



# Caregiver Pilot Program

## A submission to Immigration, Refugees and Citizenship Canada

### Introduction

The Canadian Council for refugees (CCR) is a national non-profit umbrella organization committed to the rights and protection of refugees and other vulnerable migrants in Canada and around the world and to the settlement of immigrants and refugees in Canada. The membership is made up of approximately 200 organizations involved in newcomer settlement and refugee and migrant rights, as well as refugee sponsorship. The Council serves the networking, information-exchange and advocacy needs of its membership.

The CCR welcomed the announcement that the federal government would be consulting stakeholders on the federal Caregiver Pilot Programs, as it presents an opportunity to address concerns with the program, particularly with regards to access to permanent residence and protection of the rights of the workers participating in this program.

Caregivers look after the children and elders of Canadians, while they themselves are separated from their families for years on end. They work for years with only temporary status in Canada, and have often been subject to abuse by the employers on whom they are dependent for their pathway to permanent residence. High demand for caregivers in Canada is documented, as is abuse and exploitation of these workers.

Over the years the CCR has developed several recommendations to improve the integrity of Canada's temporary labour migration programs including the caregiver programs, key elements of which are outlined below. Overall, the CCR believes that Canada must move away from the increasing reliance on temporary labour migration programs that are fraught with abuse, and return to using permanent immigration as a strategy for meeting labour market demands, and nation-building.

### Context of contemporary Caregiver Pilot Programs

Women have come to Canada to do caregiving and domestic work for more than a century, with the government's encouragement. In the first half of the 20th century, these workers came mostly from Europe, and were welcomed on a permanent basis. Only after racialized women became the majority was caregivers' access to permanent residence put into question.

CCR recognizes that not welcoming racialized caregivers from countries in the Global South as permanent residents on their arrival in Canada continues a legacy of immigration practices that discriminate along race and class lines. Low-skill and low-wage migrant workers in Canada, including caregivers, are racialized. The CCR also recognizes that Canada is complicit, via government foreign policy or private Canadian business interests, in creating economic and social displacement that contributes to pushing those in the Global South to participate in Canadian labour migration programs to sustain their families.

The CCR believes that Canada must acknowledge the valuable contribution to the Canadian economy and society made by caregivers and all migrant workers, by allowing them to immigrate to Canada without first having to pass through a precarious “pathway” to permanence.

## Priorities for change within the Caregiver Program

### 1. Discriminatory immigration programs

The CCR believes immigration should be used for nation-building at the same time as it responds to economic needs, and that workers coming to fill “low-skilled” or caregiving occupations shouldn’t be valued less than those coming to fill “high-skilled” positions. Currently, Canada encourages permanent immigration for highly skilled workers and temporary migration for low-skilled and low-wage workers, despite the demand for low-skilled workers in the Canadian economy.

#### Recommendation

The CCR call for Canada’s economic immigration program to be expanded to reflect the broad social, cultural, linguistic and environmental needs of the Canadian labour market by including workers of *all* skill levels. Until this happens, all caregivers should be able to apply for permanent residence status at the same time as they apply for a work permit.

### 2. “Pathways” to permanent residence and worker vulnerability

Pathways to permanent residence for migrant workers that require workers to accumulate a certain number of hours worked in a given period of time (as in the previous Live-in Caregiver Program or the current caregiver streams), or to secure a nomination from an employer (as in the Provincial Nominee Programs and the Atlantic Immigration Pilot Program) have shortcomings that place the worker at a disadvantage. Workers are more likely to tolerate situations of abuse in order to secure their employer’s support to apply for permanent residence or to accumulate the required hours, so these systems exacerbate the imbalance of power between employer and worker.

#### Recommendation

Canada should provide access to permanent residence to caregivers and other migrant workers in a way that does not make them dependent on their employer.

### 3. Gender-based Analysis

The federal government has a responsibility to apply gender-based analyses to its policies and programs in order to ensure equitable treatment and conformity with legal obligations under the *Canadian Charter of Rights and Freedoms*. The caregiver programs affect a highly gendered group and therefore are in particular need of rigorous gender analysis. Such an analysis would need to explore why this group, largely made up of racialized women, is subjected to precarious status, limited labour mobility, and long-term family separation (sometimes upward of ten years).

#### Recommendation

The government must conduct a rigorous gender-based analysis of the caregiver programs and implement changes to address identified inequities.

#### 4. Closed work permits

The closed work permits administered under the Temporary Foreign Worker Program (including the former Live-in Caregiver Program and the current caregiver pilot streams) are the root cause of migrant worker vulnerability. The long-term solution is permanent residence, but as long as workers are admitted to Canada on temporary permits, labour mobility is required for workers to be able to escape abusive employers.

##### Recommendation

Work permits can be sector specific in order to ensure that workers coming to fill positions in caregiving work within this sector.

#### 5. Family separation

Family separation causes hardship and is detrimental to mental health, as well as weakening family and community fabric. It is inhumane for Canada to require migrant workers to be separated from their families, and it is discriminatory that Canada requires this only of low-wage and low-skilled workers.

##### Recommendation

Migrant workers including caregivers should be able to come to Canada with their family.

#### 6. Medical inadmissibility

The “excessive demand” medical inadmissibility provision (IRPA 38 (c)) barred some caregivers’ children from becoming permanent residents, causing hardship. This clause is discriminatory against people with disabilities and their families.

##### Recommendation

People with disabilities should not be inadmissible on health grounds.

