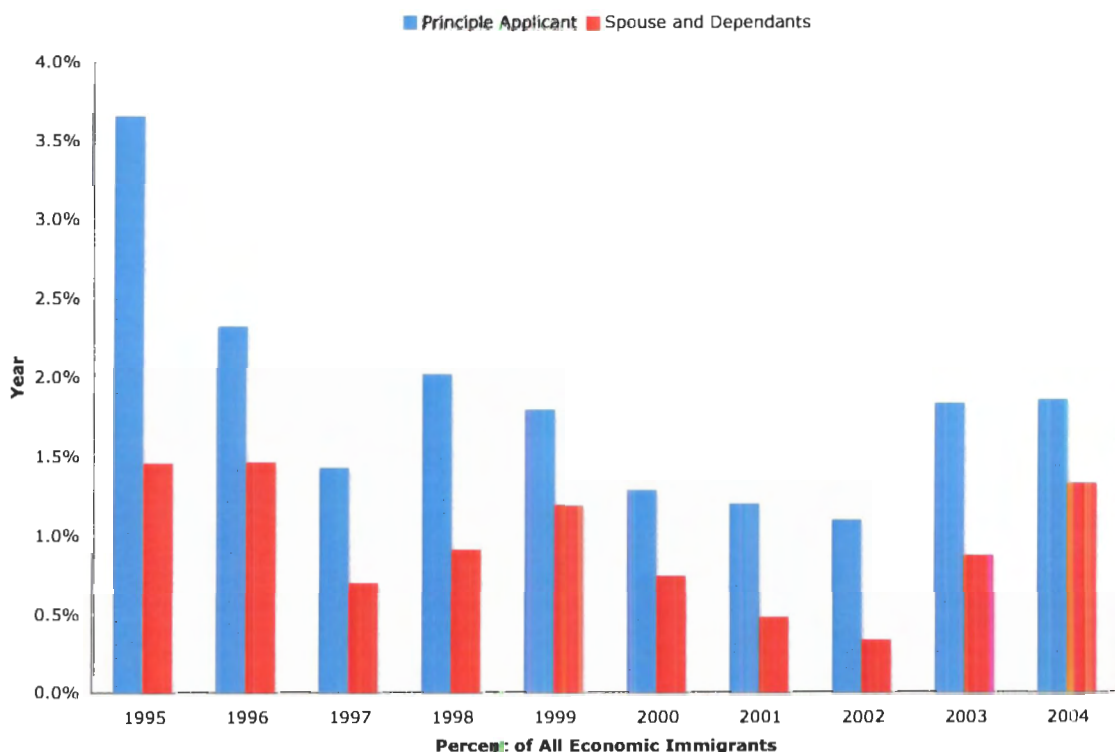
In 1998, the LCP annual flow was approximately 2.8 percent of the foreign worker annual flow, and increased to over five percent in 2003 (CIC, 2005). Figure 2.1 above shows the most recent statistics available for the annual flow of LCP participants. Since 1998, the number of LCP workers has almost doubled with about 4300 participants entering Canada in 2003. The LCP population has always been predominantly female, with males representing between 3.6 and 5.3 percent of program participants. LCP participants also overwhelmingly come from the Philippines. From 1998 to 2003, the LCP population from the Philippines has ranged from 88 percent to 95 percent, with an average of 92 percent being of Filipino origin. The next largest group comes from the Slovak Republic, while other countries like India, Taiwan, China, the United Kingdom, France, and the Czech Republic account for rest⁸. Ontario and British Columbia (BC) are the most popular destination provinces, with Toronto and Vancouver as the most common urban centres for LCP workers to reside.

⁸ Some groups are too small that data could not be reported due to privacy considerations.

2.1.2 The LCP as an Immigration Program

There are two categories for landing under the LCP category; (1) the principle applicant who will work in Canada; and, (2) the spouses and dependants of those caregivers who are more usually waiting abroad in the interim.⁹ As shown in Figure 2.2, LCP principle applicants have been declining as a percentage of the overall permanent residents that land each year. In 1995, 3,905 LCP principle applicants accounted for 3.7 percent of all those landed that year. In 2004, principle applicants accounted for only 1 percent of the landed population that year, representing 2,496 workers. These proportions can be somewhat explained by the increased number of all migrants in the Economic class and other classifications. However, as a percentage of the economic classification, LCP workers fluctuated between one and two percent since 1996.

Figure 2.2: Annual Flow of LCP Permanent Residents as a Percentage of All Economic Immigrants, 1995-2004.



Source: Canada. Citizenship and Immigration Canada. (2005). Facts and Figures. Retrieved March 8, 2006, from the World Wide Web: <http://www.cic.gc.ca/english/research/menu-fact.html>.

⁹ LCP workers are to come to Canada unaccompanied, however there are possible ways for spouses and dependants to be in Canada while under the program (tourist visas, student visas, also under the LCP) but this is not known to be a common occurrence.

Also shown in Figure 2.2, the number of spouses and dependants of LCP participants tends to fluctuate from year to year. Of all permanent residents landing that year, LCP dependants were an all time low of 0.4 percent of the population in 2002, representing 464 persons. But in 1995 and 2004, the proportions reached 1.7 percent, representing 1,835 and 1,796 individuals respectively. Similarly, these applicants also represent as small of proportions of the Economic class immigrants.

These differences between the principle applicant and their spouses and dependants, indicates that many of the LCP participants that land are single, which is supported by CIC statistics that show more than half to approximately 80 percent of LCP principle applicants are single in any given year. Most other personal characteristics mirror those of the temporary flow of LCP workers, with women representing over 95 percent of the population, and the Philippines again dominating as the country of origin. Most caregivers are within the prime working age of 25-44, with generally over 80 percent found in this age category every year, while about 7 to 11 percent are 45 and over. In addition, a small percentage of workers are 18 to 24 years of age, ranging from approximately 3 to 9 percent.

Table 2.1: *Live-in Caregivers, Principle Applicant by Highest Level of Education, 2003*

Highest Level of Education	Frequency	%
0 to 9 Years of Schooling	--	--
10 to 12 Years of Schooling	139	6.3%
13+ Years of Schooling	161	7.3%
Trade Certificate	90	4.1%
Non-university Diploma	818	36.9%
Bachelor's Degree	986	44.5%
Master's Degree	22	1.0%
Doctorate	--	--
Total	2216	100.0%

Source: Canada. *Citizenship and Immigration Canada. (2005). Live-in Caregiver Program fact sheet. National roundtable on the review of the Live-in Caregiver Program. Ottawa. Due to privacy concerns, some information is unavailable, indicated with a "--" notation.*

As shown in Table 2.1, a common characteristic of this population is that the majority have more than the minimum educational requirements of 12 years of schooling. In 2003, most (81.4 percent) LCP principle applicants had either a non-university diploma or a bachelor degree,

with those with bachelor degrees making up the largest group with 44.5 percent of LCP participants landed that year. This has generally been the trend since 1998, and is the same for men and women.

2.2 Why Long Employment Gaps are an Important Issue

The focus of this study is why some LCP workers might encounter longer employment gaps than others. By consulting with literature and community groups concerning certain aspects of the LCP, it is recognised that the LCP has a number of problems and issues of interest to Canadian society, some of which are mentioned in this report, as they relate to employment gaps. However, this study is limited in scope, and is not a review of the entire LCP. Employment gaps are nonetheless an important issue, and this study is designed to contribute to the understanding of the causes for long employment gaps.

Long employment gaps are a concern to the government and elected officials as this program exists solely because of a stated and real labour market need. McLaughlin-Cox of CIC maintains, “given the labour market need for live-in caregivers, there should be a relatively low rate of unemployment” (2006). However, if caregivers remain unemployed, there may be a disconnection between the supply and demand resulting in these longer employment gaps. This *prima facie* disconnection does warrant investigation as to why some gaps are so significant.

Furthermore, these employment gaps have negative effects for the caregivers themselves, which in some cases becomes of public social concern and hence an important issue from a government perspective. The next three sub-sections will discuss the implications of lengthy stints of unemployment on the caregiver and the importance of this for different levels of government.

2.2.1 Economic Security

Many LCP participants leave their home countries and come to Canada because of poor labour markets in their countries of origin (Stasiulis & Bakan, 2003, Langevin & Belleau, 2001; Mikita, 1994). The majority are women from third world countries that are willing to work long hours and earn low wages for two years because of the opportunity to eventually have a better life for themselves and their families in Canada. They come to Canada to improve their overall economic security, but if LCP workers experience periods of extended unemployment, their economic security in Canada becomes precarious.

LCP workers with eligible status in Canada can apply to receive Employment Insurance (EI) if they are laid off from their position due to a labour shortage and they have the minimum threshold of hours of work in a qualifying period. However, it has been reported in much of the literature that LCP workers, particularly Filipino caregivers, are reluctant to apply for EI (Mikita, 1994; Pratt, 1999). Many caregivers are unaware of their right to EI, as many are coming from countries where such insurance schemes do not exist. Even if they are aware of their right to EI, many caregivers believe that receiving EI will jeopardise their application for permanent residence, as it demonstrates the inability to support oneself. Other feelings related to social stigma, among their own cultural communities and within Canadian society create barriers to EI for LCP workers as well.

Moreover, if caregivers do apply, many are denied EI, despite having all the necessary requirements. Due to their employer specific work permit, often times LCP participants are deemed unavailable for work because of the fact that their current work permits states that they are not permitted to work for anyone other than who is named on their permit.¹⁰ This lack of access to EI, perpetuated systematically or by the caregivers themselves, results in a precarious state of unemployment exacerbated by the institutionalisation of low wages and lack of savings that caregivers can realistically accumulate while working as a live-in caregiver.

Of the limited literature available on live-in caregivers, much of the focus has been on the living and working conditions. According to provincial labour laws, LCP workers are to be paid at least minimum wage. However, a number of these studies, show that often caregivers earn much less than this. In one study (Stasiulis & Bakan, 2003), factoring in unpaid overtime, which is common for live-in caregivers, Stasiulis & Bakan (2003) reported that West Indian caregivers received an average hourly wage of \$4.53 and the Filipino caregivers received \$4.73 per hour. These wages were well below the \$5.40 to \$6.85 legal minimum wage in Ontario at the time of this study. The pay scale for one caregiver went as low as \$1.91 per hour. The minimum wage in British Columbia is currently \$8.00.

Furthermore, in British Columbia, the Employment Standards Branch (ESB) stipulates that for live-in caregivers, a maximum of \$325 per month can be deducted from the caregiver's paycheque to cover the cost of room and board. If any of these deductions are to be made, there

¹⁰ Two positive decisions were recently won by WCDWA, one at the Board of Referees for EI (which is the first level of appeal of a decision) and another at the appeal umpire for EI (which is the second level of appeal once the Board of Referees have been exhausted). These have set the precedent that as long as LCP workers have status in Canada, they should be eligible for EI, maintaining that all other requirements are met. Unfortunately, EI decisions are not public and the source of information is from the WCDWA staff lawyer.

must be a prior written agreement. Other employee deductions are also valid for LCP workers. EI, Canadian Pension Plan, and income taxes are deducted from each pay cheque, making the net income for a LCP worker even lower. With wages so low, and the common practice of remittances and alternative live-out accommodations among the caregiver population, it is not expected that LCP workers are able to save much of their salary for living expenses when they might find themselves unemployed.

Remittances are common for many LCP workers. Not only are these workers who came unaccompanied to Canada earning a living for themselves, but often times they have immediate or extended family in their country of origin who are dependant upon their Canadian wages. While many LCP participants are single, others have children, elderly parents, or younger siblings who they regularly send remittances to (Stasiulis & Bakan, 2003; Mikita, 1994). In Mikita (1994), most respondents sent remittances that average \$245 dollars per month, or about 33.4 percent of their gross wages. All the while during these times of unemployment, these workers must also reserve money to pay for a new work permit once they do find a new employer. In addition, caregivers must find sufficient housing in the meantime, because their housing was inextricably tied to their employment.

This period of economic insecurity, can lead to workers performing unauthorised work in order to survive and put a roof over their heads, leaving many workers even more vulnerable to abuses based on the threat of deportation (Stasiulis & Bakan, 2003). The prevention of unauthorised work and vulnerabilities to workplace abuse for caregivers is of importance to different levels of government as demonstrated by the inclusion of caregivers and domestic workers in provincial minimum labour standards, and in BC, the existence of the Employment Standards Branch Domestic Registry. This registry is mandatory and is mainly used to “educate the agencies on [EBS] legislation, as it applied to domestics, so that they can educate their clients, both employers and domestics” (Martel, 2006). The knowledge of their rights, is important to the prevention of abuses, however, throughout the literature, this remains an issue of concern (Oxman-Martinez, et al., 2004).

2.2.2 Implications of Extending Temporary Residence

Twenty-four months of “hardship” is something that thousands of caregivers are willing to undergo for the chance to land in Canada. Unfortunately, no LCP participant will ever be landed so quickly as 24 months. Due to the long processing times for permanent residence applications, which are approximately eight months to one year, even a caregiver who works for

one employer for 24 months consecutively, will remain a temporary resident well over two years. Any gaps in employment prior to the completion of the 24/36 work requirement will postpone this application further, which the literature cites as having two large detrimental effects that permeate into the post-LCP population's lives for years to come. This would be delayed family re-unification and a systematic process of "deskilling". However, even after this application is made, unemployment is still an issue, as participants are still limited to work as live-in caregivers until they have received approval in principle of their application for permanent residence.

The effects of family separation on the LCP population vary greatly and can be long lasting. They include but are not limited to mental health problems such as depression and isolation, marriage breakdown, and problems with parenting and discipline once caregivers are reunified with their children (Añonuevo, 2002; Alunan-Melgar & Borromeo, 2002). These problems are not only detrimental to the caregivers and their families, but are of importance to larger Canadian society, as more social services will be required to deal with the mounting problems in the LCP community. Services such as health care, child services, and even the criminal justice system can be affected by delayed family reunification. As employment gaps for caregivers under the LCP become longer and more frequent, the more time a caregiver will be separated from any family they may want to sponsor to Canada after landed status is granted.

"Deskilling" is a term that is commonplace among the available LCP literature. It refers to the idea that many of the caregivers that come to Canada under the LCP are quite highly educated, but due to the minimum 2-year absence from practice, many undergo a systematic deskilling.¹¹ Many LCP participants are trained nurses, teachers, or midwives, mainly because of the caregiving related education requirement needed to enter the program. Due to the fact that LCP work permits limit the amount a caregiver can upgrade their skills in Canada, and the fact that there is a lack of money and time to undergo such training while working as a live-in caregiver, many of these trained professionals find themselves unable to return to jobs in which they are trained for after they land in Canada. This problem can be exacerbated by the non-recognition of their foreign credentials. Pratt (2003) and McKay (2002) note that Filipino caregivers who land in Canada under the LCP are the most occupationally segregated group in Canada, even more so than their non-LCP Filipino counterparts. This can lead to poverty and poverty related social problems in the current LCP generation, and their children.

¹¹ While some LCP workers will work with the elderly and people with disabilities, the majority of LCP workers are hired as childcare workers (Oxman-Martinez et al., 2004). The data collected for this report shows that 38 out of 51 reported cases, the type of work performed for the last employer of a caregiver who found themselves unemployed, was childcare. Another 10 were elder care, while 2 were taking care of persons with disabilities.

The longer that a caregiver is limited in the work that they can pursue due to their temporary status in Canada, the more valuable professional skills and training they will lose and the harder it will be to return to their professions, some of which are suffering from labour shortages in Canada. The more frequent and longer a caregiver is unemployed, the longer it will take them to complete the 24/36 work requirement necessary for landing, also postponing family reunification.

2.2.3 Completion of the Work Requirement

The successful completion of the work requirement is an important factor for the majority of LCP participants because it appears to be a “backdoor” for migrants who might not otherwise be able to immigrate to Canada. Pratt maintains “there is a widespread understanding that live-in caregivers endure short-term hardship for the opportunity of applying for landed immigrant status after two years working as a live-in caregiver” (1999). This opportunity is the main draw for many workers, particularly Filipinos, to enter into the LCP. Many are seeking a better life for themselves and their children.

This strong desire to immigrate feeds into the need to complete the 24 months of work within the limited 36-month time frame. Mikita’s (1994) study looking at Filipino LCP participants and participants of the LCP’s predecessor, the Foreign Domestic Movement (FDM) shows that many Filipino caregivers leave the Philippines to work in countries in Asia, Europe, and the Middle East. The motivation for leaving the Philippines is in order for these workers to fulfil their “family responsibilities” (Mikita, 1994). However, these caregivers ultimately entered the LCP in Canada because of the opportunity for landing.

According to the work of Mikita (1994) at the WCDWA, of the 33 participants that listed only one reason as “most important”, 30.3 percent of participants in the LCP were motivated to come to Canada primarily because of the opportunity for landed status. Moreover, a majority (76.6 percent) of participants listed the opportunity for landed status as “very important”. Pratt (1999) and Langevin & Belleau’s (2001) work emphasises this notion and says it is especially prominent for Filipino caregivers. Internationally, the LCP is the one of the only domestic worker programs that allows participants the opportunity to land, and within Canada, it is a unique program for temporary foreign workers in that right.

Unfortunately, like any other type of employment, caregiving can be insecure, and caregivers may be required to change employers throughout the first three years in Canada. Since

this is the most crucial time frame for the caregivers, employment gaps for the purposes of this study will be confined to this three-year time frame.

If employment gaps within the first three years in Canada are sufficiently long or frequent, the caregiver may not be able to meet the landing requirements, which could result in either returning to their country of origin, re-entering the program for another chance to complete the 24/36 work requirement, or applying for permanent residence in another manner, such as Humanitarian and Compassionate (H&C) grounds or being sponsored by a Canadian partner. In some cases, the desire to stay in Canada may be so strong, that it may drive a LCP worker underground, making them even more socially and economically vulnerable.

3 Methodology and Data

This section outlines and describes in detail the sample and model used in the regression analysis in section 4. Section 3.1 describes the data set and the sample used in this study. The dependent variable and its measure are introduced, followed by a detailed description of the model and independent variables tested in this study are found in sections 3.2 and 3.3, respectively. Finally, a discussion of limitations and unavailable data is presented in section 3.3.4.

3.1 Sample Selection

LCP workers, by definition are isolated in their place of work and accommodation. Not only do they work in the privacy of their employers' home, they also reside there. While addresses of caregivers are kept up to date with HRSDC and CIC, this information is considered confidential and is inaccessible to the general public. Therefore, a random or representative sample of LCP participants is difficult to access, leaving researchers interested in this topic to explore other avenues.

In the past, LCP research has been conducted through the completion of a non-random survey (Oxman-Martinez, Hanley & Cheung, 2004). The participants in the survey were found in parks and community establishments that caregivers were known to frequent. This method had geographical, ethnic, and gender biases inherent in its process. The women who performed the survey approached women of colour in wealthy neighbourhoods and parks who appeared to be with someone in their care that they were not related to (i.e. Caucasian children or elderly). This virtually excluded all male and Caucasian caregivers, and was generally focussed more on Filipinas. It also excluded caregivers who worked for non-white families and caregivers in other neighbourhoods. This survey also did not include workers who would have been unemployed at the time.

Furthermore, research shows the those who perform elder care, are more likely to be socially isolated because the elderly patients may not leave the house as often as children do (Oxman-Martinez et al., 2004). This means that the above survey also has potential to exclude

the more isolated and marginalised LCP participants, including those who may not have opportunities to leave their work place. Other methods that have been employed for sampling LCP workers, such “snowball sampling” (Stasiulis & Bakan, 2003), will also hold many of the same problems because it is based on personal networks.¹²

This study uses an as-of-yet untried method of accessing this hard to reach population. Here the researcher contacted the West Coast Domestic Workers’ Association (WCDWA) in hopes of gaining information about their client base. The WCDWA provides free legal assistance to caregivers living in Canada, many of which are temporary visitors working in Canada under the LCP. While WCDWA clients could be considered extreme cases and not representative of the average LCP worker experience, the stories in WCDWA case files will go a long way to illuminate the problem of employment gaps, as information on this topic has been largely unavailable until this point.

Data were collected from the personal legal files of the current WCDWA staff lawyer worked on between April 2004 to December 2004.¹³ Information was gathered from all documents available in the files, which vary depending on the issue of the caregiver. Codes were assigned in order to conduct a systematic investigation of the contents. Codes were then entered into a spreadsheet according to prepared guidelines provided in an assembled codebook and then transferred into SPSS for regression analysis.¹⁴ Examples of the types of documentation in the files include:

- WCDWA intake sheet with information regarding country of origin, date of entry, status in Canada, and when they are projected to be completed their 24/36 work requirement, if applicable.
- Staff hand written notes taken during any meetings with the client or with any outside organisation regarding the issue at hand
- Copies of passports and work visas
- Application forms for a number of government agencies such as the domestic registry or CIC.
- Letters to government agencies written by the staff lawyer on the behalf of the client

¹² Snowball sampling is a technique that is based on community contacts. In this specific case by Stasiulis & Bakan (2003), an interviewee was asked to provide three names, “among whom no more than one name was subsequently interviewed”.

¹³ Please refer to Appendix A, for further details regarding the sample selection process.

¹⁴ This codebook is available upon request from the researcher.

- In the case of a Humanitarian & Compassionate grounds application for permanent residence, letters of support from family and friends in Canada to show establishment of the caregiver
- In the case of family law issues, copies of marriage certificates are usually provided

As can be expected, only what was present in the files could be recorded, and never at any point was clarification from affected LCP workers sought.¹⁵ In addition, information regarding unauthorised work was prohibited for the purposes of this report.¹⁶ The only information gathered outside of the files was concerning whether a caregiver had received permanent residence status at the time of the coding, which was provided by the staff lawyer. As the WCDWA does not gather information for research or survey purposes some files contained relevant information where others did not. Hence, many variables considered to be important could not be included, due to lack of record in all or most of the files. The details on these variables are discussed below in further detail.

¹⁵ Some of the information and experiences may raise questions of truthfulness, but for the purposes of this study, what was provided in the files is considered to be truthful and valid. This assumption is supported by the fact that as part of the retainer relationship, a written agreement between the lawyer and the client that outlines the rights and responsibilities of the caregiver, one of which is full disclosure of any details pertaining to the issue at hand. A retainer agreement is considered a binding contract, where if either party cannot abide by the agreed stipulations, the client will be un-retained.

¹⁶ During these gaps between authorised work, LCP participants may have worked without a valid work permit. However, any recording or reporting of possible unauthorised work was prohibited for the purposes of this report. Access to the files and data needed for this study, was contingent on an oral agreement to exclude any possible mention of unauthorised work. To more fully understand employment gaps, it is important to note the context in which LCP workers are unemployed. During these employment gaps, LCP participants may either be in-status or out-of-status. For more precise details concerning the context in which a caregiver is unemployed, please refer to Appendix B

Table 3.1: Comparison of Study Sample Demographics to Larger LCP Population Demographics

Demographic Characteristic		Average Flow from 1998 to 2003		Study Sample		Difference Between Study Sample & Average Flow
		Frequency	%	Frequency (out of 49)	%	
Age*						
	15 to 24 Years	118	6.5%	7	14.3%	+ 7.8%
	25 to 44 Years	1560	84.7%	38	77.6%	- 7.1%
	45 Years or More	165	8.8%	4	8.2%	- 0.6%
Country of Origin**						
	Philippines	2787	92.4%	42	85.7%	- 6.7%
	"Other"	207	7.6%	7	14.3%	+ 6.7%
Marital Status***						
	Single	1263	68.8%	30	61.2%	- 7.6%
	Married	458	23.9%	9	18.4%	- 5.5%
	Other	137	7.2%	10	20.4%	+ 13.2%

Source: J: Live-in Caregivers by Age and Sex, Principle Applicants, 1998-2003; **Source: C: Annual Flow of Live-in Caregivers by the Top Source Countries, Temporary Residents, 1998-2003; *Source: Marital Status of Female Live-in Caregivers (Taken from a bar graph or principle applicants, resulting in slight variations of total*

Table 3.1 above illustrates the sample of 49 caregivers used for this study is fairly representative of the overall LCP demographic in age, country of origin, and marital status despite the non-random nature of the sample.¹⁷ There still remains a lack of male representation in this study due to the small sample size, but even this is representative of the gender demographics of the LCP population, where males generally account for less than 5 percent of the population. There is a slight over representation of the youth demographic, taken almost directly from the prime working age population. Filipinos appear to be slightly under-represented in this sample, while those workers who have conjugal relationships classified as "other" appear to be

¹⁷ Demographic comparison statistics come from a report presented to the LCP Roundtable held in Ottawa on January 13th and 14th, 2005. These statistics are the most detailed that could be found in public files regarding the LCP. In Table 3.1 there is a comparison of this report's sample to the average proportions of caregivers either entering Canada as temporary residents or landing as permanent residents, depending on the information available, from 1998 to 2003. Statistics on solely the female demographic is presented where available.

over represented. The other category includes those in common law relationships, divorced, separated, or widowed. This category may be exaggerated because of the high number of family law cases that the WCDWA worked on in 2004.¹⁸ This demographic sample could be considered close enough to the proportions of the larger LCP population, indicating that the use of the data reduces some of the biases present in other sampling methods.

Table 3.2: Sample Size: Caregivers Vs. Observations of Employment Gaps

Number of Employment Gaps per Caregiver	Number of Caregivers	Total Number of Observations
1	16	16
2	16	32
3	16	48
4	0	0
5	1	5
Total	49	101

Client files will not be discussed for the purposes of the regression, but rather the discussion will be confined to the variable of interest, which is the observation of an employment gap. As shown in Table 3.1, this study is based on the 101 employment gaps experienced by 49 LCP workers represented by WCDWA. The sample of 49 is expanded to 101 as over two thirds of the caregivers have experienced more than one observable employment gap.¹⁹

3.2 Dependant Variable: Employment Gap

As generated from the above sample of 101 observed employment gaps, the dependant variable for this study is defined as the number of days spent unemployed, measured by the

¹⁸ Throughout the coding process, there were found to be a number of cases in which there was a marriage breakdown and the caregiver sought legal assistance in clarifying their marital status for the purposes of their application for permanent residence. This usually included either a statutory declaration of a marital breakdown or a full divorce proceeding.

¹⁹ Because of the research question of interest, data were collected in relation to an observable employment gap. For all 11 independent variables discussed in section 3.3, all variables, with the exception of three, change with each subsequent employment gap. Country of origin, age, and whether or not a caregiver has children are specific to the caregiver and will rarely change the more employment gaps a caregiver experiences, but for the purposes of this study, information regarding these three variables are considered specific to the employment gap.

number of days between the last day of validity of a work permit to the first day of employment with a new valid work permit.²⁰ These gaps of validity will be considered time spent unemployed, as these workers were not at any point during this time permitted to work in Canada, as a live-in caregiver or any other profession.²¹ The last day of validity is calculated using three methods.

In the first, a caregiver continues working for the same employer but does not remit an application to renew their work permit prior to the date of expiry. In this case, the last day of validity is the expiration date of the work permit, which is also the same day that the caregiver loses status in Canada.

In the second, a caregiver ceases working for the employer stated on their work permit. Because a LCP work permit specifies that a caregiver can only work for their stated employer, when employment is terminated their work permit does not qualify them to work until a new work permit is issued. While the caregiver still has legal status in Canada until the expiration date of their current work permit they do not have a valid permit to work.

Finally, if a caregiver is continuing employment with the same employer and does not lose status, the last day of validity is the same as the date that their new work permit is issued. This effectively leads to an observation of a zero day employment gap, observations of which are not included in the sample.

²⁰ Based on a 360-day calendar.

²¹ It is important to note the context in which LCP workers are unemployed. During these employment gaps, LCP participants may either be in-status or out-of-status. For more precise details concerning the context in which a caregiver is unemployed, please refer to Appendix B

Figure 3.1: Distribution of Dependant Variable: Number of Days Spent Unemployed

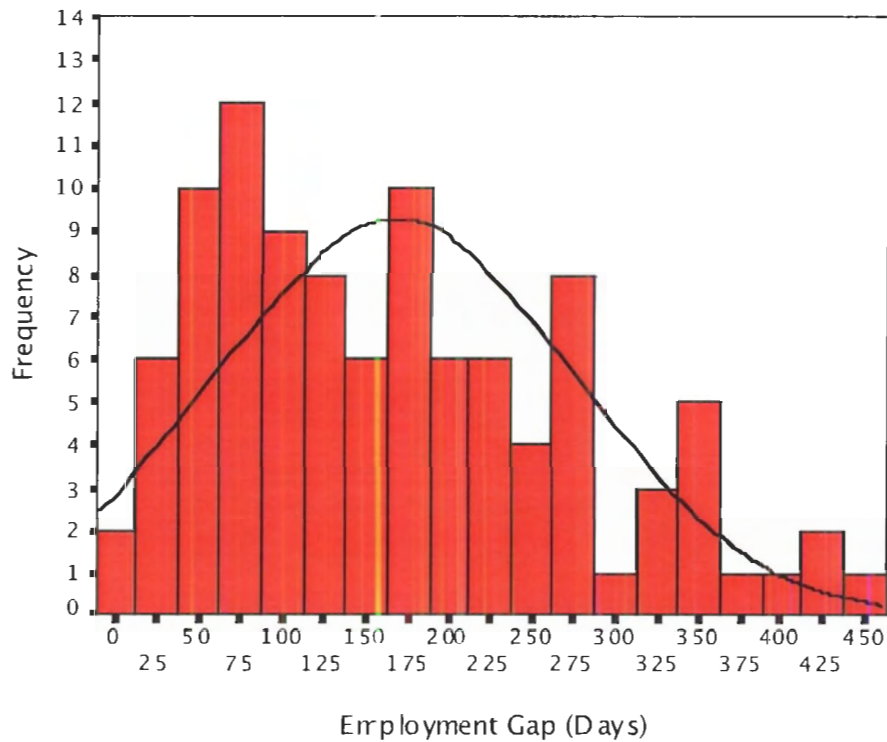


Figure 3.1 illustrates the 101 observed instances of an employment gap represented number of days a caregiver is not able to work due to the invalidity of their work permit. The smallest gap is 3 days long, while the longest gap is 438 days. The average number of days spent unemployed is approximately 168 days. It should be noted that over two thirds (67) of the employment gaps run above the threshold of 95 days thought to be acceptable, as defined by CIC²². This indicates that a substantial amount of time is spent either trying to secure an employer or unable to pursue work because of lack of status or extenuating circumstances. It should also be noted that this data parameter, allowing further regression analysis as presented later in this study.

3.3 Independent Variables and Descriptive Statistics

The remainder of this section outlines independent variables explored in this study. As shown in Table 3.3, the relationship between the 11 variables and the dependent variable are

²² Of the observations available, almost all clients were working in British Columbia. There are a few cases where caregivers indicated working in Quebec, Ontario, or Alberta, but during the time their file was active at WCDWA, they were residing in British Columbia.

expressed as hypotheses. In addition, for ease of description the IV are grouped into three sets including: personal characteristics, establishment criteria, and administrative variables.

Table 3.3: Summary of Regression Model and Hypotheses

Theory	Independent Variable (IV)	Hypothesis
Personal Characteristics	Have Children	Negative
	Age	Negative
	Country of Origin	Dummy
Establishment Criteria	Days Passed Since Arrival	Negative
	# of Times Unemployed	Negative
	Never Worked for Employer	Negative
Administrative	LCP Processing Error	Negative
	Employer Processing Error	Negative
	Administrative Processing Error	Negative
	Loss of Status	Negative
	Summer Employment Gap	Negative

*Dependant variable is Number of Days Unemployed

3.3.1 Personal Characteristics

The first hypothesis relates to the personal characteristics of the caregiver and investigates whether or not there is a certain type of caregiver that is more or less likely to have longer employment gaps. Three key demographic variables are tested; whether or not the caregiver has children, their age, and country of origin. Regarding **having children**, it is hypothesised that caregivers having persons in their countries of origin or in Canada, for whom they feel responsibility, will be less likely to have longer employment gaps as they will aggressively seek out employment in order to continue supporting their families. In Mikita (1994), 144 former and current Filipino caregivers were surveyed and asked to rank their motivations for leaving the Philippines. Over 30 percent listed “family responsibilities” as their first motivation for going abroad, while over 87 percent selected “family responsibilities” as a motivation for leaving, regardless of ranking. Mikita (1994) also points out that almost all the

survey participants sent remittances back to the Philippines, particularly to their children and parents who usually are minding the children.

Table 3.4: Frequency of Caregivers by whether or not they have children, by Country of Origin

Have Children?	Country of Origin		
	Philippines	"Other"	Total
No	41	12	53
Yes	45	3	48
Total Observations	86	15	101

As shown in Table 3.4, More than half of the 101 observations represent women who did not ever have children over the 3 year sample period. As long as the caregiver did not give birth in Canada, while she was under the LCP, her children were most likely in the country of origin, under the care of their partner, parents, or other relatives (Añonuevo, 2002; Alunan-Melgar & Borromeo, 2002). While most observations show that most people with children had only one or two, there are 16 cases where a caregiver has 3 to 5 children.²³ The caregivers of Filipino nationality were more likely to have more children than other groups.

Age is expected to have a negative relationship with employment gaps, as older workers will be more likely to have more children and have aging parents who will also need their financial assistance. In addition, while older workers will not necessarily have more Canadian experience, they will have more general work experience than younger workers and therefore possibly be seen as more employable to potential Canadian employers. Also if they have their own children, employers may see them more as natural caregivers. The age of a caregivers ranges from as 22 to 53 years of age with a mean age of 34 years.

Country of origin is included in this regression analysis to see whether or not there is a difference between Filipino workers and workers from other countries. Much of the research concerning the LCP has always centred around those hailing from the Philippines, with little

²³ Due to the focus of the data collection being employment gap specific, it is not possible to provide descriptive statistics regarding the number of children a caregiver has and how many times they change employers. This is thought to be important based on the theory that caregiver with children will be less likely to change employers often. However, because a caregiver's situation in regards to children can change throughout the sample period, the data set that this researcher was working with could not provide this information because it specifies whether or not a caregiver had a child *at the time the employment gap began*.

focus on non-Filipino caregivers. While this is mostly likely due to the demographic make up of the program and the visibility of the Filipino voice in the community, country of origin could be a major factor in employers' willingness to hire. Filipino nationality could positively or negatively impact a caregiver's perception of employability.

Filipino women are often stereotypically viewed as "natural" caregivers (Stasiulis & Bakan, 2003). Many former LCP participants in Canada complain that it is difficult to escape the caregiving role even once they have been granted permanent residence status. They find it difficult to penetrate other labour markets because of the assumption that Filipino women are meant for caregiving and domestic work (Pratt, 2003; McKay, 2002). In addition, Filipino women often have very functional English language skills, as they have been educated partly in English, which may also be seen as an asset.

Conversely, Pratt (1999; 2003) and McKay (2002) note that European caregivers are more desirable to care for children where early childhood education is a priority for the employers. One employer in Pratt's (1999) study described the difference between Filipino nannies and Slovakian nannies as a trade-off. While Slovakian nannies were considered "intellects" and could provide better "learning skills and interaction", Filipino nannies are considered less demanding and grateful for all they were given including food and wages.

While it would be interesting to see if caregivers of certain nationalities were more prone to lengthy employment gaps, the sample size for any country other than the Philippines was too small and could risk identification of the caregiver. Fortunately, as a group, there is enough to compare the Filipino caregivers to all "other" nationalities. In the sample of 101 observations, there are 86 of Filipino nationality and 15 hailing from "other" countries.

3.3.2 Establishment Criteria

The second hypothesis measures the LCP workers' establishment in the Canadian workforce at the onset of unemployment. Many studies show that new migrants find it difficult to integrate into the Canadian workforce because they lack the personal contacts that are often instrumental in finding jobs in North America, and because employers may be reluctant to hire workers who lack Canadian experience. In addition, the longer a migrant has been in Canada, the more familiar they become with the services available to them and the Canadian customs and resources used in securing a new employer. With time and experience LCP workers will find more places where possible jobs are posted, have more informal contacts to aid finding a job, and will be more skilled in talking to and interviewing with potential employers. These abilities will

be measured by three different indicators; days passed since date of entry, the number of times the caregiver has been unemployed, and whether or not the caregiver worked for their first intended employer.

The **days passed since the date of entry** is measured from the day the caregiver arrives in Canada, until the first day of their employment gap.²⁴ This variable measures the time LCP workers have had to become familiar with Canadian customs and in most cases, if applicable; improve their English skills. As a measure of establishment in Canada, the longer a caregiver has been in Canada at the beginning of each employment gap, the shorter the employment gap should be. The days passed since arrival in Canada ranges from zero days to 1057 days, (just under three years).²⁵ The mean number of days is 401 days and the median day is 476.

Table 3.5: Frequency of the Number of Times Unemployed, by Observation

Number of Time Unemployed	Frequency	Percent
1	49	48.5
2	32	31.7
3	18	17.8
4	1	1.0
5	1	1.0
Total Observations	101	100.0

Similarly, as a measure of a caregiver’s capability in finding employment in Canada is their past history in doing so. The number of times a caregiver has been unemployed in Canada measures their ability to find work in a Canadian context. As a caregiver gains experience in looking for work in Canada and has various successes, in subsequent employment breaks, the length of time spent without work will be shorter. Shown in Table 3.5, just over half of the observations are the first time that a caregiver has been unemployed, with the majority of others having been unemployed at least twice or three times. While it is common to see caregivers:

²⁴ Based on a 360-day calendar.

²⁵ Some caregivers are released from their employment upon arrival in Canada, hence the measure of zero days for this variable.

unemployed at least twice or three times, it becomes less common for LCP workers to find themselves unemployed 4 or 5 times.²⁶

The final variable measures whether or not a caregiver has had any time to become established in Canadian society. In as many as 16 cases, the caregiver never worked for their first employer because they were released upon arrival in Canada. In these cases, not only do they not have employment, but the caregiver also does not have accommodations. These workers have had no time to establish any contacts or familiarise themselves with any services available to them, making their house hunt and job hunt all the more difficult. Furthermore, never having worked for a Canadian employer will lessen a caregiver’s ability to provide references for future potential employers, perhaps making it more difficult to find employment.

This variable is formulated by coding the main reason why employment was stopped and confirmed with comparisons to the number of cases that have zero days passed since arrival. Because this variable is created in relation to the observation of a specific employment gap, it is not possible for a caregiver to be represented as released upon arrival more than once. As such, the number of observation where this occurs also represents the same number of caregivers

Table 3.6: Summary of Reasons a Caregiver was Released from Employment upon Arrival

Reason Released From Employer	Frequency
Financial	1
Client Passed Away	1
Care No Longer Needed (Includes “Hired another Caregiver”)	11
Unknown Reason	3
Not Released from Employer Upon Arrival	85
Total Observations	101

There are 16 cases where a caregiver was released upon arrival to Canada, the reasons for which as outlined in Table 3.6. In one case, the employer could no longer afford to pay the caregiver, and for another the client passed away prior to the caregiver arriving in Canada. The most prominent reason given for released upon arrival is that the care was no longer needed.

²⁶ These numbers are indicative of the multiple employers that LCP workers will have within their 3 qualifying years.

accounting for 11 of the cases, - three of which specifically stated that the employers had hired another caregiver while waiting for the LCP worker's papers to be processed abroad.²⁷

3.3.3 Administrative Variables

These set of variables are used to test the administrative details of the program. As a unique program, the LCP has special stipulations that may be difficult to understand and has the potential to get very complicated given the multiple parties that are involved. In addition, some circumstances may not be conducive to finding employment. This section describes the five variables being tested: processing errors on the part of the LCP worker, the employer, or a government department, the incidence of lost status, and whether or not the summer is more difficult to find work. As a prelude to the description of the types of processing errors that occur, it is important to understand the context of renewing a work permit.

Due to the high restrictions and complicated nature of the work permit for LCP workers, gaining a new permit once a potential employer is found can be very difficult. In all provinces in Canada, an employer intending to hire a LCP participant must submit an application to HRSDC. HRSDC is then responsible for ensuring that there are no Canadians or other temporary workers already in Canada who are willing, qualified, and available to take a job being offered to a foreign worker.²⁸ Only after this confirmation is received, can a potential caregiver then remit a signed contract with the employer and an application for a work permit to CIC. CIC maintains that an application is usually processed within approximately 27 days, while HRSDC will process an application in approximately 44 days²⁹. In British Columbia, the Employment Standards Branch Domestic Registry requires that anyone who would like to hire a domestic worker in BC must register with the Branch within 30 days of hiring him or her.³⁰ For domestic workers hired from

²⁷ Many of these cases where a caregiver was released from employment upon arrival could be considered cases of fraud or trafficking, which is noted to be a significant problem within the LCP, particularly through some special intermediaries such as employment agencies (HRSDC, CIC, MRCI and CNT Working Group on live-in caregivers, 2003). Some of these employers may have never even existed, or may have never intended to hire a foreign caregiver. This is considered important, because this may increase a caregiver's employment gap significantly, and these workers are highly vulnerable to abuses.

²⁸ In BC, proof that the employer has sufficiently looked for a Canadian employee is not required. HRSDC confirmation will assess the occupation and duties required from the live-in caregiver and the wages and working conditions offered.

²⁹ Provided by McLaughlin-Cox, P. (2006) as average processing times for 2004-2005.

³⁰ The purpose of the domestic registry is to meet a legislative obligation and for information and administrative purposes; it is not used for enforcement. Once a domestic is registered, information regarding Employment Standards can be used to send out information to either the domestic, but from a personal communication with Martel, C. (2006), the registry has never been used for this purpose. The emphasis of the registry has been to educate the agencies that place domestics about the legislation, as it applies to domestics, so that they can educate their clients, both employers and domestics. (Martel, 2006)

abroad, the intent to hire a foreign domestic worker must be registered before the processing of their entry into Canada can begin.

A domestic worker is defined as someone who is hired to live and work in a private home to provide cooking, cleaning, childcare, or other services (Employment Standards Branch, 2005). A LCP worker is considered a foreign worker by the Branch, hence the employer must register their intent to hire a LCP worker prior to them beginning work. In fact, in order for the HRSDC confirmation to be processed, registry to the Branch must be completed first. Martel (2006) of the Employment Standards Branch confirmed that a registry application is processed in approximately 5 business days. The province of Quebec also has a similar process that requires any employer hoping to hire a foreign worker, including LCP participants, to apply for a Quebec Acceptance Certificate (CAQ)

During this three-step process for LCP workers in BC, there are a number of administrative problems that may contribute to a longer employment gap. These types of errors can occur at any stage, therefore, reported errors are broken down by person who may perform that error; the LCP worker, the employer, or some level of administration, either at the Domestic Registry, HRSDC, or at CIC.

It is assumed that with the presence of human error, the employment gap will increase. It was not hypothesised prior to analysis of results that any one type of error is more detrimental than another, but rather, it will allow for targeted policy alternatives if any are found to be significant contributors to lengthy employment gaps.³¹

Errors that occur in the process of obtaining a new work permit are divided into three types: **LCP worker errors, employer errors, and administrative errors**. All three groups hold some responsibility in the successful issuance of a work permit. These reported errors are only those that are reported within the files and occurred in the first three years of the caregiver's time in Canada. There were a total of 29 reported errors, but the total of all three types of errors do not equal 29 as in some observations multiple parties were at fault.

There are a total of 12 **LCP worker errors**. The errors themselves are quite diverse, but can be grouped under four main categories. Firstly, the caregiver took no action prior to the expiry of their work permit; secondly, if action was taken, misunderstandings and difficulties in navigating the application process contributed to errors; and thirdly, the caregiver delegated the

³¹ For this variable, there was full reporting for all observations because it is based on reported errors in the files. Because the WCDWA finds this information useful for their work, it is assumed that if there is no mention of an error, in the file, then an error did not occur

duties of processing their papers to third parties, namely agencies or employers, and hence they were not filed in the proper order. Fourthly, there are errors that are in relation to the understanding and issuance of bridge extensions.

Employer errors were less often reported, with only 6 cases in this sample. Most of these observations are related to the employer’s inability to meet their requirements in order to confirm with HRSDC. These failures were despite the caregiver’s efforts to comply with regulations. The other errors were unique and cannot be described in order to guard the confidentiality of the caregiver.

Table 3.7: Summary Table of Type of Administrative Errors

Type of Administrative Error	Frequency
Overly Long Delay	7
False/Incomplete Information from CPC	4
Lack of Procedure	--
Human Errors	--
Policy Regarding Bridge Extensions	--
No Reported Errors	84
Total Observations	101

* A "--" indicates a sample size too small to identify for reasons of confidentiality

Administrative errors are the most numerous, with 17 errors of this nature reported. The majority of the errors occurred at CIC in the case processing centre, with the exception of two delays, one at the Domestic Registry and another at HRSDC. These errors are grouped into 5 categories in Table 3.7. In this sample of 101 observations, there were 7 overly long processing delays, all of which occurred the CIC level. Some of these can be attributed to the CIC labour disputes, but the others range from 3 to 6 months with no other reason given. Another 4 administrative errors occurred when a caregiver called the Case Processing Centre (CPC) information line and was given false information or was not provided with all of their opportunities.³² This false information is in relation to extending status, which caused the caregivers not to apply for the correct extension. Other errors can be considered a lack of procedure when processing LCP restoration applications; small human errors were also a

³² The Case Processing Centre (CPC) is responsible for processing applications in Canada for work authorisation and renewals, study permits, and permanent residence applications in Canada.

contributor in some cases, these include typographical errors. The last category of errors is regarding the administration of bridge extensions.

During this long process for application of a work permit, some caregivers may lose status. The loss of status for LCP participants is best understood from Judge Finckenstein summary in his decision in Lim V. MCI. (2005). He wrote, “the [LCP] works on the basis of dual, interdependent authorizations; the work permit and the temporary resident status. Both the work permit and the temporary resident status are obtained when the caregiver first arrives in Canada. If the work permit is renewed, the temporary residency status is also extended. If the work permit expires, the temporary residency status also expires”. Therefore, a LCP worker’s status is inextricably tied to their work permit being valid.

A caregiver can lose status in one of two ways. More commonly, a caregiver will not remit an application for a new work permit or bridge extension prior to the expiration date on the work permit. If the expiry date has passed and no action has been taken to extend status, a caregiver has effectively lost status. The second way is for status to be revoked due to gross violations of the work permit restrictions. As an independent variable, the loss of status is hypothesised to be a large contributor to lengthy employment gaps because restoration can become a complicated process particularly if it is not requested within the 90 day time period.

Table 3.8: Summary of Reasons for Losing Status

Reason Lost Status	Frequency
Caregiver Failed to Take Action on Time	--
Received False Information from CPC	--
3 rd Party Dependency (Agencies and Employers)	4
Policy Regarding Bridge Extensions	--
Unknown Reasons	3
Did Not Lose Status	90
Total Observations	101

* "--" indicates a sample size too small to identify for reasons of confidentiality

The incidence of loss of status is considerably low, with only 11 incidents out of 101. Due to the small incidence of loss of status, details of specific cases will not be revealed for the sake of confidentiality. Three of these cases are for unknown reasons. For the others, in some

cases, a caregiver failed to take action on **time** to avoid the loss of status, and in other cases, a caregiver did attempt to take action by consulting with the Case Processing Centre, which provided them with false information regarding procedure. Agencies and employers, by delaying or not remitting an application at all, also **appear** to be a contributing factor to loss of status. Finally, the misunderstanding and administration of bridge extension policy also caused some to lose status. Table 3.8 above proves to be very important regarding the policy implications of the findings discussed in section 4 below.

Of the 11 incidents of lost status, the average number of days that were spent without status (including the restorative period) was 236 days. The shortest time without status was 48 days, while the longest period was 432 days. In addition, of these 11 incidents, five of the caregivers were employed up until the date of lost status, and became unemployed by simple virtue of their lost status. The other six were unemployed prior to the loss of status.

Lastly, because childcare is shown to be the most common type of care that LCP workers perform, WCDWA maintains that the **summer months** are the most difficult time for LCP workers to find employment, for two main reasons. First, families often take vacations together or send their children away for the summer, eliminating the need for a caregiver. Secondly, older children are also off from school, providing baby-sitting services as a less expensive alternative to a live-in caregiver. In addition, the summer months are also a time when many government employees take their vacation time, which can have a negative impact on the processing times, due to staff shortages. Therefore the summer months of June, July, and August as the season in which a caregiver becomes unemployed, will be compared to all other seasons, to test if this theory holds true.

Table 3.9: Frequency of Season of Unemployment by Observation

Season of Unemployment	Frequency
Summer	27
Fal	24
Winter	28
Sprir g	22
Total Observations	101

The summer season as the season in which an employment gap begins, is of interest in this study. As such, the summer months of June, July, and August are in one group, and all other months are grouped together. The summer months do appear to be a time in which a number of employment gaps occur. The 27 observations for the summer, is only exceeded by those that begin in the winter months of December, January, and February with 28 observations. The fall (September, October, and November) and the spring (March, April, and May) months are slightly smaller with 24 and 22 observations, respectively.

It should be noted that the season in which the employment gap began may not appear to be significant due to a special circumstance that lengthened a number work permit application in the Summer of 2001 and the Fall of 2004. During these times, CIC case processing staff were on strike, at which time, it was confirmed by CIC that applications for work permits would be much longer.

3.3.4 Limitations: Unavailable Variables

Along with the included variables, listed below are a number of variables that were too inconsistent in their reporting to act as independent variables in this regression analysis. These include variables concerning the socio-economic status of the caregiver, whether a caregiver sent remittances to their country of origin, marital status, maternal language, country of last residence, having family in Canada, the types of sources caregivers used to find employers, location of last employer, and the need for litigation in restoring status. Furthermore, all variables in relation to conditions upon termination of employment were also unavailable.

Details of the **socio-economic status** of caregivers were not recorded in the files in any reliable form. For example, this researcher attempted to record the city and province of birth, to classify each caregiver into a rural or urban setting, but could not find the necessary information for a majority of the observations. Education levels are generally not important for the staff at WCDWA to know, and therefore, was only mentioned in a few files, not reliable enough to use as an independent variable. Income levels are not recorded either, but can generally be assumed to be fairly homogeneous. LCP workers are covered by the Employment Standards Branch and therefore are only required to be paid minimum wage. While employers can pay caregivers more, past research shows workers are rarely paid more than the minimum (Stasiulis & Bakan, 2003).

While having children abroad is a good indication that **remittances** are sent abroad, it is not a perfect measure. Information was gathered on whether or not the caregiver sent remittances, but over half of the observations in the sample were left unreported, therefore the

variable was not included in the analysis. Of those that did report, almost all (43) stated they sent remittances at the time of their visit, while only two said that they sent no remittances. Marital status and number of children each had the same number of missing observations, and the researcher was forced to eliminate one of them because of the small sample number of observations.

Marital status, or rather the presence of a conjugal partner was excluded from this analysis, as the number of children was a better indicator of the likelihood of sending remittances. In Mikita (2004), many caregivers did not send remittances to their husbands, as they stated that it would most likely result in the “funding of his extramarital affairs”. In addition, many caregivers are not prone to send money to their male counterparts, as many husbands are also likely to be working abroad, most likely as seafarers.

However, over half (59) of the observations were for caregivers that were never married. Twenty were currently married at the time of the WCDWA visit, while the others were either separated/divorced, or widowed. A very small sample was in common law relationships. As children are used as a proxy measure for family responsibilities, country of origin is similarly used as a measure for **maternal language**. There unfortunately is no evidence in the files of the English or French language skills of the caregivers, and therefore could not be included as a variable.

Country of last residence was also of interest, as a number of caregivers, particularly Filipino caregivers, are known to work as domestic workers in Europe, the Middle East, and Asia, prior to coming to Canada (Stasiulis & Bakan, 2003; Mikita, 2004, Pratt, 1999). This sample was no exception, as a number of caregivers were working in Asia prior to coming to Canada. Presumably, those with previous caregiving experience internationally would have an easier time finding employment in Canada, but this variable was under reported, and could not be included in the regression analysis.

Some variables that were considered more direct measures of establishment could not be included in the analysis due to inconsistency of the information in the files. **Having family in Canada**, particularly in the city or province in which the caregiver lives automatically increases the number of informal contacts an unemployed caregiver can use as a resource. But this information was not reported consistently throughout the files, and therefore has a number of missing observations causing the variable to be excluded in the regression analysis. A similar problem occurred when trying to record number of friends known to the caregiver.

The sources used when searching for a new job was also of interest. It was attempted to accurately record **how caregivers made contact with their next employers**; for example, friends or family, newspaper ads, or the use of an agency. In addition, the use of agencies is highly controversial as there are often problems with fraudulent or “bogus” agencies (HRSDC, CIC, MRCI and CNT Working Group on live-in caregivers, 2003). Therefore a discussion of the role that agencies play in the facilitation or lack thereof, of employment is a complex issue that will not be addressed in this report in great detail. While this information could provide information on the most successful ways to quickly find an employer, it was not reported in the files often enough to create a reliable variable.

Location of last employer was hypothesised to be a significant indicator of accessibility to cultural groups and service organisations, which could assist in integrating a caregiver or assisting the unemployed caregiver in finding a job. But in Stasiulis & Bakan (2003) it is shown that a number of caregivers bend the rules regarding the live-in requirement, and choose to live out on the weekends or their days off. Since these living quarters do not necessarily have to be in the same municipality as their employer, location as a measure of accessibility to services is unreliable. This two address system, coupled with the lack of reporting, excludes the city of dwelling of the caregiver as an independent variable.

Litigation was also considered to be a significant contributor to longer employment gaps; if litigation was required for the reinstatement of status, the employment gap would be much more lengthy. Unfortunately, the sample for this variable was too small to be included in the analysis.

In addition, a theory related to the **conditions in which employment was lost**, could not be tested with the information available. It is hypothesised that those who have prior knowledge of their pending unemployment, will be less ill prepared to deal with such a situation when it occurs. A caregiver who is aware that their employment is going to be terminated may have time to seek out a new employer and apply for a new work permit even prior to their termination. On the other hand, as is the case when a caregiver is released upon arrival, the termination of employment also means the termination of a living arrangement. If a caregiver is unprepared for such a change, the main focus will be shifted to more basic living priorities.

Information regarding the conditions around leaving employment were recorded when it was available, but throughout the data collection process the reasons for leaving employment were as diverse as the issues within the files themselves. While they could be grouped under, personal choice, unforeseeable personal circumstance, a change in the employer circumstance, or

poor working conditions, there were still a number of cases that were missing. However, caregivers who never worked for their employers were extracted out and made into a new variable, as it could be fully reported as either positive or negative. Otherwise, there was no feasible way of predicting the other reasons behind the termination of employment; therefore this hypothesis could not be tested. Nevertheless, these conditions of employment and termination are important to understanding the experiences of live-in caregivers in their workplace and the reasons for lengthy unemployment.

The importance of these variables was reiterated in an interview with HRSDC. Asselin (2006) pointed out that

“...there could also be situations where live-in caregiver may be the ones to decide to leave their employers for various reasons, such as not being paid sufficiently, being overworked, being in an abusive situation, or situations where an employer may not feel that their live-in caregiver is doing a satisfactory job and he/she dismisses them. In these cases, the live-in caregiver may have more difficulty finding a new employer because it may be difficult to obtain a good reference and this could result in a longer gap in between jobs...”

Asselin maintains that exploring why unemployment exists in the first place may better help explain the length of gaps. In only four observations was it recorded that there was either some form of misconduct or irreconcilable difference between the caregiver and their employer, resulting in unemployment. Otherwise, as mentioned above, the main reasons in which employment was terminated can be grouped into 4 major categories, most of which can be considered beyond the control of the caregiver. In only two observations was it shown that a caregiver chose to leave their employer on their own accord, dependant of any abuse or maltreatment. In 5 cases, there were unforeseeable personal circumstances that prevented the caregiver from continuing work. These include illness or injury, pregnancy, and family emergencies outside of the country. In 28 observations there was a change in the employer's circumstance that resulted in the caregiver being laid off. This includes a change in their financial circumstance or a reduction in the need for care (including death of the employer). However, the most common reason that confirms what is read in the literature is that many caregivers will leave their employment due to intolerable working conditions. There were a total of 21 observations where the main reason for a caregiver leaving work were the working conditions in which they were asked to endure. These include, but are not limited to long hours (sometime over 16 hours a day), substandard accommodations (including sleeping on the floor or having to share a bed with the children), unpaid hours (including cases where workers were not

paid for months at a time), unpaid overtime or holidays, and emotional, psychological, and sexual abuse.

While there are a number of variables that were recorded in the collection of this data, many could not be included due to inconsistency in the recording of information in the WCDWA's files. Further research supported by empirical data such as presented in this study, or collected more systematically by government bodies or non-governmental organisations may assist in this endeavour.

4 Results of Statistical Analysis

A multivariate linear Ordinary Least Squares regression (OLS) is used to investigate how well the independent variables explain the dependent variable's variation – which in this case is length of caregiver employment gaps. An OLS regression reduces the discrepancy for each observation between the actual employment gap length and the estimated employment gap and holds all other variables constant. This regression analysis passes all relevant statistical tests.³³

³³ As previously shown in Figure 3.1 the dependant variable is parametric, meaning it has a normal distribution. This can be supported by the normal p-p plot graph in Appendix C in which the residuals appear not to deviate far from the normal distribution line, further indicating a normal distribution.

There are no signs of heteroscedasticity, as the scatterplot in Appendix D will show a pattern that is indicative of a situation in which the assumptions of linearity and homoscedasticity have been met.

There appear to be no signs of autocorrelation, with a Durbin-Watson score of 2.146. This indicates that the residuals are uncorrelated and independent from adjacent ones.

Once all of the independent variables were added into the model, there were no signs of multicollinearity. (See Appendix E). Those workers who were older were more likely to have children. This may imply that there may be some multicollinearity between age and having children. However, a look at the VIF scores or the correlations matrix indicates that this relationship is sufficiently insignificant, identified by VIF scores below 5.00 (Field, 2000) and correlations coefficients below an absolute value of 0.700.

Table 4.1: Summary Table of Multiple Regression Model

Variable	Standardised Beta	Unstandardised B
Loss of Status*	0.557	193.116
Have Children**	-0.258	-55.742
Days Passed Since Arrival	0.153	-0.052
LCP Worker Processing Error	-0.148	-49.526
# of Times Unemployed	0.141	17.852
Country of Birth	0.099	30.057
Summer Employment Gap	-0.069	-16.949
Age	-0.043	-0.602
Never Worked upon Arrival	-0.043	-12.760
Administrative Processing Error	-0.040	-11.676
Employer Processing Error	0.038	17.561
n = 101		
Adjusted R² = 0.191		

*Significance ≤ 0.01 ; **Significance ≤ 0.05 ; Dependant Variable

As measured by the adjusted R² score of 0.191, Table 4.1 shows that the predictive strength of the model is relatively low. In combination, the included independent variables explain just 19 percent of the variance in the length of an employment gap. In addition, of the 11 variables included in the regression model, only two appear to be significant in predicting the length of an employment gap: having children and losing status.³⁴ Consequently, with a large portion of the variance left unexplained, when looking at the policy implications of these findings, it will be necessary to look at literature for other recognised contributing factors to long employment gaps. Of particular interest is what has been done in other provinces.

The table above shows the standardised and unstandardised coefficients for each of the independent variables. The standardised coefficients show the relative influence that each variable has on the dependant variable in one unified unit of measure. While the unstandardised beta weight associated with each variable is given in terms of the units of the variable. The two significant variables are highlighted at the top of the table.

³⁴ See Appendix E for full results.

4.1.1 Significant Variable: Loss of Status

The loss of status variable shows the strongest predictive value for the dependant variable, shown by the standardised beta score. The regression analysis indicates that for those caregivers who lost status, the difference between their employment gaps and employment gaps of those who did not lose status, is 193 days of unemployment. This confirms the initial hypothesis and, as discussed later, these results suggest any policy change should be aimed at reducing the occasions of loss of status.

Table 4.2: Length of Employment Gaps by Presence of Loss of Status

Number of Days Unemployed?	Loss of Status					
	Yes		No		Total	
Below 95 Days	1	9.1%	33	36.7%	34	33.7%
Above 95 Days	10	90.9%	57	63.3%	67	66.3%
Total Observations	11	100.0%	90	100.0%	101	100.0%

Despite the significance of the loss of status and the large effect it has on lengthening employment gaps, Table 4.2 above shows that a larger percentage of employment gaps where status was not lost are still above and beyond the 95-day gap that is considered acceptable. This means that while loss of status is a significant contributor, there are other factors that need to be considered when suggesting policy alternatives for reducing employment. This is supported by the fact that the regression analysis only accounts for 19.1 percent of the variance in employment gaps. These other factors will be further discussed when looking at the policy implications of the findings in section 4.1.4.

4.1.2 Significant Variable: Have Children

Whether or not a caregiver has children appears to be a significant predictor of the length of an employment gap for a live-in caregiver. If a caregiver had children at the onset of unemployment, the employment gap was 56 days shorted for a caregiver with children than for those without. These results support the initial hypothesis that those caregivers with children may more aggressively search for work, as they have more familial responsibilities. In addition, they may be more likely to want to ensure their opportunity to land is not jeopardised, as they may intend to sponsor their children to Canada once they have become landed. This may lead to

caregiver with children accepting the first employment offered despite the potential for abuses. This in effect, leaves older caregivers vulnerable to workplaces abuses, because they will be less likely to leave an abusive employment.

While this finding is significant it is difficult to determine how it helps formulate policy to reduce employment gaps. Policy targeting LCP workers without dependant children could come in the form of specialised services or information for those without dependants, but creating an effective targeted program for LCP workers would be extremely difficult. The LCP population is already a hard to reach population and to further discriminate within this already small, marginalised group is difficult to do with programming. Furthermore, while having children is significant, it does not explain a large amount of the variance in the dependant variable. The adjusted R² value is 0.191, which means that there is over 80 percent of the variance in length of employment gaps left unexplained. The influence of having children on the adjusted R² value is marginal in comparison to the effect that loss of status has, and does not justify the use of targeted programs³⁵.

Table 4.3: Length of Employment gap, by presence of Young Dependents

Number of Days Unemployed?	Have Children?					
	Yes		No		Total	
Below 95 Days	14	26.4%	20	41.7%	34	33.7%
Above 95 Days	39	73.6%	28	58.3%	67	66.3%
Total Observations	53	100.0%	48	100.0%	101	100.0%

Accordingly, a cross tabulation shown in Table 4.3 above demonstrates that caregivers who have children are still quite likely to have lengthy employment gaps (i.e. over 95 days). In fact, there are more occasions of long employment gaps than short ones for those caregivers with children. So while targeted programs may reduce employment gaps for those without children, it would be ignoring those who have children and suffer from long employment gaps. Moreover, a reduction of 56 days is marginal in comparison to the employment gaps that have been seen from this sample, which have ranged up to 438 days. Therefore, policy recommendations analysed later in this report will not be targeted towards caregivers without dependants.

³⁵ If the variable concerning children is removed from the regression, keeping all other variables constant, the adjusted R² is reduced by 0.026, with marginal effects on the other variables, indicating that the influence that having children has on the length of an employment gap is quite marginal.

4.1.3 Non-Significant Variables

All other variables were insignificant, including all the variables that were to test the establishment of the caregiver in Canada; number of days since arrival in Canada, number of times previously unemployed in Canada, and whether a caregiver ever worked for their employer upon arrival. This contradicts many of the theories presented about migrant settlement and integration. Qualities that are used to measure the capacity to find work, appears not to be a main contributor to longer employment gaps. Rather, it is some of the administrative qualities of the program, specifically the work permit that lead to longer employment gaps.

Of particular interest was that being released upon arrival in Canada did not prove to be a significant factor in long employment gaps. Those who find themselves unemployed in Canada immediately after they arrive were hypothesised to have longer gaps because they did not have any Canadian experience, would most likely have fewer contacts in Canada, and would need to find accommodations before they could even begin a job search. A possible explanation for this might be that these workers will be more desperate to find work, particularly if they have borrowed money to come to Canada, and take the first job that becomes available, regardless of the conditions of employment.

Other variables that were shown to be non-significant that are of interest is the country of origin, age, processing errors, and whether or not the employment gap began in the summer. The non-significance of country of origin demonstrates that all LCP workers experience long gaps regardless of their nationality. Since most of the research concerning LCP workers has been Filipino centred, this finding indicates that unemployment is an issue that all caregivers may face, and that even though the majority of LCP participants are Filipino, the policy implication here is to ensure that any policy recommendation targets all nationalities equally. This is similar for age of the caregiver, which was also found to be insignificant.

Processing errors, performed by the caregiver, the employer, or an administrative body of the government also proved to be insignificant. This implies that it is not necessarily human error in processing a new work permit that is significant in extending unemployment, but rather circumstances that cause people to lose status that has the most detrimental effects. Some of the reasons that caregivers lost status are due to human errors, but these errors alone do not lead to long employment gaps. It is the combination of human error and the administration of work permits that cause lengthy unemployment. That those who find themselves unemployed in the summer will experience a harder time finding employment did not prove to be significant, possibly indicating that there is a year round desire for employment .

4.1.4 Policy Implications

The findings of the OLS regression analysis show that loss of status and having dependant children have significant effects on the length of a LCP worker's employment gap. The loss of status will increase a LCP worker's employment gap by 193 days, and caregivers who have children will have a gap 56 days shorter than those who do not have children. Targeting programs towards caregivers without children was deemed to be inappropriate due to the small effect that this variable had on the dependant and the fact that there are still a large portion of caregivers with children who experience overly lengthy gaps. Therefore, most of the implications for policy are drawn directly from the most significant variable of loss of status.

By addressing the reasons why caregivers lost status, and trying to build policy around avoiding the same problems in the future, one hopes the lengthiest of employment gaps will be eliminated or reduced. The four reasons listed in Table 3.8 are used to inform the policy alternatives presented in the next section. The lack of knowledge of the procedure and rules on the part of the caregiver and the employer, the dissemination of false information, problems with 3rd party dependency, and the policies regarding bridge extensions will all be addressed in the four policy alternatives presented in contrast to the status quo. However, alternatives drawn from these descriptive statistics are designed to address the longest of gaps, and does not necessarily address the other important contributors of long employment gaps that could not be tested in the regression analysis, as discussed in section 3.3.4.

Other provinces, such as Quebec have recognised that unemployment among the LCP population occurs for a number of other reasons and in a report on some of the problems faced by caregivers, it was stated that "participants normally find themselves [unemployed] as a result of dismissal or withdrawal, but also because the need has been met by other means or no longer exists (death, hospitalisation). In addition a certain number of live-in caregivers are likely to be selected on the basis of bogus jobs" (HRSDC, CIC, MRCI and CNT Working Group on live-in caregivers, 2003).

The writer affirms that in this last situation, some "offers of employment from employers associated with certain intermediaries [employment agencies or immigration consultants] should be questioned", as some actions undermine the integrity of the program. The writer specifically points out that in the case of "bogus" jobs, immigration documents are issued on the basis that a job does not really exist, and the accepted applicants have no work or income for possibly several months. He affirms that this can lead to caregivers being encouraged to work illegally, making themselves more vulnerable to abuses, and not contributing time to the 24/36 work requirement.

The dependence on agencies in finding work combined with the troubles encountered with certain intermediaries make it difficult for caregivers to successfully facilitate employer-employee contracts, ergo, lengthening the time spent unemployed.

To specifically address the large pool of unemployed LCP participants, the report produced in June of 2003 by HRSDC, CIC, MRCI (currently MICC), and the CNT (*Commission des normes du travail*) Working Group offers the broad solution of “the establishment of an office or agency that can register unemployed caregivers and, ideally, subsequently place them again with new employers” (2003). The creation of “placement bureau” was cited to have many advantages for the caregiver, potential employers, and for departments involved. Some advantages include:

- A cost-free of minimal charge service
- Less incentive for unauthorised work
- Lessens pressure to stay in employment if there are abuses
- Possibility of appropriate support in the event of work place abuses
- Ability to start work quickly (for employers who would have otherwise signed a contract with someone overseas)
- Ability to identify and exclude employers who fail to comply with program rules
- Reduce significantly the number of changes of employers (HRSDC, CIC, MRCI and CNT Working Group on live-in caregivers, 2003)

This service will be used to facilitate legitimate employer-employee contracts, reducing the time needed to find an employer and begin the expedition of all necessary papers. The time spent looking for employers, despite the labour shortage, is recognised as a large contributor to longer employment gaps. So a service that can connect these employers and employees as was suggested and implemented in the Province of Quebec, provides the basis of a 5th recommendation presented below in contrast to the status quo.

5 Policy Alternatives

The previous section presented the findings of the regression analysis on the length of an employment gap. Policy implications were then drawn from the most significant variables and literature from other jurisdictions to create five policy alternatives that will minimise the frequency of loss of status and facilitate employer-employee contracts, and therefore reduce the length of employment gaps. These alternatives directly address the reasons why some LCP workers lost status while in Canada. In addition to the status quo, increased and improved information, longer work permits, non-employer specific work permits, the granting of permanent residency upon arrival, and mandating an organisation to facilitate employer-employee contracts are discussed in further detail.

5.1 Status Quo

Currently, the status quo is that LCP participants enter Canada with information provided to them by their intermediaries and the government in paper and on the Internet. CIC maintains that this information is clear and widely available. Information is provided in English and French.

In addition, there are a number of community organisations that deal with migration issues, and a number of organisations that specifically serve domestic workers, including LCP workers. In British Columbia, these caregiver specific organisations include the WCDWA, the Philippine Women's Centre, and the Vancouver Committee for Domestic Workers & Caregivers' Rights. These organisations vary in their services to caregivers, but are available as information and advocacy resources.

Work permits are issued usually for the period of one year, and limit the caregiver to working for only the employer named on their permit. Many caregivers use agencies (local and international) to contact employers. Family and friends have also been cited as a major contributor to connecting employers with employees (HRSDC, CIC, MRCI and CNT Working Group on live-in caregivers, 2003).

5.2 Status Quo Plus: Increased and Improved Information

This policy alternative directly addresses those caregivers who lost status because they are unaware of their need to renew their work permits, those who receive false information, and those who allowed a third party to remit their application for renewal. Increased and improved information would involve an active role of government agencies to inform workers of their rights, and the procedures that must be followed for retaining status in Canada. Three specific programs are proposed of which can be taken separately or as a bundle.

1. Upon arrival in Canada, caregivers will be given an information package with their rights and responsibilities clearly stated in plain language. This could be provided in a number of languages, so as to prevent miscommunication. Based on the source countries of caregivers, the top five languages are suggested; in addition to English and French, materials would be provided in Tagalog, Chinese, Punjabi, Spanish, and Slovakian. The package would include information for renewing work permits, gaining HRSDC confirmation, and any relevant regional information. This will address those workers who lose status because they were unaware of their responsibilities, received the wrong information, or had difficulties with third parties.
2. Notifications could be sent to LCP workers whose work permits are about to expire as a reminder to renew. This would ideally be done 6 to 8 weeks in advance to allow enough time to process the necessary papers. Caregivers currently can update their addresses with CIC for communication purposes. This addresses those workers who failed to take action prior to losing status and those who received false information.
3. Creation of an information line within the Case Processing Centre (CPC) that specifically deals with concerns regarding LCP work permits. This would prevent the dissemination of false information from CPC whose operators are not always experts on the intricacies of the program. These persons would ideally be able to provide information regarding CIC, HRSDC, and any provincial bodies, in the case of BC and Quebec. This will ensure that the correct information is transferred accurately.

These programs would be implemented by CIC, with the cooperation of HRSDC and any regional agencies.

5.3 Minor Work Permit Adjustments: Longer Work Permits

Longer work permits would eliminate the expiry of work permits, and hence the possibility to lose status, for the estimated amount of time required for a caregiver to gain permanent residency. A caregiver is given 3 years to complete 2 years of live-in caregiving work. In almost 70 percent of cases, because of a change of employer (Langevin & Belleau, 2001), a caregiver will take longer than the minimum 2 years. Therefore it is proposed that work permits be issued for 4 years. The extra year is proposed in order to provide enough time for caregivers who require the full three years to complete the current 24/36 work requirement and gain permanent residency approval, without losing status. These extended permits can be issued either as employer dependant or not and can be done in conjunction with the first alternative; increased and improved information. Not only does this alternative address those unaware or who were given the wrong information regarding the need to renew, but it also eliminates any losses of status due to policies related to bridge extensions.

5.4 Major Work Permit Adjustments: Non-Employer Specific Work Permits

This option is drawn from the finding that caregivers will sometime lose status when they are attempting to renew a visa for a new employer due to human errors, on the part of the agency or employer, which prevented the caregiver from remitting the application on time. Without the need to renew for each new employer, the onus of getting a new work permit is put solely into the hands of the caregiver.

In order to continue to ensure that employers have attempted to fill their caregiver position with a Canadian worker, employers would still have to seek HRSDC confirmation on an individual basis. But instead of limiting them to one foreign caregiver, their names would be put in an employer “bank” of approved employers. This not only assures that all employers have a true labour shortage of live-in workers, but also double as an employment agency for live-in caregivers seeking work. This option can be in done concurrently with the two options above; increased and improved information and longer work permits, or alone.

5.5 Changes to Temporary Residence Status: Permanent Residence Upon Arrival

In the context of this study, the granting of permanent residence upon arrival would eliminate the loss of status in Canada, because caregivers are given permanent, non-precarious

status upon arrival. This would eliminate all the reasons that caregivers would lose status, because it would not be possible. Live-in caregivers would enter Canada under the same eligibility requirements as the current temporary migrant program because their skills are required in Canada. This includes having job confirmation and a signed contract with a specific employer. They would gain permanent residency immediately and be designated as live-in caregivers in occupation. This is reminiscent of a special program that was in effect from 1955 to 1967, in which Canada attempted to attract domestic workers from Jamaica and Barbados, by granting them permanent residence upon arrival. In return, those recruited were required to work as domestics for one year (Langevin & Belleau, 2001). Such a policy would be implemented uniquely, as the other policy options are not applicable if this option were pursued.

5.6 Mandate an Organisation to Facilitate Employer-Employee Contracts

Providing a service, similar to the project the province of Quebec has implemented, would address what the other policy alternatives are lacking; namely a relatively safe facilitation of employer-employee contracts. In September of 2005, the Quebec Government began funding a community organisation to act as a regional liaison by providing accurate information and resources. More importantly, they are given a specific grant, which mandates them to facilitate employer-employee contact through the use of the *Emploi-Québec* online job site. *Emploi-Québec* is not involved in this exchange, but rather they are used as the forum for contact.

A service similar to this in BC would have the same advantages. Unfortunately, in the context of British Columbia, no provincial counterpart to *Emploi-Québec* exists in BC. Therefore, the organisation chosen may have to take a more active role than that of the organisation in Quebec in order to provide a forum for job postings and resumes. Alternatively, the existing HRSDC jobs website could be used. There currently exist a number of caregiver positions and resumes on the site, but no organisation is mandated to refer caregivers and potential employers there, and assist them in posting their relevant information. This alternative can be implemented in conjunction with all of the other alternatives, except for *Major Work Permit Adjustments: Non-Employer Specific Work Permits*, as a more specialised placement bureau will already be in place with this alternative.

5.7 Excluded Alternatives

The LCP has been debated in many arenas prior to this study and many policy options have been put forward by a number of stakeholders and key players. However, this study is limited in scope and cannot address other issues unrelated to employment gaps and the variables tested in this study, despite how they may be tied to many of the social costs discussed in this report. Alternatives such as eliminating the live-in work requirement or making it optional could not be drawn from the findings in this study and require a separate analysis beyond the scope of this study. Similar barriers are present for alternatives that debate the eligibility criteria for entering into the program. This study did not test the educational attainments or caregiving related work experience as a variable related to lengthy employment gaps, but does recognise its importance.

Targeted programs to address the finding that those caregivers who did not have children were more likely to have longer gaps were previously eliminated due already established hard-to-reach nature of the LCP population and the marginal effect that this variable has on lengthy employment gaps. These reasons are discussed in section 4.1.2: *Significant Variable: Have Children* above. A final alternative was thought to be a possible viable solution by the Regional Management Board of the BC/Yukon region of HRSDC. Below is a further elaboration on the elimination of the Provincial Nominee Program as an alternative.

The Provincial Nominee Program (PNP) is an “immigration program designed to allow BC to increase the economic benefits of immigration to the province. It allows BC to select immigrants based on their ability to contribute to the BC economy” (Ministry of Economic Development, 2005). Since it has been established that there is a labour market shortage of live-in caregivers, the PNP may appear to be viable option. Upon a preliminary review of the program and a follow up interview with Mellor (2006), this alternative is not deemed possible at this time.

The PNP asks that employers nominate a potential worker for the program where there is a need for labour in specific occupations that have long qualifying or training periods. Currently, some low skilled occupations are under review, but are mainly focused in these education, health care, and professional, scientific, and technical industries. Because the employer must nominate the potential migrant, from the point of view of BC, these employers must undergo a rigorous application process that establishes the stable need for a specific type of labour that is in short supply in Canada.

The PNP has had a number of successes, successfully nominating 1449 workers since 2001 to February 12, 2006, including 610 workers to date (March 8th, 2006) for the 2005 fiscal year (Mellor, 2006). Unfortunately, there were some problems encountered with some smaller businesses. While these businesses suffer from labour shortages, they are sometimes unable to provide, for the sake of due diligence, stability in their employment, as larger companies can provide. Mellor (2006) would expect the same problems to occur with private households wanting to sponsor caregivers. The stability of the employment is too precarious to guarantee that a worker be capable of successfully settling and building a life in Canada, and hence is not suggested at this time. In addition, the nominee program is still quite small and may not be able to sustain the size of the caregiving industry. However, in the future, as the PNP expands, it might be an avenue to consider at a future date.

6 Recommendations

The preceding section outlined the policy alternatives that were generated from descriptive statistics concerning the reasons why caregivers lost status. This next section provides analysis of the alternatives based on five criteria that are considered key considerations for the LCP dossier. This section concludes by recommending minor work permit adjustments in the form of longer work permits that are valid until four years after the date of arrival, supplemented by three evaluative programming options.

6.1 Criteria for Analysis

Each of the five alternatives presented in the previous section are assessed by five key considerations. While these five criteria are not an exhaustive list of all considerations, they are thought to be the most important when dealing with the unique, complicated, and sensitive nature of the LCP dossier. They include cost, effectiveness in reducing employment gaps, political viability, consistency with goals of the program, and administrative ease. Each criterion is considered equally important for the purposes of this analysis, except “consistency with goals”, which will be given double the weight. The need for foreign live-in caregivers has been well established in Canada, so any recommendation must address the labour market shortage. In the following table, each criterion is defined and its measurement stipulated.

Table 6.1: Criteria Definitions and Measurements

Criteria	Definition	Measurement
Cost	Evaluated in relation to the status quo	<p>Low: Costs are below that of the Status Quo</p> <p>Moderate: Costs are equal to that of the Status Quo</p> <p>High: Costs are above that of the Status Quo</p>
Effectiveness in Reducing Employment gaps	Evaluated by how much it reduces employment gaps in relation to other alternatives	<p>Low: Alternative does little to address the loss of status</p> <p>Moderate: Alternative adequately addresses some of the reasons for loss of status</p> <p>High: Alternative adequately addresses most or all of the reasons for loss of status</p>
Political Viability	<p>Evaluated by how much it is acceptable for the caregivers, their families, allies, and elected officials. Issues for consideration include:</p> <ul style="list-style-type: none"> ▪ Increased number of people completing 24/36 if applicable ▪ Increased number of people gaining permanent residence ▪ Increase economic security of caregivers ▪ Shorter periods of family separation ▪ Minimise deskilling period ▪ Minimise vulnerabilities to labour standards violations 	<p>Low: Alternative does not address considerations</p> <p>Moderate: Alternative adequately addresses some considerations</p> <p>High: Alternative adequately addresses most or all considerations</p>
Consistency with Goals	Evaluated in relation to the Status Quo. Alternatives must continue to be consistent with the goals of the program to adequately fill a labour shortage of live-in caregiver work while still protecting Canadian labour.	<p>Low: Alternative is below level of consistency of the Status Quo</p> <p>Moderate: Alternative is equal to level of consistency of the Status Quo</p> <p>High: Alternative is above level of consistency of the Status Quo</p>
Administrative Ease	Due to the multiple departments involved in this dossier, the alternative will be evaluated on its ease of implementation and administration in relation to the other alternatives	<p>Low: Alternative requires shifting or creation of new administrative tools</p> <p>Moderate: Alternative uses already existing administrative tools</p> <p>High: Alternative lessens the administrative strain</p>

A numerical score will be assigned to each measure on a scale from one to three. The total score of each alternative will be computed to garner the most reasonable recommendation given the context and criteria at hand. The points are assigned as follows with each alternative able to garner a maximum of 18 points. The ratings for cost will be the inverse; having a rating of high indicates a high cost garnering a score of one.

- Low = 1 Point
- Moderate = 2 Points; and
- High = 3 Points

It should be noted the negative spill over effects will not be compared in this analysis, as these are thought to be equal in all cases. What is meant by spill over is that many may question that people will use the LCP as an entry into Canada, so as to illegally immigrate into the United States. There are two main reasons that is this not a concern in any of the alternatives. First, LCP participants are unlikely to cross over to the US illegally because they will face a worse fate across the border. Coming under the LCP gives them legal status in Canada and the opportunity to work legitimately and earn a Canadian income. If they were to cross over the US, they would do so underground, putting their social and economic security at risk. Secondly, as stated earlier, the literature cites the opportunity to land in Canada permanently as the main reasons why many caregivers choose the LCP program. Under this scheme, they are able to bring their families over and build a life in Canada. If they were to cross over to the US, they lose this opportunity for security. All of the alternatives presented do not diminish these arguments hence the exclusion of spill over effects from the analysis.

6.2 Analysis of Alternatives

The two main sources of analysis are interviews with policy analysts in the government who are specialists in the LCP dossier, and two government produced reports, one of which was produced by a working group on LCP problems within a number of the government departments involved in the Quebec LCP movement, and another that was produced following the LCP roundtable consultation in January 2005.

Persons were interviewed in the context of their job. They were provided with a brief summary of the research findings and asked to comment on the possible policy implications of the findings and the alternatives presented. In some cases, persons were interviewed to gain insight into the programs and policy in place in their departments, and others interviewees were

asked their agency's perspective on the alternatives. Interviewees were contacted by email and telephone and include:

- France Asselin³⁶. Senior Advisor. Foreign Workers Program, HRSDC;
- Michel Charron. *Conseiller en Immigration, Direction des politiques et programmes des travailleurs, Ministère d'Immigration et Communautés Culturelles (MICC)*;
- Chantal Martel. Industrial Relations Officer, Employment Standards Branch. Government of British Columbia;
- Penny McLaughlin-Cox³⁷. Policy Analyst responsible for the LCP file, Selection Branch, CIC; and
- Charles Perrin. Project Manager, Skills and Learning, HRSDC, Regional Management Board.

The two reports include:

- Report of the National Roundtable on the Live-in Caregiver Program, Ottawa, January 13-14, 2005; and
- The Live-in Caregiver Program: Some Solutions to Current Problems. June 3, 2003.

The first report was a result of a national consultation with stakeholders in the LCP program. These included government agencies (CIC, HRSDC, MICC, formerly MRCI), community organisations, advocacy groups, and specialised intermediaries (agencies). The report was released by CIC, but does not necessarily reflect CIC's position. It is a summary of the two days of activities and included working group summaries regarding issues of concern. This included issues around permanent residence, conditions of the work permit, and eligibility criteria. Many groups' opinions and concerns were presented, providing a diverse range of problems and solutions.

The second report focuses on the LCP in Quebec and was penned by a technical committee of a working group that included HRSDC, CIC, MRCI (currently MICC), and the *Commission des normes du Travail* (Quebec equivalent of the Employment Standards Branch in

³⁶ Also representing Mario Rondeau, Acting Director, Foreign Workers Program, HRSDC & Denise Couture, Program Officer, Foreign Workers Program, HRSDC.

³⁷ Also representing Brenna MacNeil, Deputy Director of Temporary Migration Unit, CIC.

BC). This “technical committee was made up of Mario Lauzon and Karl St. Georges of HRSDC, François Milo of CIC, and Michel Charron, who is responsible for coordinating the committee’s work and writing this report”. The report discussed a multitude of problems with the LCP including processing delays, activities of specialised intermediaries, problems experienced by caregivers, administrative procedures, rules and regulations, and information available to users. The end result was a set of recommendations for the province of Quebec to mitigate the extent of these problems. This report makes specific mention of the problems related to the “large pool of unemployed live-in caregivers in Quebec” and how to reduce this pool in the future. Michel Charron was contacted mainly to provide information regarding the progress of the recommendations.

It should be noted that in the more specialised interviews (CIC and HRSDC), it was stated that all of the presented policy options have been considered in the past and some are still being considered presently. Below is a current analysis of all five alternatives based on the five specified criteria in the context of BC, and Canada as a whole, to address the problems of long employment gaps for LCP workers.

Table 6.2: Analysis Matrix

	Cost	Effectiveness in Reducing Employment Gaps	Political Viability	Consistency With Goals (x2)	Administrative Ease	Total Score (out of 18)
Status Quo	Moderate Cost (2)	Low (1)	Low (1)	Moderate (4)	Moderate (2)	10
Increased and Improved Information	High Cost (1)	Moderate (2)	Moderate (2)	Moderate (4)	Low (1)	10
Longer Work Permits	Low Cost (3)	High (3)	Moderate (2)	Moderate (4)	High (3)	15
Non-Employer Specific Work Permits	High Cost (1)	Moderate (2)	Moderate (2)	High (6)	Low (1)	12
Permanent Residence Upon Arrival	Low Cost (3)	High (3)	High (3)	Low (2)	High (3)	14
Mandate Organisation to Facilitate Employer-Employee Contracts	High Cost (1)	Moderate (2)	Moderate (2)	High (6)	Moderate (2)	13

6.2.1 Status Quo

Out of a total of 18 points, the status quo fares as one of the lowest with only 10 points. Since cost is rated in relation to the status quo, a moderate score was awarded. Since this program has been in operation in its current state since 1992, the level of funding allocated to the LCP is considered acceptable. The status quo also received a moderate rating for administrative ease, for the same reasons as above. In terms of its effectiveness in reducing employment gaps, the status quo receives a low rating of one. As this study has discussed, the status quo is likely to produce some acceptable levels of employment gaps, but more often than not, employment gaps are considered quite lengthy.

The current state of the LCP is consistent with the goals of the program, but it is recognised that improvements need to be made to better meet the labour market demand for caregivers. As mentioned earlier, McLaughlin-Cox of CIC stated, “given the labour market need for live-in caregivers, there should be a relatively low rate of unemployment in the field” (2006). So while the current program is consistent with the goals, there is room for improvement, hence the moderate score, garnering four points.

Although CIC has stated that the length of the employment gaps found in this study are beyond what can be expected and may warrant a change in policy, it was noted that this study is not a representative sample of the overall LCP population, and is only BC specific. Policy makers have been wary to make broad policy change and would like to see more research done in the area. However, as described above in section 2.2 there are social costs associated with LCP workers having long employment gaps that can be exacerbated when caregivers lose status. The details of these social costs for this sample population are described below and justify the reason that the status quo garners a low rating in political viability. The economic security of LCP workers is very precarious with few workers accessing EI making them more vulnerable to abuses and exploitation. In addition, many workers are unable to complete the 24/36 work requirement, lengthening the time before permanent residence can be granted having costs for LCP workers, their families, and larger society due to the delayed family reunification and systematic deskilling experienced with longer employment gaps.

6.2.1.1 Economic Security

During these times of unemployment, in the 91 cases when the caregiver held a non-working permit, access to EI benefits was available permitting the caregiver had worked enough hours in their qualifying period (the 52 weeks preceding unemployment). This information was

recorded during the collection of data by looking at the number of days a caregiver had worked for their previous employers. A simple cross-tabulation of those who held non-working permits and those who had enough qualifying hours will show those times when a caregiver could have had access to EI. Eligibility while holding a bridge extension will not be discussed in this section, due to the ambiguous nature of the policy regarding EI and bridge extensions.

In order to determine if a caregiver had enough qualifying hours of work, it is assumed that each caregiver will work 40 hours a week. This is considered a conservative estimate, as it is often reported that caregivers work a number of overtime hours. According to the regulations set out by HRSDC regarding EI, the number of hours required for the qualifying period range from 420 to 700, based on the level of unemployment in the region. To keep with conservative estimates, the top echelon requirement was taken and converted into a number of days required to work based a 40 hour work week. To achieve 700 hours of work, a caregiver would need to be employed for 122 days. This number accounts for days off and weekends.

However, EI has a stipulation that if the worker is considered a “new entrant” into the workforce, meaning that it is the first time they have worked in the Canadian economy, or they have returned after more than a two-year hiatus, the hours required in the qualifying period is much higher. If a caregiver is a “new entrant”, 910 hours of work are required in the qualifying period in order to be eligible for EI. Using the same assumptions as above, this account for 159 days of employment, accounting for weekends and days off.

The test to determine if someone is a “new entrant” is by counting the number of hours they worked the 52 weeks prior to the qualifying period; this period is referred to as the labour force attachment period. If the caregiver has less than 490 hours in the labour force attachment period, they will be required to have 910 hours of work for their qualifying period in order to be eligible for EI. This 490 hours, using the same assumptions as above, translates into 85 days of work, including weekends and days off.

Table 6.3: Frequency of Caregivers who Meet the Requirements to Access EI during their Employment Gap

Qualifying Hours	Held a Work Permit		
	Yes	No	Total
Meets Requirements	49	10	59
Does Not Meet Requirements	42	0	42
Total Observations	91	10	101

If the caregiver has fulfilled either of the requirements based on their status in the labour force, then they were recorded to have enough hours to qualify for EI. Since the caregiver also must hold a status in which they have access to EI benefits, a positive response to holding a non-working permit and to having enough qualifying hours shows that of 101 employment gaps, the caregiver who was experiencing an unemployment gap was eligible for EI 49 times.

While almost half of the time, a caregiver was eligible to receive EI, only one caregiver applied to receive benefits, and this caregiver was successful in their application without an appeal.³⁸ This may be an overstatement of the proportion of caregivers who do not access EI benefits due to the possibility of mass under reporting of this variable. However for those 10 persons who stated that they did not apply for EI benefits, 2 of them were eligible. Of the others who did not apply, but were eligible to receive benefits, many may have not done so because they were unaware of the service or because of cultural stigmas within the Filipino community, which represents a large proportion of the sample. Previous qualitative research shows that Filipino women are reluctant to accept social support because of a cultural stigma and also because they fear it may jeopardise their permanent residence application (Pratt, 1999).

If the literature holds true and in the cases that applying for EI was not mentioned, most workers did not apply for their entitled benefits, this would mean that during their times of unemployment, many caregivers have no access to income, making their economic security precarious, exposing the vulnerabilities of LCP participants to abuses.

³⁸ Through out the coding process, this researcher observed that there was a number of cases that the WCDWA worked on that involved appealing to the decision board for EI because caregivers were denied benefits on the grounds that their work permit stated that they could only work for one employer, and therefore was not available to work.

6.2.1.2 Completing the Work Requirement and Landing in Canada

As mentioned earlier, long employment gaps put a caregiver at greater risk of not completing the 24/36 work requirement. Of the 49 caregivers in the sample, 25 successfully completed this work requirement, while 24 of them were short some work time. About half of the sample, were unable to complete the work requirement, which is a central stipulation for gaining permanent residence status under the LCP.

Table 6.4: Distribution of Caregivers Permanent Residence status, by Completion of 24/36 Work Requirement

Permanent Residence Status	Completed the 24/36 Work Requirement		
	Yes	No	Total
Landed LCP	10	0	10
Landed H&C	5	11	16
Did Not Receive PR	1	4	5
In Progress	6	8	14
Unknown	3	1	4
Total Caregivers	25	24	49

But finishing the work requirement does not always guarantee that a caregiver will get permanent residence status under the LCP classification, or permanent residence at all. Of the 49 caregivers in the sample, 14 permanent residence applications were still in process, while another 4 outcomes were unknown in the files or by the staff at the WCDWA. This leaves 31 files in which the permanent status of the caregiver was reported. Of these 31 LCP participants, 5 (18 percent) did not receive their permanent residence. Of these 5 caregivers, one caregiver completed the work requirement, but was denied permanent residence and forced to leave the country because she lost her status in Canada. For those other who did not receive permanent residency, they either re-entered the program or applied under Humanitarian and Compassionate (H&C) grounds. Re-entry into the program allows a caregiver another chance to complete the 24/36 work requirement by restarting with a clean slate. H&C considers people who would suffer excessive hardship if they had to return to their home country. Inconvenience and costs are not considered excessive hardship.

Of those with known outcomes, 26 did eventually receive their permanent residence status, but not all on the grounds that they successfully completed the 24/36 work requirement.

Ten of the caregivers successfully completed the work requirement and landed in Canada under the LCP class, as is intended by the program. However, another 16 caregivers landed under H&C grounds. Of these 16, five of them had successfully completed the work requirement but were denied landed status under the LCP classification, mainly because they lost status after they remitted their application. The other 11 H&C applications were because a caregiver was unable to complete the work requirement, but was well established enough in Canada to be granted landed status under these grounds.

Of the 14 caregivers who are still in progress, six of them have completed the work requirement, and eight will not be completed. Most of those workers who did not complete will apply under H&C, and others will re-enter the program. Of those who did complete the work requirement, not all will land under the LCP classification, some have the uncertainty of applying under H&C.

With half of the LCP sample not completing the work requirement, it is uncertain whether or not they will gain landed status through H&C grounds, which on its own is a long arduous process, taking at least a year to complete. If applicable, this extends the time until family reunification is possible. For those who re-enter the program, that time can be extended another 3 to 4 years, if they successfully complete the 24/36 the second time around. During this time, those educated professionals in the LCP will have suffered extreme deskilling and find themselves trapped in domestic work or low level service jobs for years to come. These consequences have been cited in the literature as having detrimental social costs related to poverty for the caregivers, their families, and Canadian society. This analysis emphasises a need for change to the status quo if there is will to improve the attainment of goals for the program and the lives of the caregivers.

Table 6.5: Analysis Summary for Status Quo

Criterion	Rating	Score
Cost	Moderate	2
Effectiveness	Low	1
Political Viability	Low	1
Consistency	Moderate	4
Administrative Ease	Moderate	2
TOTAL /18		10

6.2.2 Status Quo Plus: Increased and Improved Information

Increased and improved information as a policy alternative received a total score of 10. In relation to the status quo, it has high costs and rates low in administrative ease. The translation and distribution of a comprehensive information package is not only expensive, but also labour intensive and would require the cooperation of many players. These include HRSDC, CIC, provincial bodies in the case of Quebec and BC, employment agencies, and community organisations. Having CIC send notifications to those whose work permits are about to expire is also labour intensive and includes the cost of tracking down the caregiver and mailing out notifications. In addition, adding a specialised service within CPC for LCP information is somewhat costly, and would also require specific training, which would require the cooperation of many government bodies.

The effectiveness of this alternative is also not certain, and therefore ranks moderate to garner a score of two. Information is already disseminated publicly by all government agencies involved, and “it is not clear whether this significantly affects employment gaps” (McLaughlin-Cox, 2006). However, this information is only provided in French and English. While it is a requirement that LCP workers have some knowledge of English and French there is no evaluative process to gauge their comprehension of the materials provided.

However, there are two cases brought forward and won against the Minister of Citizenship and Immigration that confirms that the materials provided to caregivers is insufficient. In one of the decisions rendered by Judge Finckelstein, he states that the information booklet provided to LCP participants is “extremely hard to read and understand” (Lim V. MCI, 2005). He further states “that the most vital information is buried and it is not

highlighted” and that the book that is specified for extension of status is “difficult to read, it is confusing and it makes too fine a distinction between terms that an English speaking Canadian would not understand, let alone a foreign caregiver not fully conversant in either official language”. Judge Finckenstein’s comments speak to the ineffectiveness of the present materials and a need for change.

Also, many of these participants are coming from backgrounds that may not be familiar with Internet use, and may not be able to access the information available online. In the working group report of 2003, the writers also point out that the information provided by the departments involved “cannot take the place of a personalised assistance service that provides solutions adapted to the needs of live-in caregivers as well as those of employers” (HRSDC, CIC, MRCI and CNT Working Group on live-in caregivers, 2003). Therefore providing multilingual information in print form in simple, clear language and particularly the creation of an LCP specific information line may be more effective in informing the LCP population.

However, it is questionable how many caregivers may take advantage of a governmental information line. Charron (2006) cited mistrust as a possible explanation to caregivers’ infrequent use of government agencies and organisations. Charron said that Quebec has begun funding an existing community organisation in September of 2005 to act as an official point of contact for LCP workers. As part of this funding, the organisation is also mandated to assist unemployed caregivers in finding a new job by referring them to the *Emploi-Québec* website, where there are a number of provincial job postings, including those for caregivers. Unemployed caregivers are facilitated to post their own resumes on the site, in order to assist in finding employment as quickly as possible. This arrangement was thought to be more effective, as the organisation is a separate entity from the government, and can provide advocacy services for caregivers, when appropriate. This project is still very new, and the evaluation of its outcomes is still pending.

The status quo plus alternative receives a moderate rating for political viability. It ranks higher than the status quo because it is thought to address some of the problems and concerns, however it does not seem to directly correct some of the other concerns. In addition, the outcomes of increased and improved information are uncertain. However, other provincial jurisdictions have recognised the need for improved services. For example, Quebec has also recommended improving “communications, to ensure that the information provided by HRSDC, MRCI, and CIC are easy to understand, and that users are fully informed of the fact that government services are free of charge” (HRSDC, CIC, MRCI and CNT Working Group on live-

in caregivers, 2003). Since and improved communications role has already been embraced by another province due to its overarching ability to address many of the problems of caregivers, distribution more clear information may be seen as a very viable solution for British Columbia from the perspective of many stakeholders and policy makers once the outcomes of the Quebec initiatives are known.

In relation to its consistency with the goals of the program, this rates moderately, garnering the same score of four as the status quo. The steps involved in this alternative are incremental and have uncertain outcomes related to more effectively meeting the labour market need.

Table 6.6: Analysis Summary for "Status Quo Plus"

Criterion	Rating	Score
Cost	High Cost	1
Effectiveness	Moderate	2
Political Viability	Moderate	2
Consistency	Moderate	4
Administrative Ease	Low	1
TOTAL /18		10

6.2.3 Minor Work Permit Adjustments: Longer Work Permits

The alternative of longer work permits received the highest overall rating, with a total of 15 points. It ranks well in terms of costs and administrative operability, because it makes use of already existing services and operations. If longer work permits that are still employer specific come into effect, the administrative work to implement this is negligible, as all of the administrative bodies are already in place. In fact, fewer administrative staff would be required because fewer caregivers' work permits would have to be processed. The costs associated with this are considered low, earning a rating of three. It is relatively less expensive than the status quo because of the smaller staff needed to process papers.

In terms of effectiveness in reducing employment gaps, this would be most effective for those who lose status, therefore preventing the longest gaps as shown by the results of this study.

However, because permits would still be employer specific, some gaps will still be expected in order for those unemployed caregivers to find a new employer and process the appropriate papers. Therefore, in effectiveness, longer work permits obtains a rating of moderate because it reduces the lengthiest of gaps, but could be supplemented with a service that facilitates employer-employee contracts to assist in reducing employment gaps.

Renewal of permits is considered an extra cost to caregiver participants and do not actually provide an opportunity for government agencies to “counsel participants, ensure that they are being treated with respect while working in the domestic sphere, or identify any problematic situations” (HRSDC, CIC, MRCI and CNT Working Group on live-in caregivers, 2003). In terms of political viability, this alternative ranks moderately, as it is quite similar to the status quo and does not offer any additional services to the caregiver for issues of concern. Many of the same vulnerabilities will exist, except with a reduced likelihood of losing status. It does however reduce costs for caregivers continuing with the same employers, as they will not be required to pay the \$150 fee to get a new work permit every year. Unfortunately, it does not similarly benefit those who are most vulnerable, the caregivers who are unemployed.

This option of longer work permits remains inline with the goals of the program, but only to the level of the status quo (moderate). While it will prevent people from losing status and hence shorten their employment gaps, it does not further address the fact that there is a pool of unemployed caregivers in BC. If this policy is implemented, another policy must be proposed alongside in order to adequately address the unemployed LCP workforce.

Table 6.7: Analysis Summary for Minor Work Permit Adjustments: Longer Work Permits

Criterion	Rating	Score
Cost	Low Cost	3
Effectiveness	High	3
Political Viability	Moderate	2
Consistency	Moderate	4
Administrative Ease	High	3
TOTAL /18		15

6.2.4 Major Work Permit Adjustments: Non-Employer Specific Work Permits

This option earned a score of 12, mostly due to the low scoring regarding costs and administrative operability. The employer bank is important in order to keep consistent with the goals of the program and to ensure that caregivers are performing work that will contribute to the 24/36 work requirement. Unfortunately, for this to be administered Canada wide through HRSDC, as would be required, it is very difficult to manage and is labour intensive. McLaughlin-Cox of CIC states that this option would be particularly “difficult to implement and would require accountability and integrity measures to determine effectiveness” (2006). The monitoring of this endeavour would be difficult and costly, particularly on a national scale.

However, in terms of effectiveness in reducing employment gaps, this option rates moderate because it would immediately eliminate the HRSDC confirmation and CIC application waiting times (approximately 71 days) as employers will be approved prior to posting a job, and caregivers would have a valid permit upon hiring. The domestic registry could still be enforced, and would be required within 30 days of hiring. In addition, it also addresses the time spent looking for a caregiver and will facilitate potential employer-employee contracts. In spite of this, unless work permits were also longer, it does not address the longest of employment gaps based on the loss of status.

Non-employer specific work permits would be widely accepted among the community due to its possible implications on improving the work and living conditions of LCP participants. Many stakeholders cite that the dependant relationship of their status to the employer prevents many caregivers from leaving abusive or problematic jobs. If caregivers could more easily change jobs, this would provide incentives for employers to provide good working conditions and make it easier for caregivers to avoid harmful situations. On the other hand, a non-employer specific work permit may not be ideal for all regions in Canada, therefore garnering a moderate rating. For example, in Quebec, “where provincial health care is not covered for foreign workers whose work permits are not employer specific” (Asselin, 2006) this option will not be well received. Also in the context of British Columbia, the Domestic Registry may be less enforceable if it is not required as a step to gaining a new permit. However, if HRSDC or a provincial body was the central employment agency, the Domestic Registry could still co-exist, perhaps even ensuring the information about caregivers’ rights is disseminated properly. These provincial differences may imply that more regional targeted programs are more appropriate. Again, the example of the province wide community point of contact in Quebec mentioned previously is seen as a more viable solution.

Finally, this alternative, maintaining that a successful employment bank of HRSDC confirmed employers can be managed, this alternative would rank high in terms of its consistency with the goals of the program. The employer bank would match up Canadian employers with those caregivers registered to be unemployed, who are already in Canada. However there are regional considerations, as the metropolitan areas may benefit more from this, and more remote areas may still be left without adequate levels of care.

Table 6.8: Analysis Summary for Major Work Permit Adjustments: Non-Employer Specific Work Permits

Criterion	Rating	Score
Cost	High Cost	1
Effectiveness	Moderate	2
Political Viability	Moderate	2
Consistency	High	6
Administrative Ease	Low	1
TOTAL /18		12

6.2.5 Changes to Temporary Residence Status: Permanent Residence Upon Arrival

Granting permanent residence upon arrival to LCP participants, ranks fairly high with score of 14. This is mostly due to that fact that the administration and finances incurred to implement and manage this program are already in existence and will use services already available and cease use of others. In these two categories, this scores high with low costs and relative administrative ease. There is already a selection process for participants to the LCP, and a procedure to land caregivers and other permanent migrants. To change this procedure would take little policy change.

It would also be highly effective in reducing the most lengthy employment gaps, and even those that are below 90 days. It would not be possible for workers to lose status, and if they do change employers, they will not be required to wait for their papers to be processed. This is seen as an advantage for the employers who would like to hire an LCP worker already in Canada as well, who will usually have an immediate need for a caregiver.

Granting permanent residence upon arrival has strong political support from stakeholder groups as it provides security for the caregivers. Their status is no longer temporary and they are afforded all of the rights of Canadians. Their livelihood is no longer dependant on one employer and they are free to change employers without a delay, lessening the likelihood of staying with abusive employers. They would also be free to upgrade their skills as permanent residents, therefore shortening the period of deskilling. Finally, their families would be able to accompany them to Canada almost immediately, reducing if not eliminating family separation.

Unfortunately, where this policy option fails in is its consistency with achieving the program goals, despite the political support for the option. The main goal of the program is to fill a labour market shortage of live-in caregiver work. If participants were given permanent residence upon arrival, there is no guarantee that workers would work in that field, as they may be more inclined to move to other professions, or perhaps provide live-out caregiving work, in which there is no shortage of. Many caregivers already choose to live-out on the weekends, and those caregiver who sponsor family over upon landing may also be more likely to want to live-out.

Even though much of the literature points to the fact that many LCP participants continue in caregiving work once the program is completed, much of this is due to the systematic deskilling they suffer while in the program, which may not occur to the same extent in this alternative. However, the effects of the non-recognition of foreign credentials may delay entry into their traditional professions, providing some assurance they will still enter into live-in caregiving work. Unfortunately, the results of this alternative are uncertain and therefore garner a low score of two. If there is assurance that workers will fill this labour market need for live-in caregiving work, this alternative may rank higher in the future.

Table 6.9: Analysis Summary for Changes to Temporary Residence Status: Granting Permanent Residence Upon Arrival

Criterion	Rating	Score
Cost	Low Cost	3
Effectiveness	High	3
Political Viability	High	3
Consistency	Low	2
Administrative Ease	High	3
TOTAL /18		14

6.2.6 Mandate an Organisation to Facilitate Employer-Employee Contracts

Mandating an organisation to facilitate employer-employee contracts and act as first point of contact for LCP workers ranks fairly high, with an overall score of 13. In terms of costs and administrative ease, this will require additional costs directly associated with funding the organisation, and will require some form of monitoring and evaluation above and beyond that of the status quo. Therefore, this alternative garners a low score of one for costs and a moderate score of two for administrative ease.

For effectiveness in reducing gaps this alternative also has some uncertainty surrounding it, therefore ranking a moderate for this criterion. While it is thought that this organisation will appear more approachable than a governmental body, there is no guarantee that caregivers will access the service. This may be remedied with extensive promotional campaigns of the benefits and services that this organisation may offer, which have additional costs associated with it. In addition, this alternative may disproportionately benefit those caregivers dwelling in urban areas, where the organisation is most likely to be located.

In addition, the main feature of this alternative is that it will be used to facilitate employer-employee contracts therefore reducing the time a caregiver may spend trying to secure employment. However, because the organisation will also provide a point of contact, there is the ability for this alternative to reduce many of the reasons that caregivers lose status (lack of accurate and clear information, and problems with 3rd parties), which will hopefully reduce the longest of employment gaps.

Mandating a community organisation to facilitate employer-employee contracts ranks moderate in terms of political viability, as it will not necessarily effectively address the

vulnerabilities in the work place. While it will provide a trusted place for caregiver to report complaints, it will not systematically reduce these problems, and can only help those who access their services. However, Charron (2006) notes that specifically, this will reduce the use of bogus or fraudulent special intermediaries, such as employment agencies that have taking advantage of the vulnerabilities of caregivers.

This alternative remains consistent with the goals of the program, as it involves an active role in filling the labour market shortage of live-in caregivers with people already in Canada. This will reduce the pool of unemployed caregivers in Canada, allowing the market to better gage when more foreign workers are needed. This alternative therefore garners a high rating of six.

Table 6.10: Analysis Summary for Mandating an Organisation to Facilitate Employer-Employee Contracts

Criterion	Rating	Score
Cost	High Cost	1
Effectiveness	Moderate	2
Political Viability	Moderate	2
Consistency	High	6
Administrative Ease	Moderate	2
TOTAL /18		13

6.3 Summary of Recommendations

The status quo ranks very low and due to the low ratings in effectiveness in reducing gaps, the social costs associated with this alternative, based on the literature and the results of this study, the status quo is insufficient and change must be made if there is will to improve the lives of caregivers. Through this analysis, where an alternative's consistency with the goals of the program was given double the weight of the other four criterion of cost, effectiveness, political viability, and administrative ease, the leading alternative is longer work permits, albeit only slightly. While this alternative will be very effective at reducing the longest of employment gaps caused by loss of status, it lacks specific measures to reduce the time spent trying to find an employer, the time spent processing papers, and the information gap. It is therefore recommended that minor work permit adjustments in the form of longer work permits valid for four years after the date of arrival be put in to place immediately in order to prevent loss of status

while under the LCP. Furthermore, from the findings in this analysis a number of further programming suggestions are made in the context of BC.

The non-employer specific work permit would have addressed both the time spent finding an employer and the time spent processing the papers. The main reason for this alternative not to come out on top was that maintaining an employment database of confirmed employers was considered expensive and labour intensive. However, an employer bank that would simply facilitate employer-employee contracts that was less costly and administrative was thought to be viable. This is the case in Quebec, where the provincial government has begun funding a community organisation to act as a facilitator.

It is therefore recommended that the province of British Columbia in conjunction with CIC and HRSDC evaluate the possibility of giving an existing or new organisation a mandate to facilitate employer-employee contracts, as suggested above, and provide information and resources, such as was implemented in Quebec. It is out of the scope of this analysis to recommend a specific organisation for this purpose, but the ability to carry out the mandate and gain trust and visibility within the LCP community will be key considerations in the decision.

Considering that the status quo plus ranked low mainly due to the uncertainty of its effects, an evaluative process may be called for to gauge the relative effectiveness or ineffectiveness of possible information sources. A survey of current or former caregivers concerning their consumption of governmental information may be an appropriate way to gauge success of new materials. The analysis of the status quo plus may be markedly different once this information is known. Therefore it is recommended that government departments continue with their current levels of information dissemination, but create an evaluative process on the effectiveness of governmental information communication, with the goal of successfully conveying the rules and regulations of the LCP to its participants and their potential employers.

Finally, granting permanent residence upon arrival ranks very high, only one point behind that of longer work permits. Scoring high in all other key considerations, this alternative fails because there are no mechanisms to ensure that those who enter under the program will actually perform live-in caregiving work, therefore this alternative's consistency with the programming goals of filling a labour market need are uncertain. However, literature points to the fact that many participants will still face major barriers to entering other labour markets, and that a firm job offer and contract, which is already a requirement to enter under the current LCP, will ensure the labour market need is filled. It is therefore recommended that an additional analysis be

undertaken to address this uncertainty that granting permanent residence status has in filling the labour market shortage of live-in caregiving work.

Together these four recommendations will address the different aspects of the program that contribute to longer employment gaps for LCP workers, and aim at improving the economic security of these workers. Longer work permits will address the lengthiest gaps, but there remains a gap in communications regarding gaining new work permits when changing employers, and there are often long periods of time spent locating potential employers. More effective communications could be beneficial, but the results are uncertain, emphasising the need for an evaluation of the current system and what can be done to improve it. Quebec has begun providing a region specific community facilitator for employer-employee contracts, and it is suggested that BC evaluate the possibility of a similar service. This will assist in reducing employment gaps, by addressing the lengthy times spent locating potential employers.

However, it should be noted that these first three recommendations still do not address the shorter gaps of those below 95 days. While the same labour market conditions common in all sectors still apply to caregiving, there are institutional barriers that prevent LCP participants from earning any income while unemployed. Three months is still a relatively long time for caregivers, who systematically earn low wages, to be unemployed and unable to work in Canada. Thus the fourth recommendation regarding the evaluation of different implementation options for granting permanent residence upon arrival. Because granting permanent residence upon arrival did not garner enough points due to its uncertainty in fulfilling the labour market shortage, a additional evaluation is proposed to investigate whether or not there are implementation options that will ensure this, as it ranks high in all other key considerations.

6.4 Limitations of Recommendations

LCP workers are known to face a number of issues while in Canada with temporary status, some of which were discussed in this study and other LCP literature. However, it should be noted that the recommendations provided in this study are not meant to address all of these issues. The focus of this study was to investigate **why some LCP workers have longer employment gaps than others**. Based on the findings and scope of this research, the recommendations are targeted to address employment gaps of LCP workers, particularly those that are considered too long.

This study was not able to test a number of variables thought to contribute to long employment gaps. Due to this limited scope, these recommendations may come in direct conflict

with other stakeholder and academic recommendations that are meant to address other or numerous issues at one time. Nonetheless, the data and many of the findings of this research are meaningful and unique, and therefore contribute to the understanding of unemployment among the LCP population. However, the recommendations should not be seen as a comprehensive solution to all other problems.

7 Summary and Conclusion

The LCP is a temporary resident program with the unique feature that allows participants to apply for permanent residence status from within Canada after completion of 24 months of live-in caregiving work within 36 months of their arrival. This program is referred to by some, as a “backdoor” for many migrants who may not have otherwise been able to immigrate into Canada. However, due to long periods of unemployment, many caregivers are unable to complete this requirement, rendering their application for permanent residence at risk or severely delayed. In addition, these long periods of unemployment place the economic security of these workers at risk, leaving LCP workers even more vulnerable to abuses.

This report attempts to answer **why some LCP workers have longer employment gaps than others** and what can be done to reduce these lengthy gaps. Using data collected from the files of a community organisation that offers free legal services to caregivers and domestic workers, a model was built to test three sets of variables: personal characteristics, establishment criteria, and administrative variables. A regression analysis shows that only two variables were significant in determining the length of an employment gaps: loss of status and having children.

Targeted policies to those caregivers who did not have children were deemed inappropriate, hence policy alternatives were chosen that addressed the reasons that caregiver would lose status upon the expiration of the work permit, therefore lengthening their employment gaps by an average of 193 days. Four policy alternatives are presented in contrast to the status quo that address information gaps and dissemination of incorrect information, problems processing papers with 3rd parties, and difficulty with policies regarding bridge extensions (extending status when do not have employment). An additional alternative is presented to address some of the other reasons cited to contribute to long employment gaps that could not be tested, such as the difficulty in finding potential employers.

These five alternatives were analysed against five key considerations. Cost, effectiveness in reducing gaps, political viability, and administrative ease were all weighted equally. Whether or not the alternative was consistent with the goals of the program to fill a labour market shortage as a criterion, was weighted twice as much as the others. Through this analysis, minor work permit adjustments in the form of **longer work permits that are valid for four years after the**

date of arrival are recommended for immediate implementation. In addition, there are three programming and evaluation options that are recommended to supplement the findings of this analysis.

1. **Evaluate the possibility of giving an existing or new organisation a mandate to facilitate employer-employee contracts and provide information and resources, similar to that implemented in the Province of Quebec.**
2. **Continue with the current levels of information dissemination, but create an evaluative process of the effectiveness of governmental information communication, with the goal of successfully conveying the rules and regulations of the LCP program to its participants and their potential employers.**
 - Special consideration should be given to work permit renewal and access to EI.
3. **Undertake an additional analysis to address the uncertainty that the alternative of “granting permanent residence status upon arrival” has in filling the labour market shortage of live-in caregiving work.**

Programming and implementation options need to be analysed to ensure that this alternative will meet the labour market demand. Investigation into the current labour market situation of former LCP participants is suggested for the status quo.

Appendices

Appendix A: Sample Selection Details

Data was collected from the personal legal files of the current staff lawyer at the WCDWA. Files under investigation were those of which the staff lawyer performed work on from April 2004 to December 2004. The principle researcher of this report performed all data collection. It is estimated that this data collection took between 100 to 130 hours. Once the client file was identified as a 2004 file, the staff lawyer was consulted directly for access to the individual files, as the files could be located in a number of areas around the office, depending on the nature of its contents. These hours of work took place at the offices of WCDWA through the months of October 2005 to January 2006. At no time was the researcher permitted to take any files or identifying information of clients out of the WCDWA, in print or electronic format.

This select sample of WCDWA clients is further narrowed for the purposes of this study, based on three criteria that ensure the most accurate and complete information; full retainer cases, LCP participants at first contact, and in Canada at least three years.

The sample population that was chosen for this study were files in which were considered full retainer cases for the current staff lawyer at WCDWA between April 2004 to December 2004. This time period is from the first month in which the current staff lawyer began employment at WCDWA, until the end of that year. While some of these files were brand new to the staff lawyer, many files were passed on from past staff lawyers, sometimes spanning over 12 years. Most of these files required multiple visits and many hours of work. The staff lawyer saw a number of the same clients again in 2005, but full records of 2005 were not included in this sample, because many of them were on going and therefore incomplete. Similarly, no files prior to the start date of the current staff lawyer were included. This is because the current staff lawyer has intimate knowledge of each of the files and was often used as a resource when information regarding a client was unclear. In addition, personal files from other staff lawyers were not available to find the names of their clients.

The WCDWA sees a number of clients a day, and categorises her work into three levels. Information/referral includes files that are worked on for up to 30 minutes; summary/advice are files worked on from 30 minutes to 2 hours; and full retainer cases are considered any file that requires more than 2 hours of work which must include document preparation, dealing with external bodies, and/or representation at hearings. These definitions are consistent with the guidelines of the Law Foundation, the main financial supporter of the WCDWA.

More often than not, a full retainer case will have a larger physical file, or would contain a retainer agreement, although, this procedure was not always consistent. A summary/advice or information/referral file were usually identified by the lack of information or documentation present, or more easily by the presence of a “limited retainer agreement” or an agreement for “limited legal advice”. If there was a doubt about the nature of the file, the personal files of the current staff lawyer were checked to see if it was ever classified as a full retainer case.

In addition to the stipulation of full retainer, only those who were in the LCP at their first visit to the WCDWA were included in the sample. There are people who are either citizens, landed immigrants, or on open work permits, who access WCDWA’s services, but they are not included in the sample because there is a lack of consistency of information in their files. Since they have already completed the 24/36 requirement, there is little focus on their work history, and therefore their files usually do not accurately describe the dependant variable with any consistency.

The last qualifying characteristic for the sample is that the three-year anniversary since the caregiver’s arrival in Canada must have passed. This ensures completeness of the files and observations, and provides an ending point for the recording of employment gaps. Many of the variables require a completion of the 36 months in order to be recorded accurately. Since these three years are the most important to the success of the caregivers’ permanent residence application, full and complete information, especially work histories are usually consistent for these three years. In addition, files where the caregiver does not return to WCDWA and the information regarding their three-year stay is not complete, these observations are also discarded.

From April 2004 to December 2004, the staff lawyer at WCDWA recorded seeing 154 clients. Of these 154, a total of 73 files were coded to create a number of observations. Fifty-one files were discarded because they were summary advice cases that did not provide enough information regarding the client and their work history. Fourteen files were excluded because the clients were not currently under the LCP when they first came to visit the WCDWA, while another 14 files were abandoned because the caregiver had not been in Canada at least three years. Another 2 files were discarded because the caregiver only used the services of the WCDWA for one issue and never returned to provide complete information in the file.

Of these total observations, 63 observations of a zero day gap were excluded from the regression analysis sample. Since the zero day gaps usually means that an employee did not actually change employers, but rather renewed their work permit with the same employer, many of the theories being tested in the regression will not be valid for those observations. Only in one

case, was there a zero day gap for a person who was changing employers. This observation was eventually excluded as another characteristic could have identified that person. Furthermore, the research question at hand is observing employment gaps, which include one day or more of unemployment.

Two more observations were excluded on the basis that they were extreme outliers that could bias the results of the regression. The number of days spent unemployed varies from 3 days to 438 with small intervals between gaps. There are two exceptions where the gap was 638 and 781 days, which is well above the next highest of 438. These two results were sufficiently extreme in the number and particularly the conditions surrounding the gap to be disregarded.³⁹ In addition, all observations for male caregivers were discarded due to a small sample size and the possibility of the client being identified. Finally, a total of 27 observations were excluded because information was missing for two key variables included in the regression.

In total, the regression analysis and all descriptive analysis will include 101 observations, which are based on from 49 client files.

³⁹ The details of these two cases caused an overly lengthy employment gap that were considered atypical of the LCP experiences that this researcher had seen throughout the coding process. Due to confidentiality issues, this researcher cannot discuss the details of the files, but they were deemed unable to work for the remainder of their 3 years, hence a long employment gap.

Appendix B: Context of Unemployment for LCP Workers

It is important to note the context in which LCP workers are unemployed. During these employment gaps, LCP participants may either be in-status or out-of status.

In-Status

(Non) Working permit: A LCP participant would be in this situation if they have ceased working for the employer stated on their work permit, but it has not yet expired. During this time, caregivers are legally in the country, and have access to health care and Employment Insurance (EI) benefits.

Bridge Extension: A bridge extension is needed to remain in-status in Canada once a work permit has expired and the caregiver has not applied for a new work permit. This usually would occur if the caregiver has not yet found an employer, or is waiting for provincial or HRSDC authorisation in order to apply for a new work permit. On a bridge extension, caregivers technically have access to health care and EI benefits⁴⁰. The cost of a bridge extension is \$150.00 and is usually issued for two months.

Implied Status: Caregivers will find themselves with implied status if they are unemployed and prior to the expiration of their work permit they have applied for a new work permit with a new employer. If their old work permit expires, but their new permit has yet to be issued, they are considered to have implied status, since they applied before the expiration date. During this time, caregivers are not authorised to work, and do not have entitlement to EI or health benefits. Another form of implied status can occur if a caregiver has applied for a new work permit with the same previous employer, prior to the expiration date, and the work permit has not been issued at the date of expiry. Since the caregiver is permitted to work under this type of implied status, only the first type will be recorded.

Out of Status

Loss of Status: A caregiver will generally lose status if they take no action to apply for a new work permit or bridge extension prior to the date of expiration of their work permit. Loss of status can also occur if the caregiver is deemed to have violated a stipulation of their work permit. Once their permit has expired, they are considered out-of-status in Canada, unauthorised to work

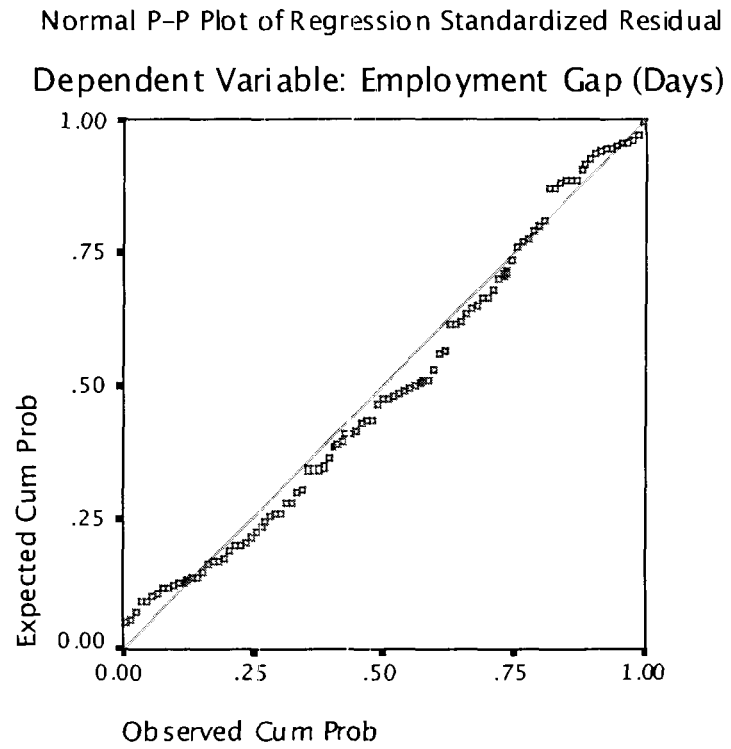
⁴⁰ According to the WCDWA, in practice, the award of EI to those caregiver who possess a bridge extension is quite ambiguous and often caregivers do not receive benefits.

in Canada, and access to EI or health care is unavailable. After 90 days, if no action has been taken to regain status, a caregiver has waived their right to restore status in Canada.

Restoration: Restoration is not so much a given status, but more of a process undertaken only when a caregiver has lost their status and applied for restoration within 90 days of the loss of status. If the caregiver has an employer, they can be restored and given a work permit. If the caregiver does not have a prospective employer, they can be restored and given a bridge extension. The cost of restoration is \$200.00, plus the cost of the bridge extension or work visa (\$150.00 each). During the restoration process, the worker has no access to health care or EI and is considered out of status.

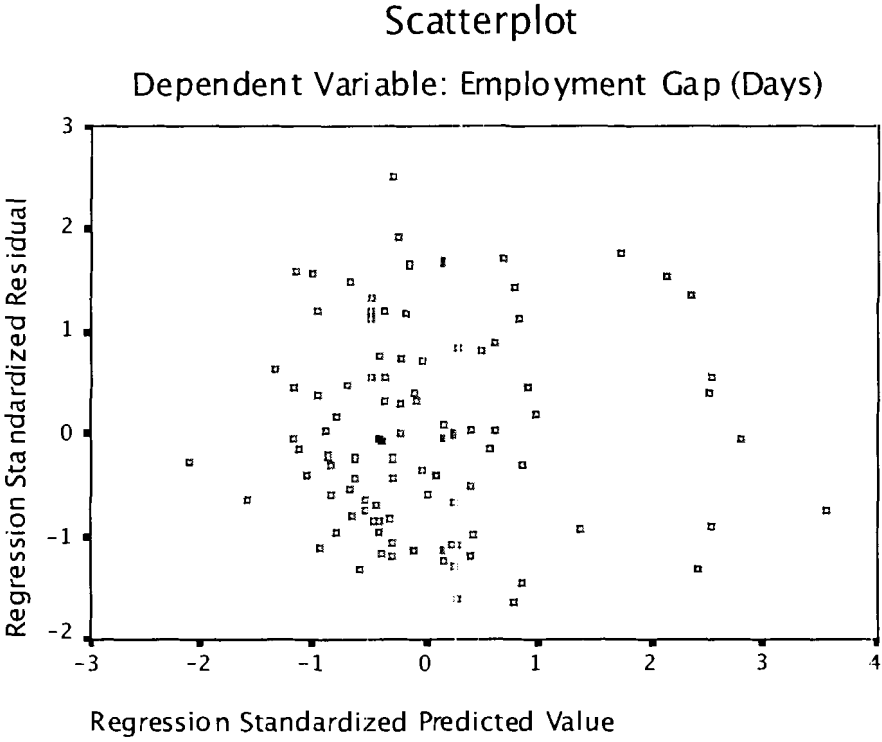
Appendix C: Normal P-P Plot of Dependent Variable

Normal P-P Plot indicates Linearity.



Appendix D: Scatterplot of Dependant Variable

Scatterplot shows no signs of Heteroscedasticity.



Appendix E: Collinearity and Correlations Statistics

Variance Inflation Factor (VIF) and correlations coefficients matrix show no signs of Multicollinearity.

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)	180.112	74.695		2.411	.018		
	Country of Birth	30.057	29.969	.099	1.003	.319	.832	1.203
	Never Worked for Employer (Missing = No)	-12.760	32.133	-.043	-.397	.692	.686	1.457
	Days passed since arrival	-5.229E-02	.047	-.153	-1.107	.271	.421	2.375
	How many times have you been unemployed before?	17.852	15.752	.141	1.133	.260	.524	1.907
	Did you ever lose your status?	193.116	54.261	.557	3.559	.001	.331	3.025
	LCP worker Error	-49.526	49.582	-.148	-.999	.321	.367	2.725
	Employer Error	17.561	44.346	.038	.396	.693	.860	1.163
	Administrative Error	-11.676	32.534	-.040	-.359	.721	.637	1.569
	Season Of Expiry	-16.949	23.081	-.069	-.734	.465	.905	1.105
	Do you have children?	-55.742	28.248	-.258	-1.973	.052	.475	2.107
	Age (at expiry)	-.602	1.877	-.043	-.321	.749	.453	2.207

a. Dependent Variable: Days spent without valid working visa (DV)

Correlations Coefficients Matrix

Independent Variable (IV)	Have Children	Age	Country of Origin	Days Passed Since Arrival	# of Time Unemployed	Never Worked for Employer	LCP Processing Error	Employer Processing Error	Administrative Processing Error	Loss of Status	Summer Employment Gap
Have Children	1.000										
Age	-0.689	1.000									
Country of Origin	-0.036	0.243	1.000								
Days Passed Since Arrival	-0.012	0.057	-0.126	1.000							
# of Times Unemployed	-0.032	0.063	0.075	-0.581	1.000						
Never Worked for Employer	-0.056	0.103	-0.090	0.410	0.014	1.000					
LCP Processing Error	0.054	0.023	0.044	-0.160	-0.108	-0.096	1.000				
Employer Processing Error	0.057	0.018	0.017	0.106	-0.073	0.096	0.116	1.000			
Administrative Processing Error	0.154	0.107	-0.195	0.021	-0.062	0.093	-0.154	-0.073	1.000		
Loss of Status	-0.096	0.001	0.009	-0.099	-0.291	0.045	0.654	-0.267	-0.252	1.000	
Summer Employment Gap	0.113	0.066	-0.109	-0.020	-0.029	0.020	0.128	0.019	-0.059	0.060	1.000

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