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in collaboration with PINAY and the Service aux collectivités of UQAM

DOMESTIC LABOUR AND EXPLOITATION: THE CASE OF THE LIVE-IN CAREGIVER PROGRAM IN CANADA (LCP)



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Incollaboration with PINAY and the UQAM Service to Communities

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Preface

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Contextualisation of the Project

Since the mid-1950s, the Canadian government organizes, through its border and immigration policies, a workforce importation assigned and confined to the work of "services women" in the private sector of domesticity. This policy is not uniquely Canadian. It is part of a broader framework of reorganisation of the international labour division, which also affects the domestic work sector, sometimes referred to as "reproductive" or "care" (Federici, 2002, Parrenas, 2000, Oso Casas, 2002, 2008), translating into a "care drain" (Hochschild, 2004) from the "hyper-indebted countries of the Global South" towards, and to the benefit of, the "Global North" countries (Sassen, 2010). The Canadian government's migratory policy thus participates directly in the "transnational extraction of care labour" (Glenn, 2009a). It also presents itself as a family policy, considering that it officially consists of a response to the alleged "crisis" affecting Canadian families in terms of care and domestic work. This crisis would be related to the growing investment of Canadian mothers in the job market, and to the concurrent neglect of the domestic sphere. As for its management method, meaning a resort to a foreign workforce both sexualized and racialized, it would be justified by the national shortage of a workforce willing to accept the work conditions operative in the sector of "home care for a child, an elderly person or a handicapped person, within a private residence" (Regulations, 2002).

Many programs aimed at providing a framework for the importation of foreign workforces, its selection as well as the conditions for its immigration, have succeeded each other since the mid-1950s. Pursuant to the current program, the Live-in Care Program (LCP), operative since 1992, one of the requirements for the migrant workers is to reside at their Canadian employer's home, and they must respect this requirement for a minimal period of two years in order to become eligible to the permanent residence (Citizenship and Immigration Canada, 2013). Tens of thousands of workers, originating mainly from the Caribbean (until the mid-1980s), and further on from the Philippines, have had to obey this provision, and all that it implies in terms of time worked, work relationships, living conditions, isolation, distance and separation with family members and communities (Devi et al., 2010).

Today, there are more than 35,000 workers that are required to live on their work premises under the LCP (Citizenship and Immigration Canada, 2010). The particular form of exploitation, the labour rights violations (Bernstein, 2006, Blackett, 2011, 2012), the abuse and violence - harassment, mistreatment - that live-in caregivers suffer have been criticized for numerous years, both by militant organizations and researchers in the field (Oxman-Martinez and Hanley, 2001; Langevin and Belleau, 2000; Giles and Arat-Koc, 1994; Bakan and Stasiulis, 1997, 2005; Tamara Lenard and Straehle, 2012). Nonetheless, the Canadian legislation has not been modified as of yet. In 2009, in reaction to the demands that the live-in requirement be removed, the government reaffirmed, in the House of Commons, the importance of this disposition to the extent that it is the rationale of the LCP, its appeal, what justifies its existence as well as its sustainability:

"The live-in requirement is a vital component of the LCP, given the continuing shortage of caregivers in Canada willing to live in the home of those they are caring for. There may be enough caregivers in Canada to satisfy labour market needs related to live-out care. Should the live-in requirement be eliminated, there

would likely be no need to hire TFWs (temporary foreign workers)" (Parliament, 2009: unnumbered).

The live-in requirement thus represents one of the main challenges as concerns the LCP today. It makes it clear that there exists an exception system openly applied to migrant domestic workers by the government. The *Commission des droits de la personne et des droits de la jeunesse* (CDPDJ) condemns this obligation, on the grounds that it breaches human rights considered fundamental, due to the fact that it creates a systemic discrimination (CDPDJ, 2011); the International Labour Organization (ILO) opposes the requirement in the name of "decent work" (Convention 189, 2011); and for their part, the politically organized workers with Pinay describe their work relations and the personal dependencies in which they are trapped as situations of slavery. They demand the removal of the live-in requirement:

"Due in part to the fact that the domestic work is carried out in private residences and to the LCP's strict requirement of the caregiver to live-in with their employer, LICs are at an increased risk of exploitation, harassment and abuse within their workplace. The structure of the LCP creates the conditions for vulnerability, trafficking and forced labour experienced by various caregivers. It is essential to either abandon the live-in requirement or at least to make it optional, so that this exploitation may be addressed, and human rights abuses may be avoided". (Pinay, "Summary: Pinay Submission for the Universal Periodic Review on Canada", <http://pinayquebec.blogspot.ca/2012/11/summary-pinay-submission-for-universal.html>)

About the Live-In Requirement and Its Removal

A few weeks before the publication of this report, the Canadian government announced the removal of the live-in requirement. The *Live-In Caregiver Program* (LCP) thus became the *Canada Caregivers Program* (CCP). Under this reform, which entered into force on November 30th 2014, the workers are not required to live with their employers in order to be eligible to the permanent residence, and this indeed constitutes a victory. By the government's own admission: "Dropping the live-in requirement for caregivers who wish to apply to two new pathways to permanent residence will reduce workplace vulnerability and result in greater opportunities and higher wages for caregivers."¹ Nonetheless, this reform concerns the removal of the live-in requirement, and not the abolition of resident work, in spite of its effects on work conditions and relationships. Domestic labour, as a derogation regime to standard labour laws, is thus not abolished in itself. In accordance with the ILO Convention 189, if the employer and the worker both agree, the worker can live with the employer. The live-in status is thus left to the "free will" decision of the Canadian employer, on the one hand, and the Filipino domestic worker, on the other hand. Furthermore, the workers remain under the obligation to complete the required 24 months of full-time work in order to apply for the permanent residence, and their work permit remains tied to a specific employer and to this employment sector. The effects of this reform on the actual work and life conditions of the workers remain to be analyzed in the continuity of this research project. However, it should be specified that all workers thus far interviewed for this research project were submitted to the LCP.

¹ ICC, *Improvements to Canada's Caregiver Program*,
<http://www.cic.gc.ca/english/work/caregiver/improvements.asp>.

Research Objectives

Conducted in partnership with the Pinay militants who have been actively working for the defense of the rights of Filipino domestic workers in Quebec since 1991, this research aims to outline the effects of a lack of citizenship as different forms of privation and coercion organizing the specific exploitation of resident workers and the domesticity relationship². We also argue that the live-in requirement is part of a legal system which not only expresses, but also (re)organizes a "transitional form of exploitation" by way of a control on bodies located between slavery, "sexage" and employment (Colette Guillaumin: 1978), and which contributes to the production of an unfree form of labour. Also, we argue that this disposition, which was condemned by the ILO in the name of decent work, can be contested on national law grounds, through the right to liberty, guaranteed under article 7 of the *Canadian Charter of Rights and Freedoms*.

Throughout this report, it is the practical implications of this requirement to be living on the work premises - in terms of living conditions, work relationships, exploitation, and combatting rights violations - as experienced by the workers which are sought to be documented, in order to generate tools for analysis, information and mobilization.

² This research follows a previous field research completed by the McGill School of social work in 2008. PINAY, 2008, *Warning! Domestic work can be dangerous to your immigration status, health, safety and wallet; Report on the finding of a community based survey of work condition of Montreal domestic workers*, Montreal, online: https://docs.google.com/file/d/1PINzXgoxDvSX3ZP9Ua44M6Zoy_bIrwfgzd-UFH0cwLjJxsmGsUo2wEQBRwj6/edit?hl=en

Methodology

To this effect, in addition to the preparatory meetings for the elaboration of the research project itself with three Pinay representatives, two (2) workshops with eight (8) domestic workers were organized, in order to identify the main issues related to the live-in requirement, indicate the key research themes, and build a questionnaire that is relevant and adjusted to the time constraints of domestic workers.

Between June 2012 and February 2014, this questionnaire was administered to thirty-three (33) Filipino workers, during individual meetings, which at times consisted of semi-structured interviews. Pinay militants contacted most of the workers met, and the workers themselves referred others during the course of the meetings.

The meetings were generally held Sunday afternoons, the domestic workers' day of rest, at the Immigrant Workers Centre. Some workers (6) invited us to their homes. Thirty (30) interviews were recorded and nine (9) have been transcribed so far.

Lastly, a first workshop for training on, communication of, and discussion about the preliminary results of the investigation, was organized with the workers met in March 2014, at the Immigrant Workers Centre. Twenty-two (22) workers participated.

This report compiles these first results. It therefore consists of a progress report that is essentially descriptive.

Section I

Portrayals and Personal Journeys of the Workers

1.1 Socio-Demographic Data

1.1.1 General Information: Age, Immigration Status, Position Held

The thirty-three (33) domestic workers met were aged between 29 and 61 years old, at the moment of the interview. The group's average age was 39 years and a half. Two (2) of them, who had arrived in Canada at the end of the 1980s (in 1987 and 1988), have worked here for more than 25 years. All the others have entered the country in the years 2000, including twenty (20) between 2008 and 2012. The youngest was 22 years old when she entered the country in 2007, and the oldest was 48 years old in 2002.

The majority of the workers (24/33) had completed the twenty-four (24) months required by the LCP, at the moment of the interview. More than half of these workers (13/24) held an open permit, allowing them to work in the sector of their choice, and thus, they were not tied to a particular employer anymore. The workers that held an open permit had initiated the process to obtain their permanent residence.

Eleven (11) workers had obtained their permanent residence at the time of the interview, twenty-two (22) were still domestic workers, including nine (9) which were still under the LCP.

Finally, all the workers met had been submitted to the live-in requirement during 24 months as provided by the LCP.

1.1.2 Social Origins

The workers often come from large families; their brothers and sisters regularly live and work abroad, frequently in Asia or in the Middle East (Qatar, Hong Kong, Israel and New Zealand, for example).

More than a third of the workers are from farm families, which earn their living by cultivating the land and/or farm animals. The fathers have practised or continue to practice many professions: peasant/farmer (9/33), elementary school teacher, miner, construction worker, civil servant, public transit driver, plumber working abroad, city counsellor (1), businessman (1), nurse (1). The mothers are stay-at-home mothers (10/33), peasants/farmers, teachers, nurses or immigrant domestic workers themselves (two of them work in Hong Kong, another in Oman).

1.1.3 Family Situations

Thirteen (13) workers have a spouse. Eight (8) of them were in the Philippines at the moment of the interview, another was working abroad as an employee on a commercial ship.

Two (2) workers, having immigrated alone and thereafter obtained their permanent residence, have been joined by their spouses since then. Two (2) others have met their spouses in Canada, which are also Filipinos.

Sixteen (16) of the women met have one child or more. Amongst them, five (5) are single. The majority of the children stayed in the Philippines, where they live with one of the family members (parents, brothers or sisters) (11/16). The mothers that are now permanent residents (2/16) have sometimes been able to have their children join them, while the others are awaiting the residence status to initiate the sponsorship process. Finally, three (3) workers have become mothers in Canada after having obtained their open permit.

Many of the workers have immigrated while their children were still very young (3 months old for the youngest, and 22 years old for the oldest). A worker immigrated with one of her two daughters, who is also a caregiver under the LCP; her spouse and her other daughter joined them after obtaining the permanent residence. Another worker never succeeded in having her two children join her (one is handicapped, the other is a settled adult).

	Single Without Children	Couple Without Children	Single With Children	Couple With Children
Number of Workers	15	2	5	11

1.2 Professional Training

The workers are, to a great majority, overqualified. Twenty-eight (28) of them hold a university degree, twenty-five (25) the equivalent of a bachelor's degree, and three (3) hold a Master's degree. One worker, older than the average of the women met, holds a high school diploma and four (4) hold a college degree.

Last Diploma Completed:

	High School Diploma	College Degree	Bachelor's Degree	Master's Degree
Number of Women	1	4	25	3

The diplomas obtained are most often specialized in the fields of education, care, secretarial work, and administration: seven (7) women were trained for teaching (elementary and high school); eight (8) studied management-commerce/administration; four (4) in secretarial work/computing; six (6) in nursing, physiotherapy, social work and midwifery; two (2) in communication studies; two (2) in engineering (civil and electronic/communications). The other workers met have degrees in development studies, architecture, psychology and arts. Even if the question couldn't be asked systematically, due to time constraints, seven (7) workers answered having followed a caregiver training, often costly, for six (6) months or more.

Training Fields	Number of Workers
Teaching (elementary and high school)	7
Management; Commerce; Administration	8
Secretarial Work/Computing	4
Care field (Nursing; Physiotherapy; Social Work; Midwifery)	6
Communication Studies	2
Other fields (Development Studies; Architecture; Psychology; Arts)	4

1.3 Professional History

1.3.1 Professional History in the Philippines

The vast majority of the women surveyed declared having met numerous difficulties in their job search in the Philippines, and deplored the shortage of qualified jobs as well as the low salaries, which are typical of the Filipino job market. Also, five (5) of the thirty-three workers had no work experience in the Philippines, and thus their professional history is completely defined by a foreigner status. Nineteen (19) workers started out as domestic workers in Asia, in Hong Kong more often than elsewhere, before immigrating to Canada.

Amongst the twenty-eight (28) women that have work experience in the Philippines, three (3) have done volunteer work as nurses, teachers and student interns (many reported that it is necessary to go through volunteering for a few years in order to hope to get a paid job in the fields of teaching and nursing); three (3) others for the family company or restaurant, and another within her own small jam distribution company (7/28).

In line with their trainings, four (4) have occupied jobs in the education field (elementary school teacher, educator for handicapped children, and responsible of religious education); four (4) others in the fields of healthcare and social work (two nurses, one physiotherapist, and one

social worker). One of the workers met was a chief draftsman of architecture plans for more than 10 years.

The other professional experiences are varied: customer service call centre agent (2), factory worker (textile, meat), receptionist in a private medical clinic, secretary, human resources employee, civil servant (2), accountant and two (2) activists in human rights NGOs.

Finally, only a third of the women met (11/33) declared having found a job adapted to their education in the Philippines, and all have emphasized the inadequacy of the Filipino salaries to provide for the needs of their families.

1.3.2 Professional Experience as Immigrant Workers Outside of Canada

Two-thirds (23/33) of the workers met already had work experience abroad before their entry to Canada. They had previously immigrated to Hong Kong (11), Taiwan (3), Singapore (3), Abu Dhabi (1), Dubai (1), Israel (1), Lebanon (1), Jordan (1), Japan (1), Qatar (1) or Saudi Arabia (1).

Only five (5) of them have had the occasion to work outside of the domestic work sector, (two (2) factory workers in Taiwan and Japan, one (1) nurse in Saudi Arabia, one (1) dental assistant in Qatar, one (1) administrative assistant in Abu Dhabi, one (1) in an assembly plant for electronic material in Japan).

The eighteen (18) other workers immigrated as caregivers for periods of 2 to 10 years (18/33). Furthermore, one of the workers was a factory worker in Taiwan, and was a domestic worker in Singapore afterwards. Many of the workers took the time to describe their different experiences during our meetings, describing the indecency of their living conditions, their accommodations, and their jobs as well as their sex and race discrimination experiences. The ones who worked in Hong Kong insisted in particular on the absence of limits for work hours (from 12 to 24 hours per day, 6 days per week), on the quantity of unpaid work extorted (unpaid overtime), as well as on the impossibility of obtaining the permanent residence, including after 10 years of residence. For one of the workers met, this experience was so difficult that she could accept anything when she arrived in Canada, where everything seemed more enviable.

1.4 Journey to Canada

Despite the heterogeneity of the personal situations (academic and professional histories), the decision to immigrate to Canada through the LCP was systematically described in terms of financial constraint during the interviews. They had to emigrate in order to financially sustain their families in the Philippines (children, parents, brothers, sisters, and their respective families (28/33)), considering the absence of qualified jobs and the insufficiency of salaries (17/33).

"We are economically deprived in our country", explains a worker who couldn't provide for her family's needs with her physiotherapist salary, an employee in a Filipino hospital. "I came for the money", said another. Finally, many of the workers met declared not having a choice in their decision to immigrate to Canada: "I didn't have a choice, it was a question of survival", or "I had no choice to leave the Philippines, I had to support my son."

A third (12/33) of the respondents recall they hoped for a better life in Canada: *"It's my dream to come in Canada to have a brighter future."* Others declared having been attracted by a lifestyle that seems "more liberated": *" I wanted to have a more liberated lifestyle, because my lifestyle is not typical for Filipinos"*, said one of them, evoking an urban lifestyle and celibacy. Eight (8) workers include this decision as part of a long-term strategy aimed at their own children's immigration, in order for them to benefit from a better future and from a quality education (8/33). Only three (3) workers underlined the interest of immigrating to Canada through the LCP, and the fact that it opens up the possibility to obtain the permanent residency, as opposed to immigration programs of other possible destination countries for Filipino caregivers.

When asked if they sometimes regretted leaving the Philippines, they mostly answered no. This is so because the question was precisely never asked in terms of a choice susceptible of being regretted. However, it is with sadness and anger that they evoke: the violence of the separation from their families, their children and/or their spouses that stayed in the Philippines (*"Families should never be separated, it makes me sad"*, said one of them), the slowness of the process for obtaining the permanent residence, as well as their living and work conditions since their arrival in Canada. Many workers highlight that the Filipino promotion campaign for caregiver work abroad is completely misrepresented. This campaign suggests that the job only consists of caring exclusively for a child or an elderly person, and totally silences the other tasks related to domestic work, to which the workers are however indeed assigned. Finally, the fate awaiting the domestic workers that have "run their course" also generates disappointments. One worker relates that she thought she could upgrade herself as a nurse, after her two years. However, as it turns out, it is not so simple, she explains.

In short, for the majority of the women interviewed, the decision to leave the Philippines to work in Canada is similar to a survival strategy. They didn't really have a choice, considering their responsibilities towards their families, and the likely future they would've had within the Filipino workplace.

Most Frequently Invoked Reasons to Immigrate to Canada (many reasons are invoked by each worker):

	Financial Support for their Family	Poverty, Low Salaries, and Lack of Jobs in the Philippines	Have a Better Future in Canada	Desire to Have a More Liberated Lifestyle	Have their Family and Children Immigrate to Canada	Obtain the Permanent Residence in Canada
Number of Women	28	17	12	2	8	3

Section II

Arriving in Canada: The Organization of the Workforce Importation

2.1 Employment Agencies and Personal Debt

Two-thirds of the respondents went through an employment agency, from the Philippines (22/33). These agencies take charge not only of the administrative documents destined to the immigration services, but also of putting the employers in touch with the live-in caregiver program candidates. The majority of the women we met are very critical of these employment agencies, which claim between 3500°\$ and 5000°\$ for their services, amounts that do not include travel and setup fees. Furthermore, according to the workers interviewed, these agencies defend practically systematically the interests of the employers against those of the employees: *"The concern of the agency is the money. You have to find your rights by yourself"*, said one of the respondents; *"They did not help me nothing"*, said another. One of the workers was suing her agency for human trafficking before the CDPDJ, at the moment of the interview.

In any event, it appears that in the event of a problem with the employers, the employment agencies cannot be resorted to.

The workers that have not went through an employment agency were recruited through the employers' networking after having been recommended by a friend, an aunt or another member of the family, themselves a live-in caregiver in Montreal.

Twenty-five (25) of the thirty-three (33) workers interviewed had to borrow money in order to immigrate. They borrowed from banks or other members of their families amounts ranging from 2000°\$ to 3500°\$. A large proportion of those loans were destined to employment agencies. One of the workers invested more than 10°000°\$ in her immigration project, including 5000°\$ for the services of a Toronto-based agency. At the moment of the interview, many of the workers were still reimbursing their debts.

2.2 Memories about Arrivals

Many of the respondents reported experiencing a real shock upon their arrival. They describe episodes of depression with weight loss (3), alcohol abuse (1), isolation and withdrawal (1). Some admit not recognizing themselves anymore. *"I used to be a care-free person, always busy with my social life and parties. Now, I'm stucked, tied to one place"*, one of the workers said. Another admitted feeling less sociable and more distant than she was with others before. Constantly on guard, she prefers to isolate herself. Added to the sadness related to the separation with children and spouses still in the Philippines, many report feeling alone and anguished for a long period of time following their arrival:

"Imagine, from size 32, in one month I was size 24. So, I was stressed because I was adjusting. It was my first job abroad"; "Exhausted. Tired. Depressed. Alone."

Homesick. After leaving, when I arrived here, my first month, I did not unpack my things. No. I did not unpack my things and I was crying."

2.3 Financial Support to Family Members in the Philippines

The vast majority of the women met regularly send money to their family members still in the Philippines, for current expenditures and sometimes for the younger ones' studies (quality education is costly in the Philippines). Many have been supporting financially their families this way for more than 10 years. This is the reason they are here, they tell us.

"Yes, that's why I am here! I am paying for my family's food, electricity, everything. The feeling is you need to do it."

Furthermore, in the Philippines, "it is normal", according to them.

"It's a cultural trait. You feel expected to send money home. It is not an obligation, but you feel guilty if you don't."

"Yes, it's a never-ending responsibility."

Section III

Portrayal of Employers: The Privileged Canadian Class

3.1 Changing Employers Under the LCP

Number of Employers	1	2	3	4
Number of Workers	15	12	4	2

On paper, a little over half of the women met have changed one, two or three times employers in order to complete the 24 months residence requirement provided by the LCP (18/33). It should be noted that it is very frequent for live-in caregivers to never work for the employer identified on their first work permit. Considering the procedural delays in obtaining immigration papers, it is frequent that the employer does not need the live-in caregiver anymore at the time of her arrival. The majority of the workers reported being released upon arrival by their first employers.

Thus, in practice, the vast majority of the women completed the 24 months residence with one (second) employer for which they however have had to request and obtain a second work permit.

Six (6) of the thirty-three (33) workers met had changed three or four times employers under the LCP. One of them was fired and simultaneously expelled by her employer (1/33) three weeks before completing her required 24 months, after announcing that she would not be working for her anymore after she obtained her open permit. The others decided to quit in order to leave situations that had literally become unbearable. An example of this was a worker who was assigned to domestic labour assignments for four different families in four different accommodations. All the other workers mentioned as motives for resignation exhausting days of 12 hours and longer, harassment and psychological violence:

"My second employer, it was the same story than the first one. I stand the conditions there thinking that I could finish the 24 months but, I suffered, I experienced verbal abuse, to the fact that I filed a complaint of psychological harassment case in CNT [Commission des normes du travail]."

3.2 What Workers Say About their Employers

3.2.1 Basic Information

Of the thirty-three (33) women interviewed, twenty-three (23) were employed by heterosexual couples in which the women are often "the main boss" and "the one giving orders."

Four (4) workers are employed by the children (mainly daughters) of elderly people they care for. Seven (7) workers have been employed by single, divorced women. One worker was employed by a single man, father of 3 children and divorced, living with a new spouse. The age of employers varies between late thirties and late forties.

The employers are Quebecers (4), Italian (4), Lebanese (2), Israeli (1), Vietnamese (1), Greek (1), French (1), Syrian (1), German (1), Polish (1), Indian (1), Swedish (1), Moroccan (1), American (1), and Anglo-Canadian (1); of Jewish faith, very devout or not (18), Catholic (7), Orthodox (1), Protestant (1), Lutheran (1), Unitarian (1), and two women interviewed reported having had atheist employers.

3.2.2 Professional Status of Employers

According to the majority of respondents (29/33), the employers belong to the most privileged class of Canadians. If the majority of the workers claim not knowing the annual salary of their employers, seventeen (17) estimate that they are rich, or very rich; twelve (12) declare not being aware of their financial situation.

The employers hold highly qualified jobs. They are business owners (21) - for clothing, toilet paper, online shopping website, air-conditioning, sports equipment, insulating material -, doctors (5), lawyers (5), dentists (3), real estate agents (4), researcher in the pharmaceutical industry (1), professors (4), accountants (2), engineer (1), bank employee (1), stay-at-home mother with a spouse (5).

Occupation	Number of Employers
Business Owners	21
Liberal Profession	5 doctors 5 lawyers 3 dentists 1 researcher in the pharmaceutical industry
Real Estate Agent	4
Professors	2 professors at McGill University 2 professors (educational institution not specified)
Stay-at-Home Mother	4
Other Occupations	2 accountants 1 electronics engineer 1 bank employee

3.2.3 The Relation of Employers Towards Domestic Work and Division of Labour

The time spent at home varies from one employer to another. A third (1/3) of the employers are almost always absent from their residence, and are frequently summoned to travel for work.

The workers are thus responsible for the children's care for long periods of time: *"I was always left alone in the house with the kids and the pets. The man traveled a lot and was always out."*

Another third (1/3) of the employers are, on the contrary, almost always at home, where their offices are (particularly the business owners).

Finally, the last third (1/3) split their time and are more or less often at home:

"The woman was there half of the day, the rest she would go shopping."

The employers' participation in domestic labour tasks varies from one employer to another. They sometimes cook, take care of their children once they are at home, bring them to school and do the groceries. However, no employer seems to take care of all the tasks related to domestic labour. Nine workers declared that their employers assumed no task at all. The following interview excerpts highlight the diversity of the responses about this element:

"The woman helps me to clean, to wash the clothes and to cook. She helps me."

"Sometimes, they cook. When at home, I'm relieved because they take care of the children."

"When they are at home, I appreciate they put the plates in the dishwasher."

"They just read and do internet. That's it, they do their business."

"The man just stays in the house like bothering me. He is very observant."

"Nothing. The woman, when she's at home, is always working, busy on her computer. She never takes care of her children, even less of her disabled daughter. Her daughter is my daughter."

Section IV

Live-In Requirement: The Deprivation of a Time-Space Outside of the Workplace

4.1 The Live-In Requirement and the "Agreements with the Employers"

Twenty-eight (28) of the workers live or have lived with their employers, as required by the federal program. Five (5) workers have not, however, ever lived with their employers, either because they did not have a room available, or because they did not impose the live-in requirement to the workers upon arrival, who preferred to live elsewhere.

Some have asked for, and obtained, the authorization to leave the residence before the expiration of the 24 months delay; others claim not daring leave the residence after the 24 months. One worker, a resident for over 5 years, says she is obligated to stay with her employer, who became her sister's "sponsor" for immigration purposes.

Twenty-one (21) of the twenty-eight (28) live-in workers also rent an apartment, which they share with numerous roommates (on average 180\$/month) and use on weekends and during holidays.

All prefer living in their apartments, despite the financial costs, evoking a number of reasons: work has a beginning and an end, they can have a private life, have friends over, and participate in activities.

4.2 Housing Conditions with the Employer

The workers generally have a room of their own, in the sense that they do not have to share it. However, some women sometimes have to share their room with children or guests of the employer, or sometimes their room is next to the children's room.

Even if the rooms are generally in good condition (windows, adequate heating, furnished, etc.), some of them are not well heated and/or not well ventilated. They are often small and located in the basement. One woman reported that her room was at the same time the storage space of her employer, another that her room was the mandatory route in order to get to one of the freezers in the basement, which of course affects her intimacy. It should also be noted that they do not always have access to the amenities they would like. Many of the women (8) do not have access to a phone nor to Internet.

The vast majority of the women consider that the storage space for their personal items is adequate. Others store their personal items in the apartment they rent on weekends, particularly in order to be able to leave at any moment. One worker reported that her employer withheld her items when she told him she wished to quit her job. The intervention of her friends was necessary for the employer to decide to finally give her back her items.

The other living spaces of the live-in women are often shared. Many women (9) have to share the bathroom, and so the toilet, the sink and/or the shower, at a moment or another, with visitors or household members.

4.2.1 The Worker's Room and the Owners

Additionally to the shared spaces, the women often experience disturbances in their own room, and sense a great deal of control from their employers. The intrusion of the employers in the rooms constitutes a recurrent practice. One woman reports having once found her room turned upside down. She later learned that the employer's spouse had organised an evening during which her guests disguised themselves with her clothes. Another woman knows her employer regularly enters her room when she is not there. The vast majority is convinced that their employers enter their room in their absence.

One worker reported that her employer prevents her from using the electrical fan for more than one hour during the summer, which made her stop using it entirely. Another cannot listen to music in her room.

Amongst the workers interviewed, thirteen (13) answered being able to lock their room door (which is an obligation under the LCP); thirteen (13) answered that there isn't a lock on their door.

Even if the majority of the employers knock before entering the room, the vast majority of the workers say they are regularly disturbed, solicited for one or more end-of-day tasks, something they forgot, an emergency, etc. For example, the employer comes knocking on the worker's door to ask her to accomplish additional tasks, even if her regular work hours are over and that she is sleeping. Another woman recalls that her employer would allow his children to stay in her room with her during the evening. In another case, the employer requires that the worker leave her door open at all times - even at night - so that she can keep a close eye on the elderly person for which she cares for.

It should lastly be mentioned that the live-in requirement also entails, for some workers, that they have to pay, one way or another (explicitly, as a rent, or in overtime hours), a rent even though law prohibits it. A worker mentioned having to pay a rent for her room, under the pretext that the employer was giving her a gross salary and not a net one. Another worker claimed that, without the live-in requirement, she could have asked for a better salary - proof that the employer applied a deduction for lodging and food.

4.2.2 The Impossibility to Have Visitors

In almost every case, the workers cannot receive guests. This restriction affects the women's feeling of liberty and encourages their isolation.

Many of the women (11) have explicitly said they couldn't receive visitors, for a lack of space (1), because the employer simply doesn't want to (4), or because they sensed that the employer wouldn't want to even if they hadn't asked (6).

Eight (8) women declared that they theoretically had the possibility to invite guests to their employer's residence. In almost every one of those cases, however, they sense a significant resistance from their employers to this idea. Some hesitate to ask for their employer's permission, not wanting to bother them. Others declare not wanting to invite friends over in order to protect their private lives, and keep them separate from their employers.

Finally, only three (3) workers declared having received visitors in their employer's residence. One of them related having had a guest over, with the authorization of her employers, but that she never dared repeat the experience because she was under the impression that they had not appreciated it. Another woman said that another live-in caregiver employed by friends of her employer can sometimes visit her.

4.2.3 The Limits to the Right to Come and Go

The vast majority of the workers interviewed (23/33) declared not being free, and feeling controlled one way or another by their employers for their comings and goings. Some of them, for example, have to ask permission to leave the residence (sometimes one week in advance), while others don't have access to the residence's keys, or can only leave once they are sure that their employer absolutely doesn't need them anymore. Amongst the live-in caregivers interviewed, eight (8) answered having the keys to the house and four (4) answered not having them. The question was not asked to the other women.

During their rest hours, the workers generally do not dare venture out of the employer's house. The interviews suggest that the workers must, most of the time, obtain the employer's authorization to leave the house, which can be refused if they estimate that there are still some tasks to be accomplished. One woman reports being ashamed of asking her employer permission to go get a coffee outside. Others simply do not go out, because they prefer not having to report to their employer. For example, one woman states that she prefers to stay locked up in her room at the end of her work days rather than having to be asked the time she will be coming back. One worker reports that she can only go outside to walk the dog. The vast majority of the women declare that, during their workweek at their employer's residence, they do not feel free because they always have to be available.

This deprivation of liberty is also extended to rest periods, after the workweek. Numerous workers declare having to be reachable and available during the weekends or rest days. Some workers justify this availability and deprivation of liberty by explaining that they committed themselves, when they signed their contract, to being flexible even during rest days - a commitment that their employers do not hesitate to remind them of.

4.3 The Effects of the Live-In Requirement

The main effects of the live-in requirement are the absence of liberty, of a private life, and of actual rest periods. Many women agree to say that the live-in requirement involves a deprivation of liberty: "*you have no freedom*" is one of the expressions most often heard. One worker says she feels "*stuck in the house, tied to one place*". Dependent on their employers and particularly vulnerable, many women do not dare claim more time for themselves. One woman explained the impacts of the live-in requirement with the following terms:

"But the negative end part of it is that, because, for those years, my world was in that four-corner, you know. And when the kids are like, want to go out, for example summer, they want to go out and go to the park and that's the only time that: "Oh, this is summer!" That house became my world for many years. I didn't even try to be out and work. Like, how the business was going on outside, I don't know."

The employer's control and the availability obligation the workers are submitted to on the work premises have consequences on their mental health. Many feel unhappy, depressed, humiliated, lost, degraded and disillusioned. One woman said she felt "like an insect", while another reports having a very low self-esteem. One worker explains that her employer's residence is her "golden cage", because it is a big and lovely suburb house, isolated from everything. She reports feeling as if she is the property of her employers.

Once liberated from the live-in requirement, many women report feeling happier, as if they now have a life. However, some women mentioned finding themselves totally destabilized once "liberated", not knowing how to act downtown, alone, without landmarks, after so many years of being at their employer's service.

In brief, all the workers are particularly critical towards the live-in requirement, and plead for the freedom of choice in deciding whether or not to reside with the employer. A vast majority would opt for the abolition of this requirement (24/31 - two workers did not answer this question). Of these twenty-four (24) women, seven would like for the requirement to be completely abolished, while seventeen (17) believe that the choice should be left to workers whether to reside or not with the employer. They justify this answer by declaring that for some women, living with the employer can be financially beneficial and helps save on some costs (accommodation and meals). Six (6) workers estimate, however, that the live-in requirement should be maintained since it allows the workers to save some money, because *"that's why the program exists"*, or because *"it's in the law"*.

Section V

Work Conditions: The Monopolization of the "Workforce Machine"

5.1 The Live-In Caregiver's Work Schedule: An Endless List of Tasks

5.1.1 Number of People the Workers are Responsible For

From a legal point of view, the vast majority of employers to which the workers interviewed are attached to or were attached to under the LCP are in a situation of illegality as concerns workload.

As provided by the immigration regulations, the "live-in caregiver" (LIC) is a person who "resides in and provides child care, senior home support care or care of the disabled without supervision in the private household in Canada where *the person* being cared for resides" (our italics)³.

Quebec's work contract⁴ requires that the employer mention the person or the persons necessitating care (section 6). Yet, the vast majority of the workers (23/27) are hired to take care of more than one child or more than one person.

Persons Cared For:

Children (and their Parents)	Elderly Person	Handicapped Person
27 workers	4 workers	1 worker

Number of Children Cared For by the Workers Taking Care of Children:

Number of Children	1	2	3	4	5 et +
Number of Workers	4	11	8	3	1

Four (4) of the thirty-three (33) workers were hired to take care of an elderly person with reduced autonomy. These elderly persons, moreover, require specific care, one of them suffering

³ Article 2 : « *live-in caregiver* » Immigration and Refugee Protection Regulations (SOR/2002-227): <http://lois-laws.justice.gc.ca/fra/reglements/DORS-2002-227/page-2.html#docCont>.

⁴ *Contrat de travail*, <http://www.immigration-quebec.gouv.qc.ca/publications/fr/form/contrat-travail-dynamique.pdf>.

from Alzheimer, and the other from dementia, and both afflicted by physical handicaps which prevent them from moving. One (1) worker was hired specifically to care for a handicapped person.

All claim that they are not only caring for the children, or the elderly or handicapped persons, but also for the rest of the family, starting with the employers, be they in a relationship or single. Four (4) employees also work for other members of the family: the mother or the daughter of the employer identified in the contract. One of them is working for three different families that share the same building.

The work of the live-in caregivers is also affected by the evolution of the family and matrimonial trajectories of the employers. One worker that was hired to care for a four-year-old child today cares for three children, including two newborns. It is also worth mentioning the case of a live-in caregiver who has to work for the new boyfriend of her employer, a 17-year-old teenager who spends most of his time in the residence with five of his best friends.

Lastly, almost half of the workers (14/33) say they care for the family pets; dogs (from a Rottweiler to a poodle), cats, guinea pigs. One of the workers cares for eight (8) cats and eight (8) guinea pigs.

5.1.2 The Tasks in Terms of Content

The employers must describe in the work contract (section 8) "the responsibilities and tasks which are care-related" of the live-in caregiver. In this respect, immigration services specify: "*Housework, cleaning or other similar domestic duties, such as food preparation, may be allowable as a small proportion of the overall duties, and when clearly related to the duties of caring for the individual(s), however cannot be the primary duty.*"⁵.

This distinction, between *domestic work* and *caring work*, is not operational in practice.

The list of the tasks explicitly named by the workers when asked to describe their work is a testimony to this. Amongst them can be found the tasks generally associated with domestic work (cleaning, cooking, babysitting and care). The workers are often more specific: rise, bathe, dress the children, prepare the breakfast, supervise, bring the children to school, to hockey or foot practice, to the park, wash the clothes, iron it, put it away, prepare the luggages, plan the meals, the errands, do the groceries, clean the kitchen, fill the dishwasher, empty it, clear the table, scour the bathroom or bathrooms, vacuum, clean the windows, the garage, the car, take care of the pool, walk the animals, feed them, garden, pick up the children, play with them, prepare snacks, dinner and coffee, put the children to bed...

Additionally to the basic care work and the domestic labour that seem inevitable, the domestic workers report being sometimes wrongfully solicited for atypical and ridiculous tasks by their employers: serve coffee in the middle of the night, walk the dog in extremely cold weather, wash the three bathrooms everyday, vacuum twice, accompany the employer to the

⁵ Citizenship and Immigration Canada (2011), IP 04, *Processing Live-In Caregivers in Canada*, Immigration Canada, January 19th 2011, online: <http://www.cic.gc.ca/english/resources/manuals/op/op14-eng.pdf>, p.9.

hairdresser, stay awake in order to clean when the party is over and the guests are gone, wash the dishes by hand rather than by using the dishwasher, clean the home of the employer's daughter.

In brief, as summarized by one of the workers, they are "maids".

Admittedly, all the workers are not assigned to all the tasks enumerated above. Two (2) of them, for example, claimed not having to cook because their employers had a personal chef. A third one mentioned that it was her employer that cooked most of the time. All the others are responsible for the meals, from breakfast to dinner, additionally to cleaning and laundry.

Answers to the question "What is the most difficult task" attest to the extent of the content of the actual work of live-in caregivers: ironing, washing the cars, shovelling snow, washing the garden's lights using a very heavy ladder, washing the garage or the pool, doing the errands - because they have to think about everything that could be missing -, cleaning up at night once the guests are gone, preparing the Christmas festivities. For one worker, the most difficult task is the one that is assigned at the last minute and without pre-notice. Another one especially hates having to work during the evenings, when she is supposed to be resting. Lastly, a worker who takes care of an elderly person insists on the burden and difficulty of toileting.

It is possible to detect certain trends. For numerous workers, the most disliked task is cleaning, especially of the bathroom or kitchen, using chemical products. The worker who has to clean the house's three bathrooms everyday, amongst other tasks, says that she cried a lot the first time because *"I'm cleaning the dirt of other people"*.

For many others, it is the multiplicity of the tasks that is exhausting; having to decide everything (for the meals, for example) and organize it at the same time. Some also mention having to bathe the children while preparing the meals, all the while hearing from the child: *"You are not my mother!"* and fearing at every moment that an accident happens for which they would be blamed, constitutes one of the most apprehended moments of their day.

"Superwoman. You can put Superwoman. I can be mom, daddy, whatever. Cleaning, cooking, meal-planning, pet care, do the groceries, spend time with the children. I decide myself. Nobody tells me what to do."

Finally, amongst the tasks that are the most disliked by the workers, they also point out the tasks related to the pets (tasks that are not provided for in the work contract, yet that concern fourteen (14) of the thirty-three (33) workers met). For example, one worker says she is allergic to cats, while she takes care of the litter box that is located besides her room. Another laments the fact that she has to stay home to take care of the pets while her employers are away on vacation. A third one has to systematically extend her workday to walk the dog without being paid for this task. Only one of the workers appreciates walking the dog, because it is the only time she can get out of the house during her workday.

A worker concludes:

"I think employers, people, should care humans more than an animal. I'm not against the animals but, in my experience, my employer asks the dog if he eats when he comes home: 'Did you eat'. He never asks me. I told them: 'I'm so sorry. I

love dogs but I would rather people to chose care more about their nanny than the dogs'."

Lastly, when asked if the workers had enough time to accomplish all the tasks imposed to them, only eight workers out of thirty-one (8/31) answered yes. All the others state their inability to accomplish all these tasks within the delays prescribed by the employer.

5.2 Work Hours

The *Loi sur les normes du travail* states that a normal workweek is 40 hours. All the hours worked beyond the 40 hours constitute overtime that shall be paid at a 50% increased rate (time and one-half) of the usual hourly rate of the employee. Furthermore, an employee can refuse to work more than 50 hours per week.

5.2.1 Hours Worked Per Week

Twenty-two (22) respondents claim they work more than 50 hours per week. Amongst them, eight (8) work more than 71 hours per week, on average.

It should be noted that the time worked is underestimated (see below), additionally to the fact that the hours of availability are not accounted for in work hours.

	40 to 50 Hours	51 to 60 Hours	61 to 70 Hours	71 Hours and Over
Number of Domestic Workers	9	8	6	8

5.2.2 Days Worked Per Week

Nine (9) of the participants said they worked 6 or 7 days per week. Yet, the *Loi sur les normes du travail* states that employees have the right to 32 consecutive hours of rest each week.

	5 Days Per Week	6 Days Per Week	7 Days Per Week
Number of Domestic Workers	24	6	3

5.2.3 Hours Worked Per Day

The *Loi sur les normes du travail* states that employees can refuse to work more than 14 hours per 24 hour periods. On average, the respondents work 12,5 hours/day. The vast majority (26/33) work more than 9 hours per day (45 hours/5 day workweek) and for seven (7) of them, more than 14 hours per day. Many of them mention that they have to remain flexible outside of these work hours.

	Number of Domestic Workers
8 and 9 hours	7
10 and 11 hours	4
12 and 13 hours	13
14 hours	2
More than 14 hours	7

5.2.4 Breaks

The *Loi sur les normes du travail* states that employees have the right to thirty-minute breaks (unpaid) after 5 consecutive work hours. If the employer requires that the employee remain on the work premises, the break must be paid.

The vast majority of the workers interviewed report eating on site, and that this does not truly constitute a break, because they are simultaneously caring for the children. Others claim they do not have the time to sit down to eat. Others eat with their employers, while they would prefer to benefit from a moment of intimacy. In short, mealtime is rarely an occasion for a break.

According to the *Loi sur les normes du travail*, "a worker is deemed to be working when she is at her employer's disposal on the work premises and that she is required to wait for work to be given to her" (article 57).

Yet, the live-in caregiver job, as regulated by the LCP, confines de facto the workers to their work premises in an unlimited manner for the live-in period (5 to 7 days per week). As provided by law as concerns paid labour, the live-in caregivers are at the disposal of their employers, and are bound to wait for work to be assigned to them. As such, they should receive a salary for all the hours they are in the residence.

5.3 Salary and Payment of Overtime

5.3.1 The Salary

The respondents are paid between 330°\$ and 400°\$ per week. In light of the average number of hours worked as reported during our exchanges, the average hourly rate of the workers is 6\$ per hour, which is 4,15\$ below the minimum salary as provided by law.

Even if the employer cannot legally deduct the costs for lodging and meals from the live-in caregivers' salary, one of the workers claims she pays a rent for her room, and another confided that without the live-in requirement, she perhaps could have demanded a raise.

It should also be noted that some of the workers met are paid through the employer's company.

5.3.2 Payment of Overtime

The *Loi sur les normes du travail* states that all time worked over 40 hours constitutes overtime, to be paid at a 50% increased rate (time and one-half) of the usual hourly rate of the employee. However, the vast majority of the women interviewed claim they are not paid for those hours; some of them had to fight to be paid a portion of the overtime hours they worked. In sum, the live-in caregivers' salary seems to take the form of a lump sum, rather than being determined by the number of hours worked.

Seven (7) of them claim being paid in the form of rest time. However, none of them made this choice freely...

More precisely, one worker declared being paid for her overtime hours ("*Yes, she's paid and paid more than usually*"). Another declared having been paid for her overtime hours only for a year ("*Before they would always forget*").

Four (4) workers declared being able to "recover" the hours worked and, sometimes, be paid for them. "*It's a give and take*", the first one said. The second specifies that once, at a time she really needed money, she asked her employers for her overtime hours to be paid, and not recovered. The employers accepted. The third who asked that her overtime hours be paid, states that she systematically has to ask her employers, who forget just as systematically ("*This is what I hate*"). She specifies that when she accompanies her employers on vacation, she is not paid for the overtime hours worked. Another claims that she was never paid for all the overtime hours she worked for the first year. However, after asking, she was granted a 10\$ per hour salary for her overtime hours, such as the cleaning hours she accomplished in her employers' parents' houses. One worker mentioned being paid 20\$ more, regardless of the number of overtime hours worked, while another is sometimes paid to babysit at night.

All the other workers (24/28) are not paid for their overtime hours.

When asked why they did not claim their overtime hours, the workers evoked being afraid of retaliation, losing their job and the opportunity to obtain their papers: "*Because I was after my papers*"; "*All I wanted is to finish my papers, to finish my term*"; "*Because it could have broken the relationship - if you ask them, there's gonna be a gap, it's hard to work afterward in this kind of relationship*".

Two workers mentioned once daring to ask to be paid their overtime hours. To the first one's demand, the employer did not even answer, while the second was tossed out on the street without her personal belongings.

5.3.3 The Obligation to Work Overtime Hours

The *Loi sur les normes du travail* provides for a right to refuse to work, which can be requested after more than 14 hours of work per day or 50 hours per week.

All the women interviewed claimed to have worked overtime hours. Many employers ask the workers to come in on weekends. Some of them notify the worker at the last moment. While they are always long, the work periods can vary from a week to another for multiple reasons (babysitting, occasional household tasks, etc.).

The right to refuse, which can be invoked beyond 50 hours, is in fact not exercised for many reasons: a feeling of powerlessness towards the employer, the fact that they live with the employer, the belief that working more is mandatory, the oral commitment to work a certain number of hours and remain flexible taken at the beginning of the contract, the fear of being fired and not being able to complete the 24 months of resident work within the required time necessary in order to be eligible to permanent residence.

5.4 Social Rights and Domestic Workers

5.4.1 The Right to Health

5.4.1.1 The Right to the Quebec Health Insurance

Unless they benefit from an exception, which is not the case for live-in caregivers, all persons arriving in Quebec to reside, stay or come back after a long period of absence, must undergo a waiting period, which lasts between two (2) to three (3) months during which they are not covered by the Quebec health insurance (the waiting period varies according to the reference date which is used). Since April 2010, however, the employer is required to provide the live-in caregiver an equivalent coverage to that of the *Régie de l'assurance maladie du Québec*, for the waiting period, but no control mechanism sanctions this obligation.

The live-in caregiver's health insurance coverage is related to the validity of her work permit; in the case of a termination of employment, the coverage is lost.

Ten (10) of the women were asked about being covered by the Quebec health insurance. Eight (8) of them declared not having experienced any problems in relation to that fact, and thus being indeed covered by the Quebec health insurance.

Two (2) workers out of the ten (10), however, have experienced problems with their health insurance coverage. One of the two workers, even after having worked for a year for the same employer (undeclared), was never able to obtain, for many reasons (amongst others, probable negligence of the employer), a valid work permit. Due to the fact that she does not have a valid work permit, she is under an irregular immigration status in Canada and is thus not covered by the Quebec health insurance, even if she has been in Quebec for more than two (2) years). Up until now, she has not been sick, and thus did not have to pay for healthcare covered by health insurance. The second worker is not covered by the Quebec health insurance, for reasons seemingly related to her move to Quebec. She came to British Columbia in May of 2008, worked three (3) years for the same employer, and obtained a maternity leave when she got pregnant. She

then moved to Quebec in March of 2011, where some of her family members were. She realized, upon her arrival in Montreal, that she wasn't covered by the Quebec health insurance (because she was awaiting her Quebec selection certificate). She then returned to British Columbia to give birth. She returned to Montreal in June of 2011. Furthermore, a few months ago, this same worker suffered a miscarriage and had to visit the hospital, which cost her 1300\$. This worker is still not covered, because she is awaiting her Quebec selection certificate.

5.4.1.2 The Absence of Days Off for Health, Family or Parental Reasons

The *Loi sur les normes du travail* provides for days off for health, family or parental reasons, paid or unpaid. An employee can miss work, unpaid, for up to 26 weeks over a period of 12 months, for health reasons.

Eleven (11) respondents claim they work while they are sick. Amongst them, a small minority say they work "voluntarily" (she wanted to work anyways, or because they had to care for the children due to their parents' absence, or because the employer gets upset when she doesn't work and she feels guilty). A vast majority have worked while sick because they were forced to by the employer (the employer mentions that she doesn't have sick days; the employer says that it happens to everybody to be sick and still have to work; the employer tells her to work and wear a mask to avoid contagion; the employer forces her to work because she is already on the work premises; etc.).

5.4.2 The Right to CSST

Despite over eight years of fighting lead by the *La CSST pour les travailleuses et travailleurs domestiques* Coalition, the live-in caregivers remain excluded from the protection of the *Loi sur les accidents du travail et les maladies professionnelles* (LATMP). This exclusion consists of a triple discrimination according to the CDPDJ (2008). Furthermore, even if the new version (April 2010) of the standard work contract for a live-in caregiver provided by the Immigration Department of Quebec requires that the employer contribute for the live-in caregiver's coverage under the LATMP, this does not seem to be the case in reality.

This exclusion from the protection of the LATMP and from an appeal to the CSST constitutes a problematic issue for the workers, especially considering that the interviews highlighted the fact that the workers are confronted with important mental and physical health problems. Also, almost all workers (26/32) said they were either drained or exhausted at the end of a workday. Some of them go directly to bed after work, feel like crying every night, or go to sleep asking themselves why they are doing this job.

"I felt emotionally drained, physically tired thinking Oh my God tomorrow again, same thing again."

"Exhausted. Tired. Depressed. Alone. Homesick. After leaving, when I arrived here, my first month, I did not unpack my things. No. I did not unpack my things and I was crying."

"Homesick. [And the depression]. Only here that I experienced a depression, you know. Only here that I understand, what is depression."

Numerous workers also suffer from back, neck or muscle pain (19/33) due to cleaning and the weight of the children they hold. One worker had her knee operated: she was forced to wash the floor on her knees.

Section VI

Relationships with Employers

6.1 The Relationship with the Employer

Fourteen (14) of the workers met claim they maintain "good or very good" relationships with their employers, six (6) vary from moment to moment, thirteen (13) are "bad or very bad". The following chart represents the different ways of qualifying and specifying these relationships - which are ambivalent, defined by distance and proximity all at once.

Relationships with Employers:

“Good or Very Good” (14)	“More or Less Good” (6)	“Bad or Very Bad” (13)
<p>The workers of this group insist on the honesty of their employers, on their financial and/or administrative help, the case being. For example, one employer agreed to finance part of his employee's tuition fees, and another to initiate a sponsorship process for his employee's cousin. These workers insist on a good family climate and the benevolence of their employers:</p> <p><i>"I want a family like that. The children are so respectful. They are my idols."</i></p> <p><i>"When my employer notices that I am sad, she asks what's the matter, she tries to comfort me and give me advice."</i></p> <p><i>"We are like brothers and sisters."</i></p> <p><i>"I feel like I am a member of the family."</i></p>	<p><i>"They don't care about me, it's just a work relationship."</i></p> <p><i>"Not that bad."</i></p> <p><i>"I got along with my employer because I felt I couldn't express myself."</i></p>	<p><i>"I became a dog with a leash to my employer. She was always checking on me, she's a very demanding person. She would always say that I was a bad nanny and that I did not do a great job."</i></p> <p><i>"My worries are like: how am I gonna survive to this hell? Personally, I don't feel it's work anymore because, even from the start, it's difficult for me to survive this kind of job. I have to treat this house and this family like my own. They are very nice but I know that's it's in their own good. They just try to be nice for me not to quit."</i></p>

The distribution of women who feel respected or not by their employers is in line with the previous question: it corresponds to the distribution of opinions about the quality of the relationships with the employers.

Feeling of Being Respected by the Employer:

	Yes	Yes and No	Not at All
Number of Workers	14	6	12
	<p>Their employers regularly show that they are satisfied with their work: they are indispensable and their employers would not be able to accomplish what they accomplish: <i>"You are the best, our savior, you're wonderful."</i></p> <p>The employers do not hesitate to introduce them to their friends; they call them by their first names: <i>"I would address them by their names, just like brothers and sisters."</i></p> <p><i>"Its a two-way process: I give them respect, they respect me."</i></p>	<p>These workers feel respected as persons but not as workers. Even if the work relationships are cordial, they are also objectively unacceptable (unpaid overtime hours, calls in the middle of the night, work abuses and overload).</p>	<p>This is evident when the work conditions are considered: they are not respected, their work is not appreciated, overtime hours are always unpaid. The employers take advantage of them, they know that upon arrival to Canada, the workers barely know their rights. They are condescending, full of biases about Asian women. They have to wait for them to be done eating, and are left with the leftovers. One worker says she is considered an "insect" by her employers; another as "cheap labour": <i>"My impression that time is that they are just after my labour, my cheap labour, you know."</i> If her employers are satisfied to have hired her, it is because she cares for four families at a time, which is more than profitable for them.</p>

6.2 The Employers and the Life Journeys and Family Situations of the Workers

Most of the workers admit limiting to the greatest extent possible confiding in their employers about their lives, their family in the Philippines, their children and spouses: "*The more they know, the more they can bring things up*", one of them said. Overall, they prefer to be discrete about their private lives, but also about their militant involvement:

"The man is always telling me that if I have problems I can talk to him. Ok, fine. But for me, I cannot trust you. I can't. I have this wall. Even if he tells me that I am part of the family, I feel I'm still a nanny. I keep everything to myself. I am very quiet in the house. They don't know that outside work I'm very friendly, that I am involved with Pinay. I know that, when they are nice with me, for example if they tell me that I can have a break, I know it's only because they want to ask me something, to babysit for example."

Twelve (12) workers mentioned hiding information from their employers: being friends with the neighbours' live-in caregiver; being involved with Pinay (3); or the fact that they were considering contesting their work conditions before the *Commission des normes du travail* (CNT). Two (2) other workers explained that they never shared anything personal with their employers, fearing that it would affect their immigration process. Lastly, one woman explained that she couldn't admit to her employers what her plans where after her required 24 months.

However, three (3) workers declared confiding in their employers, who know everything about their private lives: "*Pretty much, they know everything, about my husband, my problems with immigration.*"

6.3 The Abuses

The following chart represents the types of abuses pointed out by the women during the interviews and the number of workers affected.

"The emotional abuse is very important, but it is not the only kind of abuse. I am experiencing a lot of types of abuse at the same time."

Type of Abuse:

	Workers affected	Examples
Withholding of Immigration Documents and Pressures Related to the Migratory Status of the Workers	6	<p>While not being able to prove it, one worker suspects her employers of being responsible for delays related to the Labour Market Opinion she is still waiting for in order to begin working legally in Canada.</p> <p>One of the workers related that her employer's spouse called "immigration" to conduct an investigation about her.</p> <p>The employer of one of the workers would regularly threaten of "deporting" her to the Philippines if the worker wouldn't do what she asked.</p>
Physical Violence	5	<p>The employer of one of the workers threw objects at her face on numerous occasions, and once shook the carpet on her head to show her that it was still dusty. The worker never dared make a complaint: she would not have been believed, her employers being very rich people.</p> <p>One worker was thrown in the street without her belongings. She feared for her life many times, and she lost a lot of weight.</p>
Accusations	18	<p>The workers are often suspected and accused of stealing lost objects: a can of tomato sauce, for example.</p> <p>Before the CNT, one worker was accused of violence by the spouse of her employer: she allegedly pushed her.</p> <p>The employer of one of the workers accused her of using their private bath.</p>

Insults	15	<p>"Just leave, go home!"</p> <p>"You're stupid! You're crazy! You're a moron!"</p> <p>"You're a fool."</p> <p>"Why you did not clean the back of the bed? When you have a bath, do you clean your ass?"</p> <p>"You don't know how to cook."; "You're worthless."</p> <p>One of the workers was told that Filipinos, even if they are educated, would never be good for anything else than being domestic workers or taxi drivers.</p> <p>One worker explains that in order to avoid insults, she must be docile and not let it show that she is affected: "I'm not allowed to show my feelings, only happy feelings are allowed."</p>
Psychological, moral and sexual harassment	13	<p>One worker was continuously told that she was good for nothing, for two years. She would cry everyday in her room, and claims having lost all her self-esteem.</p> <p>Another worker endured moral, psychological and sexual harassment from her employer's spouse, who suspected her of having sexual relations with him. Additionally to threatening of hitting and killing her, she tried to underdress her on numerous occasions to inspect her.</p> <p>An employer couple tried to enter by force the apartment the worker shared on the weekends with other workers; the apartment caretaker had to intervene.</p>
Threats	15	<p>The employers of one of the workers, who asked for her overtime hours to be paid, threatened to call the immigration authorities to have her deported.</p>

Finally, six (6) workers admitted not always having felt safe in the employer's residence, because of the bad relationships they have or had with them.

The Employers' "Gifts"

Only five (5) workers out of thirty-three (33) say they have never received gifts from their employers. Those that offer gifts give chocolate, used clothing, perfume, a watch, an Ipad, a birthday cake, a bonus towards a trip to the Philippines, for example. Often times, the gifts are to celebrate Christmas or birthdays. One worker was offered a vest that allegedly cost 1000°\$ according to her employer, and then was submerged by work. Another reports receiving gifts every time her employer feels guilty of taking advantage of her. Lastly, one worker received a dress to attend a wedding ceremony during which she had to care for eight (8) children.

6.4 Being Afraid of Being Deported and Knowing you Are Indispensable

Sixteen (16) of the respondents constantly fear being laid off; the majority of them admit never refusing a task, afraid they might be fired. This fear increases every time their work is criticized, that their employers show dissatisfaction, or when they are compared to previous workers or other live-in caregivers employed by friends of the family.

"Who wouldn't be afraid? The job depends on pleasing the employer. We are a slave of the documents", explains one of the respondents.

The other workers are not afraid of being fired. They justify this by the fact that they benefit from a good relationship with their employers. They can thus feel comfortable postponing a task to the next day and reminding them that they are not "robots". More generally, they know their employers depend on them for their day-to-day routines, that the children are too attached and that to hire and train another employee would require too much time and energy from their employers.

6.5 Claiming Rights and Work Permit

The vast majority of the workers admit that they would have dared claim their rights if they had benefited from an open work permit upon their arrival in Canada. They wouldn't have lived in fear of being fired, of being deported to the Philippines and they would not have hesitated to change employers in cases of abuses, they say. One of the workers considers she would have been happier if she felt freer to change employers. Many say that they wouldn't even have worked as live-in caregivers. They would have pursued their studies in order to be qualified for other training fields, such as nursing, for example. They would have learned French.

Ever since she has her open permit, one of the workers admits she is more confident: *"When you are under the LCP, everything seems limited, you're vulnerable with everything".* With an open permit, *"If something happens, I can just find another job. It gives a feeling of security."* Another now dares fight for her rights. Since she obtained her open permit, she continues to work for her employer, but she works from 9am to 5pm, and refuses unpaid overtime hours.

Section VII

Strategies to Combat Rights Violations and Relation to Activism

7.1 Pinay

"If I knew about Pinay before, I would not have stayed 23 months with my employer. When you don't know your rights, you are isolated."

Considering that the majority of the respondents were referred to us by Pinay militants, the women interviewed generally knew about the organization, and sixteen (16) of them were very involved at the time of the interviews. Only two (2) respondents weren't yet aware of the existence of the organization. One of them, however, knew about the Immigrant Workers Centre, which welcomes the Pinay militants.

It is mostly through family networks, friends from the Philippines and people met during French classes, that the workers came in contact with the Pinay militants. One of the workers was referred by her hairdresser who works in the building where the Pinay meetings take place (at the Immigrant Workers Centre), another worker through the *La Maison bleue* organization⁶.

Only one of the workers explained to us that she would rather not be involved with Pinay; she thinks that the organization would undoubtedly push her to claim her rights, the payment of her overtime hours for example, and this is why she wishes to keep her distances.

Amongst the sixteen (16) workers who say they are actively involved with the organization, eight (8) indeed participate in the activities and different committees, including the administration committee. They organize protests (they are members of the 8th of March committee, for example), bi-annual celebrations, legal clinics, as well as fundraising activities. One of them sometimes shares her personal testimony, at academic conferences, for example. Another is working towards the establishment of a transition home for live-in caregivers. They meet on a weekly basis, usually on Sundays for a two-hour meeting.

Eight (8) other militants describe themselves as participants only. They do not organize the activities nor are they involved in the committees. However, they participate in the protests, training workshops, legal clinics and dance shows.

Those who do not participate in the Pinay activities explain it simply by a lack of time, their schedule already split between their job and their children.

⁶ <http://www.maisonbleue.info/> La Maison Bleue: Youth prevention environment, non-profit and charitable organization offering perinatal social care to pregnant women living in a vulnerability context.

Employers are rarely aware of the political activism of their employees. And when they are, they "*don't really understand what the organization does*", according to one of the workers.

Only two (2) of them claim that they regularly talk about Pinay with their employers, who they do not hesitate to solicit during fundraising campaigns. Other workers, on the contrary, hide their involvement with Pinay due to mistrust:

"It was better to keep it silent, maybe it would have been better if they knew because they would know I knew my rights... but can be bad too"

or because they simply do not speak about their lives with their employers: "*I don't care letting them know.*"

Lastly, one of the workers who is very actively involved with Pinay, tries to appear like the perfect foreign worker: she plays the role of a very timid, discrete and deferent young woman, without ties or friends. If her employers knew what she did with Pinay, if they saw her be a militant, protest, animate the evenings and dance, they would be absolutely baffled, she says.

7.2 Legal Battles Related to their Work Experiences Under the LCP

Twelve (12) of the workers met had already initiated legal proceedings against their employers before courts, at the moment of the investigation.

The most used recourse by the respondents is the filing of a complaint before the CNT - nine (9) cases out of twelve (12). Eight (8) of these complaints involve unpaid overtime hours or unpaid rest periods. Four (4) of the respondents were still awaiting a hearing date at the moment of the interview. Three (3) others had their complaints rejected, due to a lack of sufficient evidence or witness.

Three (3) other workers had filed a complaint, before the CNT as well, for psychological harassment. One of the files was closed, due to the lack of a witness. The worker and her employer nevertheless reached an agreement, according to which the employer provided a reference letter and the worker agreed to never reveal his name in any media whatsoever.

At the moment of the investigation, one worker had obtained moral damages for psychological harassment. After being forced to work for friends of her employer, and fainting at work, she decided to file a complaint before the CNT. She had to wait a year for the hearing and remedy: "*I was afraid they would pay someone to kill me, they knew where is my house. I wanted to move out.*"

She says she is satisfied with the judgement: as a "*simple caregiver, I could have power on them, so the future caregivers would not live what I lived.*"

One of the workers explained why she decided not to go before the CNT to claim her unpaid overtime hours, even if Pinay encouraged her to do so:

"I prefer to stay silent. I think it's not that much. My employers also sponsored two of my cousins who now work for them."

Furthermore, this worker had done the same job in Hong Kong where, according to her, the work conditions were much harder in comparison to those she had experience in Canada.

Three (3) of the workers filed a complaint before the CDPDJ. The first filed a complaint against the "Supernanny" employment agency for human trafficking. More precisely, she is accusing the agency of providing her with a "false" contract and a "false" employer upon her arrival in Canada. She was left without an employer for 7 months, while the 24 months live-in requirement delay was ongoing. Since her arrival to Canada, the agency also forced her to sign a lease with a very expensive rent, for an apartment she had to share with numerous workers, and threatened to sue her if she left. Initiated in 2011, the proceeding was still ongoing at the moment of the interview. For confidentiality reasons, the content of the two other complaints before the CDPDJ cannot be specified here.

One of the respondents was sued by her previous employer, a lawyer, at the moment of the interview. The parties were at the time of the interview awaiting a hearing date. In this complicated case, X, a live-in caregiver, acted as a guarantor for one of her friends, Y, also a live-in caregiver. The employer had required, before hiring Y, that X agree by contract to give her 3000°\$ if Y quit her job before completing the 24 months required. For over two years, Y suffered abuse and violence without daring file a complaint, fearing that the lawyer would ask her friend X for the 3000°\$. She finally built up the courage to quit her job after obtaining an open permit, and after the Pinay members and lawyers explained to her that the contract was illegal. The lawyer is now demanding tens of thousands of dollars to Y, for wrongful termination of the work contract. The employer was also using the domestic worker as a secretary in her law firm.

Lastly, another worker was scheduled to meet, in the days following the interview, a lawyer working with Pinay to try to see if there existed a possible recourse concerning her migratory situation in Canada. Since her arrival to Canada in January 2013, she hasn't been able to work legally. Her first employer did not require her services anymore once she arrived to Canada. She spent a trial week at another employer's residence, but she had to quit due to unacceptable work conditions. She then spent three trial months at a third employer's residence, still illegally, but she also had to quit due to intolerable work conditions. She is currently working with a fourth employer, but she still hasn't been able to obtain a valid work permit, despite exhausting procedures and while working all week for her employer, 24/7. She explains that her new employers fell behind with her Labour Market Opinion (LMO). She asked them numerous times the state of her application, to be told that Service Canada had lost it. She finally obtained the LMO in November 2013. Her work permit application, sent in December 2013, was later refused on the grounds that she worked illegally in Canada for a long period. The worker suspects her employers of having lied to her about the LMO demand process, so that they could have her work illegally for the longest time possible. Concerning her illegal work, she explains: "*I didn't have a choice. What do I do? I have to live in the streets? Prostitute myself?*" At the moment of the interview, the worker was required to leave Canada in May 2014. She wasn't sure what she wanted to do. She was thinking that if there was a possibility of staying in Canada, of asking for a revision of the decision, she would initiate it.

7.3 Main Demands in Relation to the LCP

Thirty-two (32) of the thirty-three (33) women were interviewed about the main issues with the LCP. The issue most often identified by the workers were the unpaid overtime hours (29/32). The live-in requirement was the second most reported issue by the women interviewed (20/32). Verbal and psychological abuse of the workers is in third place, reported by nineteen (19) out of the thirty-two (32) women. A fourth important issue is the fact that the work permit is tied to a specific employer (16/32). Five (5) women also mentioned that the 24 months of work required under the LCP are excessive, and that only 12 months, for example, should be required.

Other less frequent issues are mentioned by the workers interviewed, such as: long delays to change employers and obtain a new work permit, the low salary, the physical abuse and sexual harassment, the fact that employers do not know the law nor the workers' rights, the fact that the workers cannot study while working under the LCP, the exclusion of the workers from the CSST, the need for a stricter governmental supervision of the employers.

Main Issues Related to the LCP:

	Unpaid Overtime Hours	Live-In Requirement	Verbal and Psychological Abuse	Work Permit Tied to a Specific Employer	24 Months Requirement Considered Excessive	Other Issues
Number of Women	29	20	19	16	5	12

Conclusion

The ongoing research on which this report is based consisted of identifying the issues surrounding the live-in requirement, by examining its effects on life, work, and fighting conditions for the live-in domestic workers. Initially, the goal of this research project was to contribute to highlighting the specific exploitation that this requirement authorizes and organizes *de facto*. If we chose to center our analysis on this disposition of the LCP, it is foremost due to the fact that its removal constituted a top priority for Pinay workers and militants, undoubtedly because it is a prerequisite condition to any minimal control on their activities, be it in terms of time worked, of schedules, of cadence or of work relationships.

As states one of the workers we met:

"When you are living outside, it is very good, you have free time, you start and you finish your job. But when you live inside, you work as long as he or she wants you to."

However, beyond the live-in requirement, its removal not guaranteeing that of residence with the employer, it is clear the immigrant domestic workers in Canada constitute a class fraction (in terms of class, sex and race) that is particularly exploited.

Our research results seem to support the thesis, formulated elsewhere⁷, according to which the LCP - inclusive of its live-in requirement - is part of a legal system which not only expresses, but also (re)organizes a "transitional form of exploitation" by way of a control on bodies located between slavery, "sexage" and employment (Colette Guillaumin: 1978), and which contributes to the production of an unfree form of labour.

More specifically, our results reveal systematic violations of labour laws, and of many fundamental rights: the right to a private and family life, the right to come and go, the right to freedom, the right to freedom of association. With regard to labour laws, can be pointed out the obligation to accomplish overtime hours, the unreasonable absence of a measure for the volume of hours worked, the unpaid overtime hours, the absence of paid days off or of days off in themselves, as well as the allocation of an infinite number of tasks to the workers, another form of unreasonable work conditions. As concerns the violations of the right to a private and family life, we can recall the testimonies of the workers concerning the intrusions by the employers in their rooms or the impossibility to have friends over, and more broadly, the absence of time for themselves... Furthermore, considering the life stories we have heard during this research, we must insist on the affective, family and community relationships that are *de facto* sacrificed for the benefit of the well being of Canadian families. Lastly, the violation of the right to freedom appears to be very clearly called into question by the impossibility of the workers to leave the residence due to the fact that they do not have the keys, to name only one example. It should be noted that under the *Canadian Caregivers Program*, the workers are not free to change

⁷ Elsa Galerand et Martin Gallié, « L'obligation de résidence : un dispositif juridique au service d'une forme de travail non libre », *Revue Interventions économiques* [En ligne], 50 | 2014, 22 pages, mis en ligne le 01 novembre 2014.

employers and/or work sector. The question as to whether this derogation to labour laws can be interpreted as an infringement to the right to freedom seems to constitute an important legal issue.

In any event, the violation of fundamental rights, considered as systematic discrimination (CDPDJ, 2011) by the *Commission des droits de la personne et des droits de la jeunesse*, is based on two dispositions at the heart of Pinay's demands, contested by the organization since its creation: the absence of permanent residence and the live-in requirement. The contestation of these two dispositions falls within a larger combative practice, as attested by Pinay's demands:

- Granting of the permanent residence upon the workers' arrival in Canada;
- Leave the choice to the workers whether to reside or not with the employer, in conformity with ILO Convention 189;
- Implement regular work inspection mechanisms for employers;
- Require for the employers to respect the eight hours of work per day;
- Offer the domestic workers French classes, and ensure that the employers allow them to attend these classes during their rest hours during the day - and not only during their days off (ensure a right to mobility during the hours spent at the employer's residence);
- Ensure and promote the right to freedom of association of the domestic workers.

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