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### ***Live-in Caregivers Have Rights Too***

By Maria Deanna P. Santos

When I came to Canada as a graduate student some years ago, I was quite surprised to learn that the country's immigration law has a special program that allows persons to apply for permanent residence in Canada on condition that they work for at least two years within three years of arrival as live-in caregivers in Canadian homes. Even more interestingly, I learned that some 80% of the live-in caregivers are from the Philippines, our country which has long been a source of domestic workers for countries like Hong Kong, Singapore, Saudi Arabia, Italy and Israel, among others.

Canada however, prides itself in claiming that the Live-in Caregiver Program (LCP) is a "very generous" program that allows the caregivers to eventually obtain permanent resident status, a privilege that is not available for domestic workers in other countries.

But is it really that generous and benevolent a program? In my opinion, not quite.

First of all, it smacks of discrimination in that live in caregivers (LICs) are required to live within their employers' homes while other classes of work permit holders are not at all expected to meet this condition to maintain their temporary worker status or to apply for permanent resident status in this country. As a result, LICs tend to avoid complaining about negative conditions, labour standard violations or anything that might affect their temporary worker status for fear of losing their chance at obtaining permanent resident status in Canada.

Second, the government is not at all vigilant in ensuring that abuses against LICs are avoided, much less punished. Any reasonable person can easily imagine the abuses that LICs could be faced with since they live under the very same roofs as the people who provide their monthly paycheck. They are therefore more likely to be on call, 24 hours a day, be subjected to extremely erratic and unpredictable schedules and to be direct targets of the mood swings and tantrums of their employers and the latter's family members.

Third, the isolation from other fellow LICs makes it almost impossible to gain camaraderie and unite towards advancing their common interests, like what unions do for regular workers and labourers. This near impossibility of exercising one's right of association makes it extremely difficult to advance their common struggles, and ensure that existing labour laws and standards are respected, among others. Since LICs are without permanent status, they are always at the mercy of their Canadian or permanent resident employers, no matter how seemingly generous or kind these employers may be. It is a systemic issue that cannot be easily overcome by individual acts of kindness or generosity. It is a system which allows the perpetration of modern-day slavery and the taking advantage of other people's vulnerability.

Fourth, the lack of adequate information and the proliferation of unscrupulous agencies and consultants who prey on the LICs' desperation to obtain permanent resident status in Canada, are also contributing to the woes of the already vulnerable LICs. Because of the isolation within their respective employers' homes, the lack of government priority and political will in addressing their serious concerns, the abusers and violators of the LICs' rights continue to operate with impunity.

Canada's immigration laws in themselves already have some very problematic features. The LCP is just one among many. However, it is no excuse for tolerating the many problems that arise from its very existence. The LCP must be scrapped and be replaced with a more humane and equitable program. If this "radical" solution is not possible, then it is imperative that adequate information be provided to those entering Canada as LICs to avoid the many problems arising from misleading or unscrupulous advice, from ignorance of the law and regulations or from the simple fear of "rocking the boat" and losing their chance at obtaining permanent resident status.

Aside from the provision of adequate information to all affected, the relevant government agencies – Citizenship and Immigration Canada, HRSDC/Service Canada, Department of Labour, among others should become better coordinated in terms of ensuring that the rights of LICs are adequately protected. The role of the Philippine government is likewise crucial and cannot be overemphasized. If the Philippine government can enter into bilateral agreements with the Canadian federal and provincial governments with respect to sending temporary workers here, is it not only proper that these same agreements include LICs and specific conditions for the protection of their rights as workers?

It may sound futile and barking up the wrong tree to be expressing the above sentiments in a community newspaper like this one. But aside from the hope and the possibility that this might reach the eyes and ears of the policy and decision-makers, it would also help a great deal, if we, as ordinary citizens and members of Canadian society would continue to educate ourselves about these issues that affect our fellow Filipino-Canadians. We can bring up the same to the politicians who continuously court our votes, and contribute our share in helping influence policy changes in this country. Every small effort counts. The plight of vulnerable live-in caregivers is just one of the many issues that could be raised at every opportunity.

Let us help get the message across: live-in caregivers have rights too.

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