

Immigration Policy and the Live-in Caregiver Program: The Racialization of Feminized Work in Canada's Labour Market, an Intersectional Approach

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Abstract

Immigration policy in Canada has increasingly been relied upon in order to meet short-term economic objectives, while conversely, immigration outcomes have increasingly continued to decline. Programs such as the Temporary Foreign Worker Program and the Live-in Caregiver Program (LCP) were created in order to meet labour market shortages with a more flexible labour force. The potential of achieving permanent residency status through these programs provided the incentive for migrants to participate. However, the temporary status of migrants and the precarization of their employment in a flexible labour market has contributed to increased levels of poverty, underemployment or unemployment, inequality, and social exclusion amongst Canada's immigrant population, with a disproportionate representation of women. This paper uses an intersectional framework to analyze the LCP as feminized work, revealing the intersecting inequalities of immigration status, gender, labour market participation, and racialization. The systemic exploitation and barriers to integration experienced by many migrants, premised on these intersecting identities, are inimical to Canada's long-term social and economic objectives. A comprehensive analysis of immigration policy and the LCP is explored in this paper, concluding with policy recommendations to address the poor working conditions of the LCP and the lack of support for migrants in the integration process.

Keywords: Canadian immigration policy, Temporary Foreign Worker Program, Live-in Caregiver Program, migrant workers, intersectional analysis

Introduction

Immigration outcomes in Canada have declined in the last several decades. Poverty, underemployment or unemployment, inequality and social exclusion are increasing amongst Canada's immigrant population, with a disproportionate representation of women. Canada relies on immigration to meet labour market needs and has historically relied on immigration policy as a component of its nation building schema (Poisson 2012, 186). The failure of integrating

immigrants into the Canadian labour market and society at large necessitates more comprehensive policy analysis. The decline of labour market outcomes has correlated with the emergence of neoliberal policies that have emphasized the need for a more flexible labour force to fulfil short-term economic objectives (189). As a politico-economic theory, neoliberalism is a free market, free trade paradigm that perceives the reduction of government involvement in the economy as a requisite for economic growth and prosperity. The expansion of the Temporary Foreign Worker Program (TFWP) has reflected this change in immigration policy as an entirely business-oriented program. Under the purview of the TFWP, the Live-In Caregiver Program (LCP) is the primary avenue through which migrant workers can achieve permanent residency status in Canada. This paper argues that current policies under the LCP, as seen through an *intersectional* theoretical lens, contribute to the intersecting inequalities of participating migrant women, which are inimical to long-term economic objectives that seek to build citizenship and the labour supply in Canada. An intersectional analysis explores the links between various forms or systems of exploitation or oppression, revealing the necessity for domestic labour recognition and protection as well as more comprehensive program regulation.

Many migrant women who enter Canada as live-in caregivers with the anticipation of gaining permanent residency status expose the intersections among immigration status, gender, labour market participation, and racialization. The demands for labour market flexibility in a globalized economy have disproportionately exposed racialized groups of women who enter Canada to precarious employment and higher levels of inequality than Canadian-born citizens (Hanley and Shrage 2009, 353). In order to illustrate this process, a brief overview of the evolution of immigration policy in Canada will be provided to situate the LCP within a broader context. With an appreciation of the resultant demographic shift and correlating change in the labour market environment, the LCP will be explored more comprehensively as a program that outsources *feminized work*. Feminized work is traditionally associated or dominated by women and characterized by normative gender roles such as domestic labour, like caregiving. The LCP will then be examined through an intersectional lens. Intersectionality, as a theoretical perspective applied to policy analysis, will help facilitate a more acute understanding of the implications of the LCP and immigration policy in Canada more broadly, informing certain policy recommendations accordingly.

Immigration Policy in Canada

The *Immigration and Refugee Protection Act (IRPA)*¹ introduced by Parliament in 2001 is federal legislation that clearly outlines Canada's economic goals sought through immigration policies. Enumerated under the first objective, the IRPA states that the primary goal is "to permit Canada to pursue the maximum social, cultural and economic benefits of immigration ... [and]

1. *Immigration and Refugee Protection Act, Statutes of Canada 2001, c. 27*. <http://laws-lois.justice.gc.ca/eng/acts/I-2.5/page-1.html>.

to support the development of a strong and prosperous Canadian economy”. As a consequence, most immigrants are admitted into Canada through the economic class rather than the more altruistic programs of family reunification or providing refugees protection (Picot and Sweetman 2012, 3). In the context of an aging population, economic immigrants have become increasingly salient. In 2008, 75 percent of workforce growth alone was a result of immigration and is projected to continue to increase (Poisson 2012, 187). Consistent with this trajectory has been the expansion of the TFWP which is designed to alleviate occupational shortages and to fill short-term economic objectives within rapidly changing labour market conditions. Accordingly, a flexible labour force within the objectives of IRPA is requisite to meet these demands (189).

A further shift in immigration trends within Canada has been a change in primary source countries. Prior to 1970, most foreign workers emigrated from Europe. Following the 1970s there was a decided shift from European to Asian countries. According to 2006 census data, the top five source countries are currently China, India, the Philippines, Pakistan and the United States (Statistics Canada 2008). The result has been a demographic shift with an increase in the number of visible minorities in Canada, marking a significant change from the post-war policies that promoted a narrow Eurocentric definition of citizenship and what it means to be a Canadian. The subsequent phase of immigration policies from the 1970s onwards facilitated a multicultural paradigm which emphasized global human capital (Siemiatycki 2012, 225). The emergence of policies that emphasized human capital were underscored with the preponderance of neoliberalism, macroeconomic objectives that favoured a flexible workforce and the decline of the *welfare state* in which the social and economic security of the population are a government’s responsibility. As Jill Hanley and Eric Shragge (2009) indicate, “in the past fifty years, the ethnic and cultural makeup of immigrant workers in Canada has changed significantly; over the same period, immigration has had a major impact on the makeup of Canadian society and the structure of the labour market” (355). Challenges to social and labour market integration and the correlating decline of immigration outcomes have emerged as a result. These issues concerning immigration policy in Canada can be most saliently illustrated by the LCP.

The Live-in Caregiver Program and the Domestication of Migration

The LCP is the only program other than the Canadian Experience Class which offers temporary foreign workers the possibility of permanent residency under the purview of the TFWP (Valiani 2009, 3). Through the Canadian Experience Class, permanent residency can be achieved by foreign students or temporary workers who have developed the requisite language or work skills after a stipulated minimum stay and months of full time employment in Canada (Canada 2013a). However, the program itself has only recently been established. It is for this reason that thousands of migrants, predominantly women from the Philippines, have and continue to enter Canada through the LCP. It is also a result of the 2008 IRPA amendments that expanded the TFWP (Valiani 2009, 4). The LCP is designed to fill the care deficit that a century of socioeconomic development, population growth, and now an aging demographic has created.

Citizenship and Immigration Canada (CIC; Canada 2012) defines live-in caregivers as “individuals who are qualified to provide care for children, elderly persons or persons with disabilities in private homes without supervision.” It is also stipulated that “live-in caregivers must live in the private home where they work in Canada”. Caregivers may apply to Citizenship and Immigration Canada for permanent residency upon completing 24 months of work for a single employer within a maximum four-year time frame. As live-in caregivers are not permitted to bring family members to Canada with them, the program also provides the workers an incentive for family reunification or sponsorship. A permanent residency status provides an immigrant and their dependents the right to receive most of the social benefits that Canadian citizens enjoy. This includes labour and mobility rights, the ability to apply for full citizenship, and protection under Canadian law (Canada 2013b).

Despite the fact that most live-in caregivers come to Canada through the LCP with the intention of achieving permanent residency, only half of the women entering Canada from 2003 to 2005 had successfully done so by 2007 (Valiani 2009, 11). Not only do relatively few participants gain permanent residency status, but many women that participate and complete the program experience exploitative working conditions under the program and barriers to integration after completion (Hanley and Shragge 2009, 353). Indeed, the condition of live-in caregivers in Canada has even been recognized by international organizations such as the United Nations (2003) and the International Labour Organization (2012). They acknowledge that migrant women are excluded from labour protection as a consequence of a combination of factors such as their status, social location, race, or employment within feminized work that is not covered by labour legislation in Canada (Hanley and Shragge 2009, 353). It is therefore essential to consider the relation of the condition of women migrant workers in Canada through the LCP, as well as its capacity to meet the long-term objectives of building the labour force and citizenship. Both objectives are increasingly beneficial to Canadian society in the context of changing demographics (Valiani 2009, 14). These conditions can best be understood within an intersectionality framework in order to demonstrate how the outcomes of the LCP are premised on the interacting inequalities of the various socioeconomic conditions of women migrants.

Intersectionality

As a theoretical framework, intersectionality emerged as an epistemological development from the second-wave feminist movement which sought to challenge the mainstream feminist paradigm that predominantly represented the experience of white, educated, middle-class women (Khanlou and Gonsalves 2011, 167). Women from the developing world argued that gender relations and inequality occurred at various levels, which extended beyond a narrow understanding that privileged this archetypal woman. It is argued that women from the developing world experience the process of racialization, which can be described as when “so-called visible minority groups are set apart and often discriminated against on the basis of skin colour or other markers that are thought to differentiate them from the white European middle-

class mainstream of Canada” (167). Therefore, intersectionality sought to emphasize the importance of social constructions of identity other than gender. It illustrated how multiple identities intersect and interact together within various social locations and processes (Siltanen and Doucet 2008, 147). Intersectionality is premised on the assumption that identities such as race, ethnicity, or class, are given meaning from social inputs which tacitly invest value into these distinctions (Siltanen and Doucet 2008). The United Nations has adopted an intersectional framework for addressing discrimination and defines it as follows:

An intersectional approach to analyzing the disempowerment of marginalized women attempts to capture the consequences of the interaction of two or more forms of subordination. It addresses the manner in which racism, patriarchy, class oppression and other discriminatory systems create inequalities that structure the relative positions of women, races, ethnicities, classes, and the like. Moreover, intersectionality addresses the way specific acts and policies operate together to create further disempowerment. (quoted in Khanlou and Gonsalves 2011)

Canada has adopted a gendered lens to policy through its gender-based analysis (GBA) framework. A GBA approach seeks to include a gendered perspective in the policy process as a means to analyze how policy may reinforce marginalization or otherwise affect the genders respectively. However, the experience of Canadian immigrants is shaped by policy that, either explicitly or implicitly, defines their condition as a result of the intersecting hierarchies of multiple identities. The causal impacts of immigration policy transcend merely a normative understanding of gender. Therefore, “it is the intertwining of hierarchies that necessitates the discussion of racial hierarchies simultaneously with a discussion of gender” (Siltanen and Doucet 2008, 149). Similarly, Olena Hankivsky (2007) argues that an intersectional approach “brings to the foreground of policy analysis the necessary questions, information, data, and contextual considerations that are essential for understanding and responding to all the contours of systemic domination and discrimination, not just those attributed to a rigid category of gender” (129). Within this framework the multiple intersecting identities of caregivers working in Canada under the LCP can be understood as a result of policies that, conversely, reinforce these identities through the construction of structural barriers to effectual integration.

The Feminization of Poverty and Migration

An intersectional analysis reveals how live-in caregivers are marginalized along several dimensions that intersect at the macro level (global migration and Canadian immigration policy) and micro level (employer and employee power relations), contributing to their inequitable socioeconomic location (Lenard and Straehle 2012, 228). At the macro level there is the “globalization of the feminization of poverty” which has led to the “feminization of migration” (Hanley and Shragge 2009, 360). Feminization occurs when women are disproportionately represented within a role or position. The feminization of migration occurs when women, due to the responsibility to care for family members, and given the lack of opportunities as a consequence of gender inequality or poverty experienced at home, are impelled to migrate in

order to provide for their relatives in their country of origin (355). However, this also leaves them vulnerable to economic exploitation in the destination country, as they are often restricted from returning home. A family's dependence on the financial support of migrant women often binds them to low-wage jobs with poor working conditions in the host country (355), resulting in the feminization of poverty. Indicative of this phenomenon is the fact that remittances are an increasing contributor to global capital flows. Countries such as the Philippines even embrace a domestic economic policy that promotes the export of labour, particularly caregivers, to countries such as Canada in order to generate income from remittances. Indeed, income from remittances constitutes an approximate 10 percent of the Philippines' current account balance (Lenard and Straehle 2012, 232). Given these global trends in migration, the condition of migrant women is consistently precarious, due to not only their vulnerability at home, but also in the host country.

The Philippines can adopt policies that facilitate the export of labour to countries such as Canada, due to Canada's high demand for migrant caregivers. In fact, of live-in caregivers arriving in 2010, 90 percent were from the Philippines (CIC 2012, 4). Once in Canada, the primary destinations for LCP workers are mainly the large metropolitan centres in Ontario, followed by British Columbia, Alberta, and then Quebec (3). Indicative of the high demand for work in these areas, according to a 2006 CIC report, "live-in caregivers, nannies and parent's helpers" were the top occupational categories where temporary foreign workers were needed most in Alberta (as cited in Valiani 2009, 4). As noted above, there is a large labour pool of care workers from developing countries south of the equator as migrant women seek to support family remaining in their country of origin. The promise of permanent residency offered through the LCP and the potential for family sponsorship also constitutes a significant draw. Workers, for this reason, are willing to pay extremely high placement fees to recruitment agencies and wait several years for placement in Canada.

Immigration and the Canadian Labour Market

Work in Canada, however, is not without substantive challenges. Care work in Canada, as in many other countries, is undervalued and consequently underpaid. Women in Canada, as in other regions, experience the inequality of a traditionally patriarchal structure and a gendered division of labour, which depreciates the feminized work of caregiving as an occupation. This creates the paradox where, while migrant women sell their caregiving labour in markets such as Canada, they subsequently leave a care deficit in their country of origin where caregiving is likely equally under-appreciated (Lenard and Straehle 2012, 228). In Canada, as live-in caregivers are only mandated to earn minimum wage under the LCP (Canada 2012), many Canadian families are therefore in a position to purchase the labour of migrant women to care for their own children or other members of the family such as elderly parents. Earning minimum wage in itself may not produce inequalities. Indeed, many Canadian-born citizens occupying low skilled jobs earn minimum wage. However, it is the very demarcation of caregiving as unskilled

labour that makes it consistent with traditional patriarchal family structures which reinforce women's unpaid labour within the household. Moreover, the stipulation that caregivers reside within the home of their employer denotes erratic working hours that are not clearly defined, resulting in work that is not adequately reflected in the compensation or wage structure that is already nominal (Valiani 2009, 4). Consequently, the differential between paid and unpaid labour consequently becomes obfuscated.

Also highlighted through these hierarchies is the paradox that though around 70 percent of Canadian mothers with small children work outside the home, there is an absence of an affordable public system of childcare or homecare (Valiani 2009, 5). In this way, domestic workers facilitate their employers, who are mostly workers themselves, to improve their standard of living through offloading the responsibility of care work onto the indentured labour of the domestic worker (5). Some might indicate access to affordable or universal care services as the most conspicuous policy solution, through which the demand for live-in caregivers under the LCP would ostensibly be reduced or even become obsolete. Quebec, which has the most comprehensive childcare system of the provinces, would suggest otherwise, as it remains one of the primary destinations for caregivers through the LCP as noted above. Given that there is no concrete correlation between, for example, available comprehensive childcare and the demand for the LCP it elicits imperative questions which are beyond the scope of this paper.

As a consequence of the undervaluation of care work with its correlating low wages and poor working conditions, the retention rate of workers have been historically low. According to sociologist Sedef Arat-Koc, prior to the 1970s workers admitted into Canada to work within the home often sought other forms of employment shortly after beginning the program (as cited in Valiani 2009, 6). At the time, caregivers enjoyed the freedom of employment and labour mobility associated with permanent residency status that was automatically attained through the LCP. In order to address retention rates, rather than improving wages or working conditions, mobility restrictions were introduced in 1973 (Valiani 2009, 6). Caregivers were now only allowed to enter Canada on a temporary basis and were obligated to reside in their employers' home. The option of permanent residency was later added to the program in 1982, and was stipulated on the condition that the worker complete 24 months of live-in work for a single employer (7). These policy reforms addressed the issue of retention rates, privileging the interests of employers who are seeking reliable care services.

At the micro level, employee and employer power relations through immigration policy have contributed to the structural marginalization of the caregiver. In addition to low wages, policies implemented in the 1970s onwards have restricted labour mobility and the tenure of the program. Employers have an inordinate level of control over their workers' immigration status, which is a determinant of their legal status in Canada. After a caregiver completes the requisite live-in work, the application for permanent residency is contingent on the employer and the

references that they provide. Certainly, the caregiver's experience in Canada is premised on their participation in the program as an employee in a private home. It is therefore anticipated that an employer's recommendation and statement of hours worked (Canada 2012) be a component of their application and a contributing determinant of qualification for permanent residency. However, this creates the circumstance where the current and future immigration status of the live-in caregiver is inextricably bound to that of their employer. That the legal status of workers is determined through their work permits, and "within the context of a weakened and poorly enforced labour legislation throughout Canada, migrant workers hoping to remain permanently in Canada and eventually sponsor their families are rendered yet more exploitable by employers well aware of their employees' precarious legal and economic status" (Valiani 2009, 8). Employer-centred policies were further expanded with the amendments in 2008 to the IRPA. This was in order to address short-term labour market shortages and the care deficit by establishing the temporary migration of workers as the principal conduit to permanent residency in Canada (9). The precarious status of migrant workers, particularly women, has therefore been effectively enshrined in the IRPA.

Furthermore, neither recruitment agencies nor employers are subject to mechanisms that monitor and regulate their compliance with Canadian laws or that have the capacity to enforce working contracts (Valiani 2009, 14). The Province of Manitoba has been an exception; it now rigorously regulates recruitment agencies after passing the 2008 *Worker Recruitment and Protection Act*². However, article 16(2) does articulate that an employer may sue temporary migrant workers for the recovery of recruitment costs if workers are perceived to act "in a manner that is not condoned by the employer," are "disobedient, dishonest," or "willfully neglect duties". It is essential to recognize and protect the interests of employers and the members of their family whom participants of the LCP are employed to care for. Employers do share an analogous risk to the participants themselves by permitting a foreign worker in their home merely on the basis of an unverifiable application and the discretion of the recruitment agency. Only once in the home can the skills, work ethic, honesty, or compatibility of the employee be confirmed. If concerns with employee behaviour do arise, such as dishonesty or negligence, employers should have recourse to terminate employment and break the contract as vulnerable family members such as children or elderly parents may otherwise be put at risk. However, section 16(2) in effect negates protection given to migrant workers under other sections of the legislation by shifting the balance of power entirely to favour the discretion of the employer. Migrant workers, who have already paid high recruitment fees in addition to supporting family members at home, are therefore effectively attenuated under this legislation. Furthermore, under the LCP when a caregivers' employment is terminated in that household, their obligated 24-month tenure is either reset with employment in another household or their temporary working permit is revoked and they face deportation. As caregivers are subject to a precarious status, they

2. *Worker Recruitment and Protection Act, Statutes of Manitoba* 2008, c. 23. <http://web2.gov.mb.ca/laws/statutes/2008/c02308e.php>.

are in a position where employers may either intentionally or unintentionally violate their labour rights, provide poor working conditions, unfairly terminate their position, or extract excessive workloads from their employees that extend beyond their essential mandate. The unstable status of live-in caregivers gives them little legal recourse.

This results in the precarization of immigration status, where immigrants do not have full legal status without permanent residency, depend on third parties for employment rights, face a greater potential for deportability, and are restricted from public services as well as other protections available to residents. Precarious immigration status intersects with precarious employment which can be characterized as low waged jobs with little job security, poor working conditions, and excessive hours. This describes the condition of many migrant women in Canada, particularly caregivers working under the LCP (Hanley and Shragge 2009, 361). Given these conditions, it is not surprising that retention rates have remained low for the LCP despite the policy changes, even falling as low as 28 percent in 2005 (Valiani 2009, 6). Moreover, the insecure status of live-in caregivers often persists for those that do complete the LCP, in part as a consequence of the perpetuating “interacting inequalities embedded within employer-employee relations” (Lenard and Straehle 2012, 233). This begs the question of how well the program serves as a means of recruiting workers to remain in Canada as permanent residents and its capacity to contribute to the strength of Canadian citizenship and the labour force.

Integration in the Labour Market for Live-in Caregivers

In addition to employer-employee power relations, another challenge to integration for caregivers is that, according to CIC policies, they are not permitted to pursue academic courses whose duration exceeds one month while under the auspices of the LCP (Canada 2012). Reasonably, it would not be desirable for an employer to have schooling and its associated workload detract from the primary vocation of participants and the primary purpose of the LCP, which is to provide care. However, as a consequence, skilled participants whose credentials are often not recognized experience challenges in upgrading these credentials to meet Canadian qualifications (Poisson 2012, 199). Skilled live-in caregivers will often see their level of credentials downgraded to skill level C, which includes clerical positions, assisting occupations in health services, and care providers in the National Occupational Classification (HRSDC 2011). Educational requirements for this skill level are two to four years of secondary school, two years of on-the-job-training or two years of specific work experience. As these are similar qualifications for the LCP itself, and conversely the LCP provides the qualifications for the occupations outlined under the level C category, former live-in caregivers often find themselves in a position in which they are impelled to remain in the field of care work. Caregivers during and after the LCP are often not entitled to opportunities for labour mobility, thereby reproducing their labour market participation based on the interaction of gendered and ethnic identities (Lanard and Staehle 2012, 234).

The deficiency of institutional support in occupational training for either skilled or unskilled care workers following the LCP often channels them into low-wage jobs with little job security, further reinforcing their socioeconomic positions (Lenard and Straehle 2012, 234). There are programs for employment assistance, language training, and other bridging programs designed to support recent immigrants' integration into the labour market. However, there are several issues concerning the assumption "that there is a training or work experience gap that has been properly assessed," as well as the availability and accessibility of these programs to newly arrived immigrants, particularly as they have experienced recent cutbacks (Poisson 2012, 199). Given such limitations, these programs may experience challenges in targeting specific groups like participants of the LCP and their distinctive needs, particularly in consideration of the time lag from their arrival in Canada to the completion of the program. There may also be the implicit assumption that the work experience under the LCP as with other programs is sufficient for their subsequent integration. However, this emulates the strictures on temporary migrant working permits as an attempt to keep migrants within "the target type of work," with the consequence that those "who are accepted as permanent residents find themselves restricted to the bottom of the labour market" (Hanley and Shragge 2009, 360).

For former caregivers who are successful at achieving family reunification, often after a three to five year waiting period, their precarious condition is exacerbated for families with small children (Lenard and Straehle 2012, 234). Former live-in caregivers find themselves in a familiar paradox, that is, a lack of a public affordable childcare service which had contributed to the care deficit that was, in part, responsible for bringing them to Canada in the first place. These former caregivers are consequently exposed to additional financial strain as they attempt to provide for their families through employment in low-wage jobs. Furthermore, this feminization of poverty as a result of women's exploitation in the labour market has the subsequent effect of creating "gendered and racialized spatial concentrations of poverty" (Abu-Laban and Gabriel 2008, 81). The intersecting hierarchies of racial and gendered identities, both in the labour market and in segregated communities, is succinctly expressed by John Porter's characterization of Canadian society as a vertical mosaic (Galabuzi 2008, 13). This is an apposite depiction of Canada as a multicultural mosaic of different ethnic, religious, linguistic, and gendered identities construed by a clearly hierarchical order or perpendicular power structure.

Accordingly, an intersectional analysis of the LCP reveals how labour and socioeconomic status in Canada is stratified along gendered and racial lines. The construction of identity in society and one's livelihood is predominantly contingent on "attachment to the labour market" (Abu-Laban and Gabriel 2008, 87). Marginalized groups that are incapable of successfully integrating into the labour market due to structural barriers are frequently segregated within Canadian society in a process of social exclusion. Social exclusion can be described as "a form of alienation and denial of full citizenship experienced by particular groups or individuals and communities, among its characteristics are high levels of poverty, uneven access to employment

and employment income, segregated neighbourhood selection leading to racialized enclaves” (Galabuzi 2008, 81). An essential facet of social exclusion is the relation of labour market participation, or economic security, to the concept of citizenship.

Citizenship and Social Exclusion

From the neoliberal ideals that have informed the economic restructuring of Canada since the 1970s, a tension has emerged between the purport of the ideal worker and that of the ideal citizen. The ideal worker can be defined as the “self-sufficient nomad, migrating with moving job possibilities...characterized by low expectations regarding pay, working conditions, and above all job security” (Hanley and Shragge 2009, 357-58). In other words, the ideal worker is flexible. Citizenship, within immigration policy, is premised on the economic objectives of attracting the “right type” of immigrant that can contribute to Canada’s competitive position in the global economy. Given that the concept of the ideal citizen has been reconciled with that of the ideal worker, certain groups or individuals experience social exclusion as a result of the intersecting inequalities premised on various interacting identities. As their socioeconomic position is gendered and racialized, they are not considered as self-sufficient; rather, they are demarcated as special interests (Abu-Laban and Gabriel 2008, 51). Special interests are perceived to be extraneous from the normative concept of the ideal citizen or worker, characterized as self-sufficient and productive. Along with race, “gender issues, including gender equality, are increasingly linked to the priorities of special interests, often falling outside the government’s mandate, as it continues to reconceptualise and narrow the parameters of the social welfare state” (Hankivsky 2009, 118).

Neoliberal policies that have undercut the welfare state have thereby cast particular groups as undesirable and therefore not particularly valued as prospective citizens (Abu-Laban and Gabriel 2008, 52). Furthermore, the neoliberal demarcations of the private and public spheres further marginalizes this group. As previously illustrated, the nature of caregiving has traditionally been undervalued. Within a neoliberal framework, this is largely a result of the refusal to recognize the productive capacity of care or domestic work in which participants of the LCP are employed. Indicative of these values is the lack of recognition under labour legislation of the domestic sphere as a workplace, irrespective of the fact that it may employ labour on its premise. Therefore, while caregivers fill labour market shortages under the auspices of the flexibility that the TFWP provides, they are nevertheless inhibited from integration into the Canadian labour market and society collectively as full citizens.

Immigration Policy, Markets, and Multiculturalism

Situating the LCP within the broader framework of immigration policy through an intersectional lens, the overall decline of immigration outcomes in Canada is evident. This has been the result of the restructuring of global and national economies, deregulation, the decline of the welfare state, increased global migration and the restructuring of labour markets toward

flexible employment. These changes are captured in the euphemism from the 1980s and 1990s that “multiculturalism means business”. This is what Yasmeen Abu-Laban and Christina Gabriel (2008) describe as the “marketing and selling of diversity” which has “emphasized the economic exploitation of Canada’s racial and ethnic diversity to capture markets at home and abroad at the probable expense of gender equality and other equality initiatives” (49). Indeed, prior to the 1970s immigration studies have shown that recent migrants experienced a shorter “immigrant factor”, which is the length of time that it takes for an immigrant to draw level or even exceed their Canadian born counterparts in terms of economic performance (88). Employment participation and wages of immigrants had reflected that of Canadian born citizens. However, the rates of labour market integration since the 1970s have fallen precipitously. Currently, immigrants can either anticipate lower earnings in comparable jobs occupied by Canadian born citizens, or higher levels of underemployment and unemployment, irrespective of the increasing level of education amongst immigrants.

Given deteriorating immigration outcomes and that immigration policies are premised on economic objectives that seek to bolster the labour market and to build citizenship, it necessitates the question of whether programs such as the LCP help effectuate these outcomes. Low retention rates during the program, the inability to retain migrant workers as permanent residents, and inequitable labour market participation following the LCP, would all suggest otherwise. An intersectional framework reveals how policies operate to create inequalities and conditions of marginalization. In order to actualize long-term economic and social objectives of a productive and equitable society, certain policy changes should be considered. This is particularly pertinent since the LCP, a model for temporary migration as the route to permanent residency, is being adopted as the general basis for immigration policy (Piccot and Sweetman 2012, 33). This has been made evident by the recent introduction of the Canadian Experience Class in 2008.

Similar to the LCP, foreign students or temporary migrants under the TFWP can only obtain permanent residency status through the Canadian Experience Class premised on a stipulated timeframe of full-time employment with a single employer as determined by their work permit. Their legal status is therefore analogous to participants under the LCP, in that they depend on third parties for employment rights. Moreover, since permanent residency can only be achieved by migrants who have obtained “the right kind of skilled work experience” (Canada 2013a), it is implicitly implied that citizenship is only extended to the right type of migrant. Therefore, many migrants under the TFWP who contribute to Canada’s labour market growth by filling low-skilled labour shortages do not qualify for permanent residency. It can be inferred that the precarization of employment and immigration status, as well as the intersecting hierarchies in what constitutes ideal citizenship, would result in the structural exploitation and barriers to integration experienced by participants of the LCP.

Policy Recommendations Through an Intersectional Lens

A policy recommendation for the LCP is that Human Resources and Skills Development Canada (HRSDC) change the private nature of care work by recognizing the home as a workplace (Lenard and Straehle 2012, 242). Live-in caregivers would then be protected under labour legislation, giving them the legal sanction and recourse to file complaints against employers that infringe on their contract or social and labour rights. This would also have the effect of encouraging greater systemic monitoring of contracts, employers, recruitment agencies, and the program itself. Regulatory measures are necessary to ensure the effectual and equitable operation of the LCP for all of its participants. In an effort to address the growing pressure to reform the TFWP, and in response to the Standing Committee on Citizenship and Immigration recommendations (Canada 2009), the federal government has recently implemented certain revisions in order to strengthen program monitoring. This has included provisioning HRSDC as well as Employment and Social Development Canada (ESDC) with additional authorities in order to monitor and ensure employers compliance with program requirements.

Employers of foreign nationals including live-in caregivers are in some instances required to apply for a Labour Market Opinion (LMO). LMOs ensure that CIC and ESDC can perform employment audits whereby LMOs may be revoked or suspended, restricting the employer from further hiring temporary workers. Moreover, as of April 2014, employers that have their LMO revoked or suspended will be publicly listed by ESDC. The Government of Canada (2014) has also announced in the Economic Action Plan 2014 intentions for further reform by levying a fine on non-compliant employers. However, these reforms are primarily intended to mitigate the misuse of the program by outsourcing Canadian jobs rather than improving the working conditions of migrants. Moreover, while the TFWP more broadly has generated significant public attention, there has been less response by Canadians or the federal government in respect to the LCP and the particular challenges experienced by caregivers as employees within the home. Despite bringing in many migrant workers to Canada, the LCP in itself is not a priority within the agenda-setting hierarchy, in part due to the private, and thereby invisible, nature of their employment.

Given that “CIC policies constrain the integration of these workers due to LCP restrictions that lead to downward social mobility during and beyond the LCP,” it denotes the imperative that policy reforms prevent the ensuing issues of poverty and social exclusion (Lenard and Straehle 2012, 244). A possible solution would be to initiate the integration process at the onset of the program rather than after its completion (244). In response to the recommendation that live-in caregivers be eligible for more settlement services, the federal government has acknowledged that while participants do have access to some of these services, they are denied access to other mentoring or buddy programs as they feel that having lived with a family is sufficient in facilitating successful integration (Canada 2009). However, program restrictions prevent caregivers from language training or extensive schooling. Therefore, the

mentorship gained within the home cannot equip them for integration into the labour market to the extent of other bridging programs.

A policy alternative would be a greater effort to ensure credential compatibility, and the appropriate provisions for upgrades before participants arrive to Canada. This would help to ensure that the skills of participants of the LCP, and immigrants more broadly, are properly recognized. It would also help prevent negative mismatching (where workers are employed in sectors other than where they are skilled), underemployment, and unemployment (Poisson 2012, 192). Furthermore, the prevention of frequent negative mismatching would help Canada's economic objectives of filling labour shortages more effectively and efficiently. If migrants or prospective citizens had a greater opportunity to fill occupations that matched their skill level and were protected under labour rights, then more systemic barriers such as discriminatory social attitudes could be challenged. Policies that fostered more equitable labour rights could help ensure that occupations, such as care work, are not feminized or established as racialized enclaves within the labour market.

Conclusion

Immigration outcomes in Canada have increasingly deteriorated since the 1970s with the incapacity of immigration policy to facilitate the successful integration of immigrants. The fundamental premise for immigration policy as a means to build citizenship and the labour force has necessitated more comprehensive policy analysis. Higher levels of labour market inequity, poverty, and social exclusion experienced particularly by immigrant women, are all symptomatic of these policies. As illustrated, the decline of immigration outcomes explicitly correlate with the adoption of a neoliberal paradigm and the subsequent restructuring of the Canadian labour market in favour of a flexible labour force intended to meet short-term economic objectives. The expansion of the TFWP, which includes programs such as the LCP, has reflected this change.

An intersectional analysis revealed how the identities of gender, race, immigration status, and labour market participation intersect through immigration policy, which has established structural barriers to integration. Consequently, women such as caregivers have been disproportionately exposed to precarious employment conditions that aggravate the challenges to integration due to their occupation in feminized work. Despite the demand for care workers in Canada, the nature of their employment has led to decreased economic security and the increased inequality experienced by caregivers during and after the program. The outcomes from the LCP program are inimical to long-term objectives of an equitable and dynamic citizenry and labour force in Canada. In order to mitigate this process of social exclusion and establish an inclusive citizenship, effectively dealing with inequality necessitates policy that addresses poor working conditions during the LCP. This in correlation with a greater provision of institutional support for workers after the program would help to facilitate successful integration into the Canadian labour market and society collectively.

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