

Filipiniana News
14 June 2008

Wanted: Government Apology for the Oppression of Live-in Caregivers

By Maria Deanna P. Santos

Prime Minister Harper recently issued an official apology to the former students of native residential schools and admitted that “this policy of assimilation was wrong, has caused great harm, and has no place in our country.” Much like the previous official government apologies for the internment of the Japanese and the Chinese head tax, this symbolic act is an important step towards healing old wounds and in paving the way for achieving meaningful reforms and social justice.

While it is a welcome symbolic act, it should not end up as another lip service to the ideals of fairness and justice that Canada has always claimed to uphold.

Pardon me for sounding cynical, but I cannot help doubting the government’s sincerity as it continues to perpetuate immigration laws and policies which are clearly against the very same ideals of fairness and justice that it claims to promote.

For instance, this recent apology made me wonder – would the government ever consider apologizing for all the pain and suffering caused to many participants of the Live-in Caregiver Program (LCP) and their families?

It is widely known that a great majority (approximately 90%) of those admitted under the LCP are from the Philippines. Moreover, there have been numerous reports and studies of how the live-in caregivers have been, and continue to be abused or taken advantage of by their employers, recruiters, employment agents and/or consultants. And even after satisfying the condition of working full time as live-in caregivers and eventually gaining permanent resident status in Canada, the long years of separation from their families have often resulted in estranged relationships and broken homes.

While it is admitted that there are live-in caregivers who may speak positively about their experience, this is overshadowed by the tragic experiences of many other LCP participants and their families. After all, the problem with the LCP is far more complicated than meets the eye. It breeds systemic discrimination. The inherent injustices perpetuated by the LCP are so deeply-ingrained in historical prejudices and discriminatory attitudes that even so-called politically-correct government policies and humanitarian objectives cannot simply make up for its many flaws.

Concretely, we see it daily in the blatant violation of contractual provisions that live-in caregivers and their employers have entered into as a requisite for the issuance of the work permit. While the law clearly provides that the LCP was created for the purpose of providing care for children, the elderly or disabled, HRSDC and CIC-approved contracts routinely allow the inclusion of “light housekeeping duties” under the tasks that are

expected of the caregivers. In reality, these “light housekeeping duties” can translate into working very long hours daily (e.g. from 5a.m. until midnight), preparing meals for the entire household, washing dishes, doing the laundry, ironing clothes, shoveling snow, walking the dog, running various errands, etc.. If this is not modern-day slavery, I don’t know what is.

Who is monitoring the enforcement of these LCP contracts anyway? What are the consequences, if any, for employers who seriously take advantage of their live-in caregivers’ vulnerability and desperate desire to obtain permanent resident status in Canada?

Yes, there are human rights and labour laws that can be invoked and government agencies tasked to assist in their enforcement. But let’s get real. Of course these caregivers will think twice before taking any step that will antagonize their employers and/or jeopardize their smooth transition from the LCP work permit to the much-coveted permanent resident visa. Many of them would rather endure “minor” inconveniences just to buy peace, avoid any complications and become permanent residents as soon as possible.

So how does the LCP reality fit in the picture of a just and equitable Canadian society? Why the discriminatory treatment of this class of work permit holders who have to satisfy the condition of living in with their employers for two years within three years of arrival in Canada and not being allowed to bring their spouses and children to Canada at the outset, even as temporary residents only?

There was a recently-published story of the cancer-stricken caregiver, Juana Tejada, whose application for permanent residence based on humanitarian and compassionate grounds was denied due to her medical inadmissibility. Despite the fact that she was diagnosed with cancer while working as a caregiver for a Canadian family, the government did not consider her deserving of permanent residence in Canada because she will allegedly cause an “excessive demand” on the Canadian system. To me, this is just one indication of the utter lack of appreciation for the invaluable contribution of live-in caregivers to Canadian society. Why would the government care for one cancer-stricken caregiver? After all, there is a long line of prospective caregivers who can easily take her place. How “humanitarian and compassionate” is that?

I look forward to the day when the Prime Minister will also render an official apology and corresponding action to rectify the oppressive Live-in Caregiver Program.

May I invite readers, especially past and present live-in caregivers, to please send their comments and experiences to mdsantos@osgoode.yorku.ca. This will greatly help in our advocacy efforts for changes to the LCP. Thank you.