

CRADLING IMPERIALISM: Canada's live-in nanny program

by Amanda Hale



Glecy Duran woke at 4 a.m. to the sound of a roaring boiler and a girl whimpering in her ear. It was her employers' seven-year-old daughter, who had wandered down the staircase and into the boiler room, which also served as Duran's bedroom.

Duran had just worked a 14-hour shift, caring for five children in addition to cleaning seven bedrooms and six washrooms, and washing ten loads of dirty towels and sport uniforms.

The girl couldn't sleep, and she wanted her nanny to comfort her.

"I had no privacy at all, no separation from my job," said Duran. "I was a modern-day slave."

It is hard to believe Duran's situation happened in present-day Vancouver, B.C. It is harder to believe it is a common experience for women working in Canada, in a job promoted as a way to gain permanent resident status.

The live-in caregiver program

There are currently hundreds of female migrants working as live-in nannies in B.C., and over 4,000 in Canada.

The live-in caregiver program (LCP), funded by Citizenship and Immigration Canada, was developed to meet the growing demand for live-in domestic

caregivers in Canada. A “caregiving” position, according to the program, includes caring for children, elderly people or people with disabilities. The LCP is aimed at people who have already been trained as caregivers in another country, and who want to immigrate to Canada. While the application process does not discriminate based on ethnicity or gender, the majority of caregivers are Filipina women working as nannies.

After 24 months of full-time work as a caregiver in Canada, the women can apply for landed status, and after three years, they can apply for Canadian citizenship.

As part of the temporary visa requirements, the caregivers are confined to a period of three years in which to work the 24 months. This does not include time spent applying for new employment authorization, which a caregiver must obtain from Canadian Immigration if she wishes to change employers.

Caregivers must sign a one-year contract with their first employer, stating that they will live in the household and not apply for other jobs. For their part, employers sign a contract to pay caregivers at least the local minimum wage, and to provide room and board. Caregivers are expected to pay for their passports, flight tickets and medical exams, and to pay the same taxes as Canadian citizens.

Duran came from the Philippines in 1998. She was employed by a wealthy couple to help take care of their youngest daughter, who had undergone several brain tumour operations and functioned at the level of a three-year-old, according to Duran. Along with cleaning and supervising four other children, Duran was responsible for giving the young girl her medications and driving her to regular doctor appointments, a responsibility Duran found physically and mentally draining.

Her room in the boiler room was cramped and noisy, and she rarely had time to eat during the day.

However, she remained in the household because she needed to complete 24 months in the caregiver system in order to become a permanent resident. “If I say no, I have to look for another employer and risk getting deported,” said Duran. “I have no choice but to stay.”

Recipe for exploitation

The LCP contract is controversial, according to some migrant workers' advocacy groups and the Canadian Research Institute for the Advancement of Women (CRIAW).

Jo-Anne Lee, a women's studies professor at the University of Victoria and former chair of CRIAW, says the contract binds caregivers to one employer and creates conditions for exploitation.

Even though caregivers have the option to leave, they feel pressured to stay because of the three-year time limit in which they have to work a full 24 months.

"As soon as you set up that kind of unequal power relationship within the legislation and regulations, you are really facilitating a context in which abuse can happen," said Lee.

Other problems with the contract, according to Duran, are that employers can manipulate the program's regulations to make caregivers work beyond their contract requirements. Duran's employers used their knowledge of the program to pay her less money than she deserved. After three months her employers dropped her monthly payments from \$900 to \$200, though her workload remained the same. When Duran asked for the balance, she said her employers threatened her.

"They would tell me 'We know you have 12 months left, you don't have any choice,'" said Duran. "It was like they owned me.

"The program is very racist against third-world women. It's not humane."

Although Immigration Canada requires a one-year contract before it will issue a work permit for the LCP, the program does provide the opportunity for participants to quit before their contract expires: the caregiver can apply to Immigration Canada to get a "bridging work permit," which allows two to three months for the caregiver to register a new employer. According to Immigration Canada, there are no cumulative statistics on how many caregivers have successfully changed jobs.

However, since the program began women have been reporting physical and emotional abuse from employers as well as poor working conditions. The Employment Standards Branch is the government office that guarantees the rights of employees in B.C., and is where caregivers can register complaints.

“We do get a few calls [from caregivers] each day on average,” said Chris, an agent at the Employment Standards Branch who preferred not to give her last name.

“But you have to take into consideration that we take calls for all of B.C.”

The branch offers self-help kits designed to assist employees and employers to resolve problems themselves. If the problem has not been resolved within six months, the branch then gives the employer 15 days notice to pay the caregiver. If a settlement still hasn't been reached, the branch will proceed with arbitration.

When Duran first called the Employment Standards Branch, they told her she should talk to an officer at Citizenship and Immigration Canada. So Duran called Immigration; she was told it was not in their field to help her, and that she should call Human Resources and Skills Development Canada (HRSDC). But when she called the HRSDC, Duran said they questioned whether she was telling the truth. Frustrated, Duran called the Employment Standards Branch again.

She says the officer asked her if she could sacrifice two more months until she got permanent residence.

“I told him ‘I can't stand it, I can't survive’,” said Duran.

But she did survive the next two months. She kept a careful record of the money her employer owed her, which after nine months totalled \$5,000.

Then she contacted Vancouver's Philippine Women Centre, where the volunteers helped her fax a balance request to her employers. It worked, and Duran received her paycheque.

“Thanks to them, I got what was owed to me,” said Duran.

Duran's experience with her complaint process is common, according to Marilou Carrillo, chair of Philippine Women Centre.

“Immigration will not deal with Employment Standards Branch and the Employment Standards Branch will not deal with immigration. That's a problem,” she said.

Carrillo said the centre receives about eight complaints specifically about the LCP each day.

Duran is now a full-time volunteer at the Philippine Women Centre. She says she works daily to empower the Filipino community and to encourage live-in caregivers to develop a critical analysis of the LCP.

“My involvement inspired me,” said Duran, “so I want to organize others and encourage them to be strong. We need to ask ourselves ‘Why does a program like this exist in Canada?’”

Trading Lives

Domestic caregivers have long been a part of Canada’s trade networks—the 1955 Caribbean Domestic Scheme, an agreement between the governments of Canada, Jamaica and Barbados, sent single, childless women from Jamaica and Barbados to work for wealthy families in Canada.

The Canadian government’s Foreign Domestic Movement of 1981 allowed migrant women into Canada if they could find employment as a domestic worker, but the women were not granted citizenship. This program expanded the caregiver trade network into a more regulated federal immigration program. It was replaced by the LCP in 1994.

Lee says the live-in caregiver system began as a way to lower the burden of child rearing for upper-class women. Working mothers can’t stay at home to care for their children, said Lee, and instead of providing a national child-care program for families, Canada facilitated the entry of cheap labour from the south, primarily from English-speaking countries in the Caribbean.

“It’s always been a way to provide domestic work to upper-middle-class families,” said Lee.

But Canadian families aren’t the only ones to benefit from the trade. Currently, the \$8.5 billion US sent back to the Philippines by its overseas workers each year is the country’s biggest source of revenues, which it relies on to pay off its foreign debt, mainly to the United States.

After the Philippines’ economic collapse during the East Asian financial crisis of 1998, Philippine government agencies encouraged male and female migrant workers to go abroad in order to send money home, although currently over 65 per cent of overseas workers are female.

The Philippine government funds six-month college programs designed to meet the standards of the LCP. Meanwhile, its government hospitals are facing a nursing shortage—there is a one to 100 nurse to patient ratio—and poor working conditions in hospitals.

“Despite these alarming figures, government agencies send conflicting messages on whether nurses and doctors are encouraged to go abroad or to stay and serve the country,” reports Dr. Jaime Galvez-Tan, former vice-chancellor for research of the University of the Philippines-Manila and executive director of the National Institutes of Health-Philippines.

With 40 per cent of the Philippine population living below the poverty level, it isn’t surprising that Filipino citizens are willing to work overseas while their families remain in the Philippines.

“That kind of incentive is economical, there isn’t a choice,” said Lee. “If they were able to get good paying jobs in the Philippines they would all prefer to stay.”

The nanny and the state

If an employer wants to hire a live-in caregiver, they can visit a caregiver employment agency website like International Nannies, which is based out of Vancouver.

The home page displays a colourful graphic of the globe with a teddy bear clinging to its side. The “nanny profiles” are a montage of photographs accompanied by information on nationality, age, marital status, educational background and years of work experience. The smiling faces of the Filipinas posing with children, all share a striking similarity—university degrees. Their degrees include bachelor’s degrees in respiratory therapy, business management, nursing and computer science.

Why have these women come to Canada as nannies, instead of doctors or entrepreneurs?

Part of the reason is that professional associations like the teachers’ federation and registered nurses’ federation do not recognize foreign credentials. In addition, skilled immigrant workers are backlogged in the government’s current system. The application process is extremely competitive and it can take between

30 and 60 months to determine how an applicant will enter Canada's work force.

Coming as nannies seems to be the most accessible way for these women to get to Canada.

However, Canada might be losing out on a large quantity of skilled workers by restricting live-in caregivers to the service sector, especially when there is a demand for qualified nurses and teachers in the work force. As caregivers remain in the service sector, they run the risk of becoming "de-skilled."

In April 2005, Canada launched a Foreign Credential Recognition Program to improve the process for evaluating foreign credentials. The program plans to dedicate \$68 million over six years to "facilitate the assessment and recognition of foreign qualifications for both regulated and non-regulated occupations." In other words, it will help skilled workers find suitable jobs in Canada, and encourage Canadian employers to accept foreign credentials during the hiring process.

Meanwhile, said Lee, many migrant workers are slipping through the cracks of Canada's labour policies. She advocates amending the legislation to center on the women's movement agenda and to recognize foreign trained professionals.

"There's a real need for a huge mind shift," said Lee. "Because [caregivers] are not citizens of the nation, the nation, being Canada, doesn't see this as a priority issue. I think that more awareness is needed, and more people need to see that we're all connected as part of a global community."

Home away from

Duran has lived in Canada for eight years now. Most of her family remains in the Philippines, including her parents, cousins and aunts. Although she will probably return for visits, she said it's not likely that she will ever move back.

"You know, it's my home sweet home," said Duran. "But there is no opportunity for jobs there."