

Respect, Dignity and Fairness for Caregivers

Since a vast majority of participants in Canada's Live-in Caregiver Program (LCP) are from the Philippines, it is inevitable that LCP reform is an issue that touches the members of the Filipino community very deeply. Thus, it behooves us to try to educate ourselves on this very important topic that affects the lives of many Filipinos who have made, or are planning to make Canada their home.

As of this writing, the government has yet to announce the details of its proposed reforms to the LCP. All we know is that it had invited some members of the community in closed-door consultations where the Minister lays down the proposed reforms and solicits comments. Due to the informal nature of these consultations and the lack of official documentation of the proceedings, various rumours and speculations have arisen which tend to sow fear and division among our already disparate community.

From the limited information available, the following proposed reforms have been allegedly put on the table by the CIC Minister:

1. The live-in requirement will become optional

My initial reaction is that, this sounds good, but optional for whom? I would support the idea of making the live-in requirement optional for caregivers and not just for the employers. Giving the option only to employers will not address the vulnerability of caregivers arising from the live-in requirement vis-a-vis their precarious immigration status. It also does not solve the problems arising from employer-specific work permits.

Aside from making the live-in requirement optional for caregivers therefore, this occupation must be exempted from the LMIA requirement or the need to apply for a job offer confirmation (with all its concomitant requirement including the exorbitant \$1,000 fee) from Service Canada. Doing so will remove an unnecessary layer of bureaucracy to the employment process in an occupation where there is clearly a perennial labour shortage. This will not only speed up the hiring process but also substantially reduce the cost for employers.

2. Caregivers would come as temporary workers and can work as caregivers in Canada for two years and be encouraged to apply for study permits afterwards

This is another allegedly proposed reform which has elicited strong reactions from the caregiver community but which is still unclear on details. First of all, caregivers already have the option of applying for a study permit even if they are working under the current LCP, if their time and resources allow. In proposing this as a possible reform or a mandatory requirement for caregivers, it becomes unclear what will happen to caregivers after their two-year work permits expire, if they do not wish to pursue full time studies or if their study permit applications will be refused by CIC. Will caregivers be required to leave Canada after two years if they have not obtained or applied for PR status by then? Will their PR application be expedited for the caregiver and their families to avoid prolonged family separation? These unknowns can only lead to further insecurity over the caregivers' immigration status.

It is also not realistic to expect someone working as a caregiver (live-in or live-out) to still be able to pursue full time studies and work for other employers once they are on study permits and allowed to apply for open work permits. Most of the caregivers who come to Canada intend to work full time to

earn income that they need to support their families. Considering the nature of caregiving work, very few caregivers will have the time, energy and resources to pursue full time studies at the same time.

The critical point is, requiring caregivers to enter Canada as temporary foreign workers will not address their ongoing vulnerability due to their precarious immigration status. The only way to address the vulnerability of most caregivers is to grant them permanent residence upon arrival in Canada.

3. Remove the government's obligation to grant caregivers permanent residence under the LCP and instead require them to apply for permanent residence under the Canadian Experience Class (CEC) and/or through the Express Entry

This alleged government proposal is perhaps the most controversial and least understood. First of all, the government has yet to release the implementing details of the Express Entry system, which is set to be launched on 1 January 2015. All that has been made known is that this is not a separate immigration program but simply a framework and an entry door to the existing immigration programs (Federal Skilled Worker, Federal Skilled Trades, Canadian Experience and Provincial Nominee classes). The Express Entry will supposedly create a pool of prospective immigration applicants from which Canadian employers can choose potential employees who will then be invited to apply for permanent residence in Canada under one of the existing categories.

Where do caregivers fit in this framework? Again, it is alleged that caregivers will be encouraged to apply under the Canadian Experience Class. But how? Does this mean that the CEC will be amended to allow caregivers and other "low-skilled" (NOC C and D) or low-wage workers (earning below the median wage of \$21/hr in Ontario) to qualify for PR after two years of full time work in Canada?

Although I know it is not the majority view, I am inclined to agree with increasing the language and education requirement as I believe that stronger language and education skills will help ease the transition from caregiving jobs to higher-paying career paths which will further their economic establishment in this country. Although this may result in less applicants who will qualify, I would rather see less caregivers who are treated well and are able to assert their rights than more caregivers who are being exploited simply because their lower qualifications leave them with no other alternative.

To make this proposal work however, the grant of permanent residence must be made at the outset and not only after having toiled for Canadian employers, through the creation of a separate immigration program for caregivers. Otherwise, the existing problems will remain and many more will eventually fall out of status and will be subject to further abuse and exploitation in the underground economy. Since out-of-status workers cannot bring their dependent family members to Canada, prolonged family separation will only worsen.

I continue to hope that the government's intentions in proposing these reforms are made in good faith and with a sincere desire to resolve the issues under the current LCP.

I continue to hope that the government will eventually recognize the true value of caregiving work and will finally give caregivers what they truly deserve - respect, dignity and fairness that can only be attained by the immediate grant of full membership in Canadian society, for themselves and their families.

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