

RHYME & REASON

Remembering Jocelyn and Mariannet

November is a month of mourning for the dead, praying for souls, remembering and thanking those who fought to regain the freedom we are enjoying today.

On these occasions, it is most fitting to recall at least two recent deaths of Filipinas which were especially poignant owing to the systemic injustices that led to their fate. The first was the recent death of Jocelyn Dulnuan, a live-in caregiver found dead at her employer's house in Mississauga. The second is the suicide of Mariannet Amper in Davao City, a 12-year old girl who decided to end her life because of poverty.

Ms. Dulnuan came to Canada to work under the Live-in Caregiver Program (LCP). This program requires that the caregiver work full time within the employer's home for two years within three years of arrival in Canada, to become eligible for permanent resident status. This sounds simple enough that many who wish to migrate to Canada take this option instead of waiting for five or so years to receive a decision under the independent skilled worker category.

Unfortunately, there is so much more to the LCP than meets the eye. First, its discriminatory nature is so palpable in that no other work permit holders are required to comply with the condition of living within their employers' homes. This live-in requirement also gives rise to problems of monitoring compliance with labour standards such as those governing hours of work, overtime pay, working conditions, etc.. How can the government seriously expect an employee who lives within the employer's home to file a complaint against the same employer for violation of labour standards or even for the crime of assault for instance?

At a community forum, a police officer's response to the live-in caregivers' safety concerns was to strongly encourage reporting incidents to the police and to say that the caregivers do not have to finish the LCP or stay within their employer's homes. Perhaps this is a logical and reasonable suggestion from the perspective of someone who has long been established in Canada, with permanent residence or citizenship status, with family, friends and other sources of support. But to advise this to someone who has been in Canada for a few months or years and whose precarious immigration status is dependent on the fulfillment of two years of full time live-in caregiving work within three years of arrival is a bit insensitive. What this advice failed to consider is the complex situation within which a live-in caregiver is often trapped. If a caregiver files a complaint against the employer, the caregiver will be risking not only losing her employment but also her residence. And for someone who is new to this country with no other source of support, that can be a most traumatic experience that one would try to avoid even in the face of actual physical or psychological harm.

The prize of permanent residence upon fulfillment of the LCP requirements, is for many, worth enduring any form of inhuman or degrading treatment from their employer or anybody else. Moreover, the long administrative delays in obtaining new labour market confirmations and

work permits after leaving one's employer and working for another is just too much of an inconvenience that many would rather bypass. To provide some context to the administrative delays arising from a change of employers, it must be noted that currently, the process of obtaining a new HRSDC labour market confirmation and the corresponding amended work permit could take some two to five months. By law, the caregiver cannot work for the new employer before the new work permit is issued. Therefore, the long waiting period can be unbearable for many who do not have other sources of income or support, and who in turn, are supporting other family members back home.

If the caregiver is unable to satisfy the two-year requirement within three years, she will be taken out of the LCP. If one wants to start all over again, she must reapply for another labour market confirmation and for a new work permit from a Canadian embassy or consulate (i.e. outside of Canada). Therefore, caregivers would seriously hesitate "rocking the boat" lest they lose their much-awaited chance at obtaining permanent resident status in Canada. The employers often take advantage of this vulnerability by imposing long hours of work without overtime pay, denying days off or vacation time, and such other highly unreasonable terms knowing that their caregivers will not bother complaining to the authorities.

Another police officer commented that, "being taken out of the program is a far less serious consequence than ending up dead." Maybe for some who are privileged enough to be differently situated. But for those who desperately want to become permanent residents, being terminated from employment, being excluded from the LCP, or worse, being deported from Canada is tantamount to dying. For many, this literally means that their family members who are dependent on them for support will eventually die of poverty and starvation.

This is a situation not much different from the case of Mariannet Amper. The 12-year old girl from Davao hanged herself to death after her father was unable to provide her 100 pesos (Cdn\$2.50) to pay for a school project. It is utterly disturbing to learn that a 12-year old will think of ending her life because of her family's destitution. But for many other suffering families and children like Mariannet, the painful reality of poverty is just too much to bear that it robs them not only of their innocence, but also of any sense of hope for a better future.

Jocelyn and Mariannet's situation might seem dissimilar but their lives (and deaths) parallel in more ways than one. They were both victims of the increasingly unequal distribution of wealth, and societal apathy to the various forms of injustices that follow. These systemic failures have become so deeply entrenched in our countries and in the world that most of us have just taken the easier route of complacency and inaction. Only when tragic incidents like these occur do we seem to be awakened from stupor, only to fall into slumber once more when the initial shock has subsided. We are all human beings after all, and are equally prone to human weaknesses.

I don't know how to end this article without sounding mushy nor do I want to sound preachy. I just hope that somehow, I have left some thoughts worth pondering. Thank you for reading on.

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