

BACKGROUND

Canada's Caregivers Program

For more than a century Canada has brought in migrant women to manage households and care for children and the elderly. This need for migrant caregiving continues.

For 60 years, overseas caregivers have had to navigate Canada's temporary migrant worker programs to apply for permanent residency. This provisional approach has manifested in consistent, widespread and well-documented complaints of exploitation and abuse at the hands of employers and recruiters. Canada once issued permanent residency to overseas caregivers upon arrival. The federal government can and should reinstate this policy.



Temporary Foreign Worker Program (TFWP)

The Caregivers Pilot Programs is a subsection of the TFWP, a hodge podge of programs to manage the permissible types of work that Canadian employers hire overseas workers to do, including agriculture, fisheries and caregiving. Most of this work is full-time and/or year-long.

Companies apply to the government for permission to bring in temporary foreign workers by requesting a Labour Market Impact Assessment (LMIA), formally called a Labour Market Opinion (LMO). The LMIA is issued if the company has met certain criteria, including not being able to fill the positions with Canadian citizens or landed immigrants.

In response to public anger over the abuses of the TFWP, the Conservative government announced reforms in the 2013

federal budget. These included the elimination of the ability to pay Accelerated LMO workers 15 percent less than the recognized market rate, a temporary suspension of Accelerated LMOs, the introduction of a requirement that the workers speak French or English, and an onus on companies to provide a transition plan to hire Canadian workers.

No oversight has been developed for the implementation of these new regulations. Even if they are enforced, suspensions will always result in the worker losing their employment even if the employer is to blame.

While caregivers are given access to apply for permanent residence, most temporary foreign workers in Canada under an LMIA do not have access to apply for immigration and citizenship.



TIMELINE—Caregiver Programs in Canada¹

1900

European domestics

Women from England, Ireland, and Finland came to Canada as nannies, nursemaids, and governesses. Their work was valued, desired, and in demand. They were immediately and automatically given permanent residency in Canada.

1945

Post-war demands for domestic workers

The care gap after World War II increased the demand for caregivers. The government aggressively recruited women from Barbados and Jamaica to serve as domestic workers. However, unlike their Western European counterparts, these women were considered “reserve labour” and not given permanent residency.

1955

Caribbean Domestic Scheme

A limited number of caregivers under this Program were given the opportunity to apply for permanent residency after one year of working in domestic service. However, the women were also subjected to frequent pregnancy tests and were paid less compared to their European counterparts.

1966

Pearson's White Paper on Immigration

The federal government introduced a points system for immigration. This was an attempt to end racial discrimination and the preference for Europeans.

1973

The Non-Immigrant Employment Authorization Program (NIEAP)

NIEAP workers had temporary residency and no access to immigration. Their residency was linked directly to the employer. The restrictions outlined in the NIEAP set the framework for the Temporary Foreign Worker Program.

¹ Source: *Canadians for an Inclusive Canada*, and the *Canadian Council for Refugees*.



1973

Care work becomes “disposable”

The Temporary Employment Authorization Scheme changed the rules for permanent residence, deeming care work a “low skill” and treated live-in caregivers as disposable workers. This new scheme made it harder for live-in caregivers to qualify under the new rules. Because of the government’s unwillingness to recognize care work as a permanent ongoing need, the system failed to address Canada’s care giving needs.

1976

The Seven Jamaican Mothers

Canada’s high demand for caregivers led to immigration officials advising women not to declare their children when entering Canada. When seven Jamaican mothers were deported for following this advice, Canadian families and caregivers joined together to fight for caregivers’ right to permanent residency. Black community members, migrant care workers, labour activists, faith communities, and Canadian families fought for recognition that care work is a permanent need in Canada and caregivers should have the right to be reunited with their children.

1981

Foreign Domestic Movement

Demonstrations, lobbying, activism and mass mobilizations for the rights of migrant care workers led to the creation of the Foreign Domestic Movement (FDM). Caregivers still faced exclusionary policies and endured workplace abuse, but this was the first step in granting caregivers the right to apply for permanent residency after working in Canada for 24 months.

1992

The *Live-In Caregiver Program*

After an extensive review of the FDM brought on by continued pressure from Canadians, the government introduced the Live-in Caregiver Program (LCP) to address the most abusive elements of their policies. The LCP explicitly recognized care work, an important move toward occupational respect. There were still many issues with the program that encouraged abusive working conditions, including the live-in requirement, but the automatic right to apply for permanent residency after 24 months was enshrined.

Caregivers must have at least 24 months of full-time work experience (30 hours of paid work per week) in Canada as a home child care provider in four years (48 months) before they can apply. All can apply, but the current waitlist sits at 20,000 applicants, with some waiting since 2008.

2014–2019

The ***Caregiver Pilot Programs*** replaces the LCP and involves two pilot streams, Childcare and High-Medical Needs – scheduled to expire on November 29, 2019, this program caps the number of caregivers who can apply, and imposes restrictive new requirements. Migrant caregivers are actively calling for more comprehensive reforms to the program.

Current Caregiver Pilot Programs

Canada's current Caregiver Pilot Programs presents applicants with significant barriers to permanent residency, including high benchmarks for qualification and quota systems. While migrant caregivers no longer need to live in their employer's home, as mandated in the former Live-In Program, they are faced with:

MANDATORY CAP

Only 2,750 caregivers may apply for permanent residency each year under either the High Medical Needs stream or the Childcare stream. The number of migrant caregivers working in Canada far exceeds the annual permanent residence cap under the program. Caregivers do not know in advance whether they will have an opportunity to apply for permanent residence.

LANGUAGE AND EDUCATION REQUIREMENTS

Caregivers must pass Canadian Language Benchmarks depending on the job they apply for. They must also

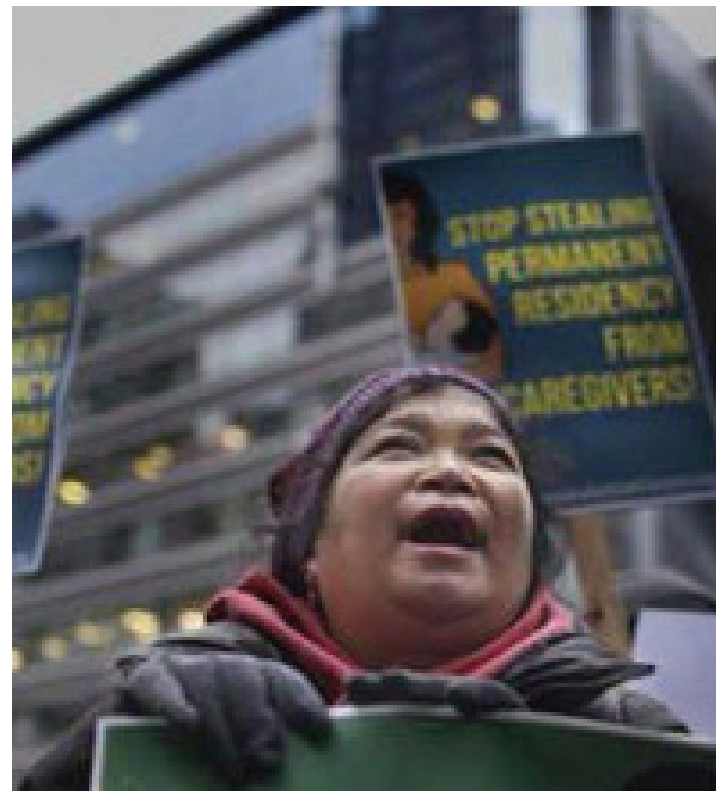
complete the equivalent of one year of Canadian postsecondary education. Under the High-Medical Needs stream, caregivers are required to pass Canadian Language Benchmarks, depending on the job, to fulfill the employment criteria. Caregivers in this stream may also be required to prove that they have the appropriate license to practice in Canada.

ADMISSIBILITY

Caregivers and family members may be deemed inadmissible for health, security or financial reasons.

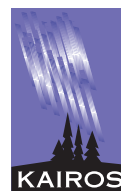
IMPACT

Between November 2014 and February 2018, only 1,955 caregivers and dependents were granted permanent residency. Under the Live-In Caregiver Program, approximately 10,740 caregivers and their dependants received permanent resident status every year between 2006 and 2014, even with the backlog.



Who we are

KAIROS Canada working in partnership with the Caregivers Action Centre, Caregiver Connections, Education and Support Organization, Care 4 Caregivers, GABRIELA Ontario, Migrante Canada and its provincial affiliates, Eto Tayong Caregivers (ETC), The Neighbourhood Organization (TNO), PINAY (Montreal), Philippine Migrant Society in Canada (PMSC, Ottawa) and Migrant Resource Centre Canada.



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