

# The missing link: Gender, immigration policy and the Live-in Caregiver Program in Canada

Rachel K. Brickner<sup>a,\*</sup>, Christine Straehle<sup>b,1</sup>

<sup>a</sup> *Department of Political Science, Acadia University, 10 Highland Ave. Room 219, Wolfville, Nova Scotia B4P 2R6, Canada*

<sup>b</sup> *Graduate School of Public and International Affairs, University of Ottawa, 55 Laurier Avenue East (11101), Ottawa, Ontario K1N 6N5, Canada*

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## Abstract

Temporary labour migration is on the rise in the developed world. In May 2009, Canada's Parliamentary Standing Committee on Citizenship and Immigration issued a report on the state of temporary and undocumented foreign workers in Canada, making a series of recommendations to ensure that labour needs can be met through temporary foreign workers and that those workers are able to successfully integrate into Canadian society. The report highlights one Canadian immigration program, the Live-in Caregivers Program, which offers migrant workers the opportunity to apply for permanent residency after working 24 months as a live-in child or elder care provider. The authors argue that the report errs in holding up the Live-in Caregivers Program as a model for other temporary foreign worker programs. Although the path to permanent residency is an important provision of the Live-in Caregivers Program, a gendered analysis of the program shows that the women who come to Canada as caregivers continue to face vulnerability and exploitation because of key structures of the program, most importantly the live-in requirement. Until policy reform accounts for the results of such a gendered analysis, the Live-in Caregivers Program does not ensure that caregivers will be able to integrate successfully into Canadian society.

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Temporary work is on the rise in many countries, including such traditional immigration countries as Canada and New Zealand. Canada is particularly interesting in this respect: a country that celebrates the importance of immigration to its multicultural identity, Canada is often described as a country into which immigrants can integrate relatively easily, particularly if they have the kind of qualifications viewed as beneficial to the Canadian economy. Yet Canada cannot meet all of its employment needs through its citizens and permanent residents. Citizenship and Immigration Canada (CIC), the ministry overseeing immigration matters, has therefore developed a series of temporary foreign worker programs (TFWPs) that allow employers in industries experiencing labour shortages (e.g., agriculture, domestic aid, skilled trades. . . even fast food!) to hire workers from other countries on a short-term basis.

In 2009, the Canadian House of Commons' Standing Committee on Citizenship and Immigration investigated the role of TFWPs in the Canadian economy. The report issued by the Standing Committee critically assessed the TFWPs and issued a series of recommendations to make the TFWPs more effective in meeting the needs of employers and ensuring that "there are no barriers to social and economic participation" of foreign workers (*Parliament of Canada, 2009*, p. 9). While finding many problems with the different programs in place at the time, the committee also found

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\* Corresponding author. Tel.: +1 902 585 1349; fax: +1 902 585 1070.

E-mail addresses: [rachel.brickner@acadiau.ca](mailto:rachel.brickner@acadiau.ca) (R.K. Brickner), [christine.straehle@uottawa.ca](mailto:christine.straehle@uottawa.ca) (C. Straehle).

<sup>1</sup> Tel.: +1 613 562 5800 4592; fax: +1 613 562 5241.

praise for one program, namely the Live-in Caregiver program (LCP). This program grants visas primarily to women who live with and are employed by Canadian families to provide child care and elder care. After working legally for 24 months during a 48-month period, or for a set amount of authorized hours, Live-in-Caregivers (LCGs) can apply for permanent resident status. Permanent residency entitles a person to protection by Canadian laws including labour laws and mobility guarantees but does not confer voting rights. These are only accessible through citizenship, for which a resident can apply after having been a permanent resident for a 3-year period. The LCP is currently the only national program that allows for such a change in residency status for low-skilled temporary workers.<sup>2</sup> Because of this feature, contributors to the Standing Committee report heralded the program as a model for reforming other TFWPs.

At the same time, the LCP has been under intense scrutiny and has received strong criticism from academic observers and activist. In what follows, we investigate why there is such a seeming disconnect on the subject of the LCP between policy makers on the one hand, and academics and caregiver activists on the other. We will argue that, as evidenced by the Standing Committee report, the Government's official response to it, and the changes to the LCP that were implemented in April 2010, policy makers consider the LCP only in terms of work legislation and as a path to membership for migrant workers, thus thinking of it only in terms of immigration policy. Yet in so far as policy makers focus simply on the work and membership aspect of the LCP, they neglect the gendered conditions of labour that structure caregiving work in the context of the LCP in Canada. This is surprising given that CIC has embraced the need for a gender-based analysis (GBA) of the LCP. As stated in the ministry's 2007 annual report to parliament,

As a public policy tool, GBA focuses on important social and economic differences between men and women, and different groups of men and women, over their life cycles. [...]The integration of gender-based analysis into policy and program development is a means of strengthening the quality of public policy and programs, and ensuring they meet equity and effectiveness criteria (CIC, 2007, p. 1).

We would expect, then, that the LCP would not only be thought of as a tool of immigration policy, but also be analysed in terms of the specific conditions of the majority of those employed through it, namely women from developing countries. Such a critical view would explain the vulnerability and exploitation that women experience working under the LCP, which we attribute to a specifically gendered notion of domestic work.

The paper proceeds as follows: in part 1, we explain briefly the details of the LCP. We show that Canadian society has witnessed an increase in demand for caregivers under this program and, subsequently, a drastic increase in caregiver visas. In part 2 we discuss the arguments and discussions documented in the House of Commons' Standing Committee's report. In part 3 we discuss the literature of academic critics of the LCP and the activists tackling the issues raised by the program. Here we show how the report and its recommendations fare when scrutinized from this perspective. Before concluding, we provide an assessment of the two visions in part 4, arguing for the importance of including a gendered analysis of the LCP if the aim of policy makers is to enable the effective integration of LCGs into Canadian society.

## 1. The Live-in Caregivers Program

The Canadian practice of importing domestic workers dates back to the early days of Canadian Confederation in 1867. While earlier programs encouraged mainly British single unmarried women to come and serve in Canadian upper-middle class households, thus serving both needs for domestic servants and expanding the British population of the colony, the post-world war II era brought about a change in populations targeted to serve as domestic servants (Macklin, 1992, p. 687ff). In 1955, the Canadian government entered into agreement with Jamaica and Barbados to establish the Caribbean Domestic Scheme.

Under the Scheme, single women between the ages of 18 and 40 with no dependents and at least an eighth grade education were admitted to Canada as landed immigrants<sup>3</sup> on condition that they remain in live-in domestic service for at least one year (Macklin, 1992, p. 689).

<sup>2</sup> Some of Canada's provinces have put in place "Provincial Nominee Programs" through which low-skilled workers can also access permanent residency. And the federal government has programs in place, such as the Experience Class program, that enable high-skilled workers to come to Canada on a temporary work visa and to transfer their status to that of permanent immigrants.

<sup>3</sup> The term 'permanent residency' replaced the earlier one of 'landed immigrant' while denoting the same status.

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