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Chair

Mr. David Tilson

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• (0905)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning. This is eighteenth meeting of the Standing Committee on Citizenship and Immigration, on Tuesday, May 26, 2009. Our orders of the day, pursuant to Standing Order 108(2), are the study of ghost consultants and migrant workers.

We have one guest, one witness, this morning from nine until ten. From the Canadian Caregivers Association, we have Mr. Tristan Downe-Dewdney.

On behalf of the committee, I want to thank you for coming, sir. We normally give witnesses up to ten minutes to make presentations, and then the different caucuses will have rounds of questions for you. You are free to make a statement if you wish, for up to ten minutes.

Thank you for coming, sir.

Mr. Tristan Downe-Dewdney (Spokesperson, Canadian Live-In Caregivers Association): Thank you very much.

First, I would like to extend my thanks to the committee for having me here today as a representative of the Canadian Caregivers Association. It has been a pleasure to read many of your comments in the press over the past few months as attention has been increasingly drawn to the plight of many live-in caregivers in Canada.

Though there have been very real political slants to some of the discussions Canadians have been having in the public forum, I remain encouraged by the prospect that very real solutions may be delivered for the long-standing problems that confront caregivers and the families who employ them.

The CCA, the Canadian Caregivers Association, stands by the many other groups, organizations, and advocates who would like to see improvements in the system. The CCA has a number of ideas that have emerged from the experiences of its members and the community it serves. Some of these ideas may be new to the committee. Others, as I'm sure you've heard in the past few weeks, may be a bit of a rehash, but I'd like to reinforce those that we agree with.

It has been the focus of the CCA, in examining the topic of policy, to explore the root causes of today's problems and to ask the "why" question. As the committee is likely well aware, the draw of the live-in caregiver program is the possibility of becoming a Canadian citizen, in addition to the internationally significant economics of

global remittances. The foundation of the program is accessing a labour force that is chasing a vision of a better life both for themselves and for their families. These are real people and they are exposed to very real problems.

In addressing what kinds of changes are being made to the system, there are obviously a lot of ideas out there. The CCA, in its experience with the live-in caregiver program, is better versed in the legislation around that, so I'm going to address the questions of legislation on the live-in caregiver program.

I know there are other ideas, such as granting landed status right away, and a lot of others. I think a lot of them have a lot of merit, but just addressing the live-in caregiver program for the moment delivers, I think, some very quick solutions to some very major problems: problems such as abuse, families left without child care, and caregivers who sometimes are left without homes, are very tight for money, and are forced into very awkward positions.

Why do these cases occur? We would say that they occur because of a problem with waiting times and inadequate oversight. I'll start by touching on the question of waiting times.

In the Philippines, it can take as long as two years to get all the permits and paperwork required to come to Canada for the live-in caregiver program. Within Canada, caregivers who change employers under the live-in caregiver program can wait as long as six months for all the paperwork to be completed and to start their new employment. This has a major impact on families in terms of the extraordinary work-related problems that can emerge. Often these cases are seen in rural areas where there are no other child care options, and families are really hampered by these wait times.

But the biggest impact by far is on the caregivers, who are looking to get permanent residency. As I'm sure many of you are aware, it's required that caregivers complete 24 months of full-time employment—and that's registered, with all the paperwork done—over the first three years in order to be eligible for permanent residency.

When they change families and change employers, getting their PR status is put at risk. The caregivers often feel that they have to stay with their employers regardless of whether or not they're happy in that home. Too many transitions add up to significant waiting periods, and then they lose that option of getting the 24 months of full-time work within the first three years.

This can happen for any number of reasons. If a caregiver is waiting two years to come to Canada, an elderly employer might not be here when they get here, or may not be here shortly after they get here. There are also cases, obviously, of abusive employers, where caregivers feel they have to move right away or very quickly. Again, there are illegal working conditions in some homes, and caregivers feel they need to leave those situations.

There are a lot of reasons why caregivers may change employers. If they do this once, then they're looking at the possibility that maybe they can't do this a second time. They feel vulnerable and exposed because of this condition. They feel pressure, of course, to stay with families who might not be serving their better interests. Or they're left in limbo.

In terms of solutions, I personally think a very effective solution would be to reduce the waiting times for those permits—whether it's abroad, let's say in the Philippines—to cut it down from what can be a two-year waiting period to something more manageable. Perhaps it can be something standardized with the visa offices in, say, Austria, where it can be two months or less. It's very fast and very effective. If we were to standardize it, two weeks to two months might be a better waiting time.

● (0910)

Centralizing the processing of these applications and visas from overseas visa offices would also probably be quite effective, both in terms of cutting down on the waiting times and in terms of making sure that standards are even across the board.

I've certainly heard of cases where, for instance, a caregiver and their friend go to the consulate in Beijing. One has better English and goes second, but the visa officer has changed between their interviews, so the one with the better English is denied based on her English abilities, while the one before her, who acknowledges that her skills aren't as good, has been accepted. If there's some way these sorts of problems can be overcome, I think that would be significant in helping many caregivers.

With regard to oversight and accountability, I know there's been talk about the idea of a blacklist for rogue agencies, or bad placement officers and agencies. The blacklist is a nice idea. I would sooner look to a white list as a solution, though. The aim would be to deal with bad agents, ghost agents, and these sorts of things. And these are people who are quite capable of rebranding, popping up under a new name, or shifting ownership. They often have fairly complex networks. The idea of having a white list is to have an agency or agent qualify themselves and then be registered to do business. I know Manitoba is starting a program like that. I think that's perhaps a better way to go, and it will provide more oversight in that regard.

In terms of licensing, there's the idea of maybe setting up a definition of what a bad agency is and what a good agency is. I know there's a lot of talk about stopping bad agencies, but it would be great if there was a very clear definition of what sort of agency would be approved and what wouldn't be, what the conditions are for removing a licence, and that sort of thing.

In terms of setting the standards for agencies, we have a few ideas. The CCA suggested that maybe having the association of a CSIC member who would oversee all of the files might provide some

oversight, since there are oversight mechanisms already in place for CSIC. Or, for instance, we could have a payroll rather than it just being somebody who's operating out of their home and who's shut down after they've brought their five people from wherever into Canada, and before they're caught doing some sort of bad business. We are also looking into the possibility of having human relations professionals involved. After all, these are families who are getting employees, and it wouldn't be a bad idea to make sure that these placements are suitable in the first place.

Another idea that's appealing to the CCA is the idea of tracking the work done. We could keep track of employers, firings, and caregivers who left early, just so a history could be established for many of these families. There are cases of caregivers who go to a home and there's been abuse there in the past, but they don't know. The government hasn't denied them a labour market opinion letter or anything like that. It's being able to say that this is your third caregiver and we can't give you another because there's been this clear history of reports of abuse. They could investigate that sort of thing.

Lastly, I think the idea of educating is a great idea. Caregivers definitely need to have a stronger sense of what their rights are before coming to Canada. There is a very real culture shock that many of them experience in coming here. Many of them have already worked abroad in other countries, be it as an au pair in Europe or elsewhere.

Some of the countries they come from also have very high official standards, but what they experience there may not live up to those standards. They may come to Canada thinking that it says they are protected on the books, but they don't trust the system to protect them. It would be great if they could be shown that government will stand up for their rights and that there are the mechanisms readily accessible to help them with that.

The other idea is to have checkups. I know the report put out by the committee included the idea of a checkup with an NGO after three months in Canada. I think that's an excellent idea. My only contribution would be that the CCA suggests it be ongoing. Of course caregivers changing homes is one of the big problems, and they're losing time that way. If their status could be checked on regularly and if they have complaints about an employer, they could voice those early and that could be kept track of.

● (0915)

When caregivers come to authorities or look back on a placement and say things were wrong there, there would be a record of that, and throughout the whole process of their placement an independent body could list the resources available to them, say they can help, this is where they can go.

And of course in Toronto or in Ottawa or in other major cities there may be resource centres where they can go, but in rural areas, for instance, there might not be a walk-in place and it might be good to have some sort of network.

The Chair: Perhaps you can wind up, sir, to allow time for questions from the committee members.

Mr. Tristan Downe-Dewdney: Absolutely.

I'll just say in closing that the CCA is hopeful about the future. We're looking at the question of freeing the caregivers from their restraints, both perceived and real, and addressing the question of waiting times, oversight, and education.

The Chair: Thank you very much.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Thank you very much, Mr. Chairman.

First, I would like to thank you for your presentation, particularly the tone and substance, as we deal with important issues related to caregiver reform.

I took a few notes while you were speaking. If you got to design the ideal program—in other words, if you were sitting in my seat for a second and you had some influence over the members of Parliament here and the legislative process—what would be the cornerstones of your reform?

Mr. Tristan Downe-Dewdney: The cornerstones would be a white list and a significant reduction in waiting times, so caregivers can feel they have the mobility they need when they need to change employers, to provide a sense of liberation from conditions that might be abusive.

Hon. Maurizio Bevilacqua: So your ideal program would be those two major points?

• (0920)

Mr. Tristan Downe-Dewdney: Absolutely.

Hon. Maurizio Bevilacqua: Could you expand on the waiting times issue and types of resources? Do you think the resources should be increased in that area?

Mr. Tristan Downe-Dewdney: I think they should be. I know different visa offices around the world have different standards, but waiting times are a real problem. If somebody's in the Philippines and is being told it's going to take two years to come to Canada, imagine what a family's being told when they say they need a caregiver tomorrow and an agent says the Philippines is two years. People don't look for today's child care two years in advance; nor do people who need immediate care for elderly relatives say they'll start a two-year process now.

In the rarest case you may find an employer who hires a caregiver for a two-year contract who has the foresight to start planning for when that contract comes to an end. But when you say it takes two years, and caregivers are aware of that, it leaves the door open for rogue agencies or rogue agents to use false employers because suddenly they become the ones who offer the ability to come to Canada in a way that legitimate agents and agencies cannot.

Hon. Maurizio Bevilacqua: While we're on that point, I think it's always very important to strike the balance in society between rights and responsibilities of individuals. I was wondering if you could share your point of view with the committee on the rights and responsibilities of employer and employee and where you feel they're at.

Mr. Tristan Downe-Dewdney: I feel a lot on the books is quite good. There are a lot of immigration-related laws, the Immigration and Refugee Protection Act, things that could be used to protect

more people. I feel that as caregivers and families are exposed to the system the burden is largely on the caregivers to perform to the employer's standards. You can sometimes have three-way bad relationships where the agency brought them to Canada with false documents, a family hired them once they got here without the documentation being done, and the caregiver's working illegally in the home. So it's failing at every level in those cases.

But I think a lot of attention needs to be given more to the agents and families, in terms of making sure they're following the law. I think a lot of caregivers have a lot of respect for the program and are often incredibly sensitive to Canadian law because they're looking at permanent residency down the road and they're very sensitive to not breaking the rules. That said, some may, but mechanisms can be put in place to track employment.

Hon. Maurizio Bevilacqua: You've raised some very important issues in your presentation, and I want to thank you for that. I want to also know from you, since you seem to have reached a very thoughtful analysis of this issue and certainly valid points of view on it, have you ever been approached by the Minister of Citizenship and Immigration to hear these points? Has he consulted with you?

Mr. Tristan Downe-Dewdney: I've been in touch with his office and we attended an event on the 25th of last month, a town hall open meeting.

Hon. Maurizio Bevilacqua: Have you had any further meetings with the minister?

Mr. Tristan Downe-Dewdney: No, nothing more significant than that.

Hon. Maurizio Bevilacqua: Okay, thank you.

Thank you, Mr. Chairman.

The Chair: Monsieur Paillé.

[*Translation*]

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Thank you, Mr. Chair.

Thank you for being here.

My questions are not connected.

To start, you mentioned a white list. I want to know if you were talking about agencies outside Canada that hire immigrants.

[*English*]

Mr. Tristan Downe-Dewdney: No, I was referring to agents and agencies within Canada. However many memorandums of understanding there may be with Canada and another country, ultimately there's usually someone on the ground in Canada who's part of that relationship. If somebody overseas is breaking the rules, there's usually a benefactor in Canada. So being able to have a white list for the Canadian recruiters I think would probably be the most effective step that could be taken.

[*Translation*]

Mr. Pascal-Pierre Paillé: You say that, in some cases, the waiting time is about two years. Can you explain that? Why is it so long?

• (0925)

[English]

Mr. Tristan Downe-Dewdney: What I've heard suggested is that it's a question of resources at the Manila office. I've heard that it's completely packed and they have no room for anybody else to process the cases. I can't say I've been there personally to see if that's true, but otherwise it would suggest to me that the resources haven't been allocated to take care of either that backlog or slow processing procedure.

[Translation]

Mr. Pascal-Pierre Paillé: On another subject, we have heard other witnesses before you and I understood from their testimonies that some agencies outside Canada sometimes demanded money to have these immigrants come here.

Have you also heard stories like that, that they had to pay to be admitted in this program?

[English]

Mr. Tristan Downe-Dewdney: I'm sorry, maybe you could clarify. Do you mean in terms of money that they're required to pay to an agent, or in terms of a certain amount of money they need to have to be accepted into the program?

[Translation]

Mr. Pascal-Pierre Paillé: No, I mean they have to give money to these agencies to be admissible. For example, we may suppose that several persons want to join this program and that some agencies outside Canada take advantage of the situation to make some money.

Have you ever witnessed that type of situation?

[English]

Mr. Tristan Downe-Dewdney: No. Certainly I think most agents and agencies usually have some sort of fee structure in place. There are a few that charge exclusively the employer, but if you call most agencies, I think they would be very clear in saying that they do have a fee structure. Those vary radically from minor fees of under \$1,000 to ones.... I haven't heard of them in person, but the *Toronto Star* people said it could go as high as \$10,000. If you call the agencies, they'll tell you that there are fees.

[Translation]

Mr. Pascal-Pierre Paillé: Staying on this money issue, according to other witnesses, some immigrants arriving in Canada do not have the necessary documents to open a bank account. Some employers pay them in cash because of that.

Have you ever witnessed this practice?

[English]

Mr. Tristan Downe-Dewdney: I wouldn't say it's common, but I certainly have heard of it. The trick is making sure that all the taxes are filed and there's a proper record kept, but I've certainly heard of cases where people are paid cash for the services, yes.

[Translation]

Mr. Pascal-Pierre Paillé: How much time have I left?

[English]

The Chair: You have a minute.

[Translation]

Mr. Pascal-Pierre Paillé: O.K.

A last question. I would like to come back to waiting times. You say it takes about two months. What would be the optimum waiting time, one that would be acceptable for everybody — for Canada as well as for the immigrant who wants to work here —, one that would speed up the process and at the same time would allow for some control of the files when the immigrant arrives here? What would be your suggestion?

[English]

Mr. Tristan Downe-Dewdney: I would say that a wait time of under two months would be appropriate. When a family wants somebody today, they can be talked to and they'll say, well, maybe two months are reasonable. There are families that hire caregivers from abroad. They do hire from South America, from Europe. Some of those countries take weeks or months. I'd say the threshold is when you're getting past 60 days. Then they're asking, is this really going to help me, or is this just going to be a burden to go through the process?

[Translation]

Mr. Pascal-Pierre Paillé: Very well, thank you.

The Chair: Thank you, sir.

[English]

Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): Do you know in Toronto how long one has to wait in order to get another work permit? Say you left one job and you're trying to get another one, and the clock is ticking because in order to qualify for landed immigrant status you have to work for 24 months out of the 36 months. So if I am to get a job today, it would take me quite a few months to get a permit, right?

Mr. Tristan Downe-Dewdney: Yes, it does. Again, I've heard of cases where it's gone around four months. I've heard people tell me they've seen cases go as long as six, but I can't necessarily say that these were in Toronto; they may have been outside the GTA.

• (0930)

Ms. Olivia Chow: If a live-in caregiver decided to take a risk and pick up a job without the labour market opinion, whose responsibility is it? Is it the employer's responsibility or is it the employee's? Because she is now working without her permit. Technically there's already a problem. Is it really the employer's responsibility when an employer hires a person without the labour market opinion, which puts the employee in a fairly precarious situation? If a CBSA person shows up and picks up that person, that person can get deported immediately because she is now illegally in Canada. She is violating the immigration regulations.

So whose responsibility is it? Is it often the live-in caregivers who don't really know the Canadian laws that well, or is it the employer who is hiring someone without labour market opinion?

Mr. Tristan Downe-Dewdney: My understanding is that legally both can be held to account. More often than not, I think the caregiver is the one who suffers the most during any sort of correctional process—

Ms. Olivia Chow: Because they get deported.

Mr. Tristan Downe-Dewdney: Yes, they have the most to lose by far.

Ms. Olivia Chow: Then if there's a promise.... I know there are consultants and employers out there who prey on these folks, these desperate women who are trying to find a job quickly, who wait for six months in order to get the new work permit. Sometimes the employer will promise that they're going to do this and that. Have you seen cases where people have been led down a garden path and then nothing has happened, and as a result they've ended up getting deported?

I know the statistics say that about 50% of the live-in caregivers end up not being able to stay in Canada permanently. Therefore, they've failed in their dreams to become Canadian citizens. Are those some of the problems faced by these live-in caregivers?

Mr. Tristan Downe-Dewdney: Certainly. I've heard of cases where a caregiver works in what otherwise seems to be a very good home. This is the employer they need to carry them through to the end, and then something will happen or the family has a change of plans. It turns out they don't necessarily care as much about the caregiver as they might have let on, and they end the employment and the caregiver is left in the lurch.

If the caregiver is sick for an extended period and can't necessarily do the tasks associated with the job, they're going to suffer when the employer says this can't work out because it's just not working for the family. But the caregiver, in the long run, is again the one who would suffer the most in that case.

Ms. Olivia Chow: Ultimately, to reduce all these problems—all the paperwork, the potential exploitation, the hardship of both the caregivers and potentially some of the Canadian families—wouldn't it be better if they just came in as landed immigrants, had the condition that they had to work for two or three years, and then became landed immigrants, as occurs in the entrepreneurial program?

If they come in as landed immigrants so that they don't have to, every time they change a job, get a new work permit, go through the wait for six months, and face potential abuse, won't that deal with the problem once and for all?

Mr. Tristan Downe-Dewdney: It may. That's not a subject I've explored perhaps as deeply as I could in the future. My experience has been with the live-in caregiver program as it is.

That may be a promising option. I don't know how difficult the legislative changes required for that would be. My hope—

Ms. Olivia Chow: We do that with entrepreneurs right now.

Mr. Tristan Downe-Dewdney: No, I understand that.

Ms. Olivia Chow: They come in as landed immigrants under the condition that they create jobs and invest money. Once they do that, they can stay here permanently.

It's a matter of political will. It's not as though there's a temporary need for caregivers. I think there's a permanent need. We don't have a national child care program or national home care program, so we know that there's a permanent need for caregivers. Why not bring them in permanently? Why temporarily? It just causes all these troubles.

● (0935)

Mr. Tristan Downe-Dewdney: Again, it sounds like a very attractive idea, but I'd have to read further into the matter.

Ms. Olivia Chow: In your mind, what should happen if employers and consultants are found to be exploiting workers, hiring them without the labour market opinion or not helping them get their visas...? Well, they should get their work permit changed before they start working anyway.

What do you think the immigration department should do in these cases?

Mr. Tristan Downe-Dewdney: If there was something like a white list, then the agencies contravening the laws in place could just be struck from that list. The people who are behind those practices could just be barred from bringing caregivers into Canada.

Ms. Olivia Chow: What about employers?

Mr. Tristan Downe-Dewdney: With employers, it seems harder to say. In a lot of cases, the family needs somebody immediately, and there's a caregiver who might not have somebody to stay with. They're not earning huge amounts of money under the program. They're sending a lot of money back home. They may have been left without a job very recently. As it stands today, a lot of caregivers, because of these terrible waiting times, need to start employment early. It's just a question of being able to buy food.

I'd say that cracking down on employers might be a very good idea, but that would need to come after waiting times have been addressed.

The Chair: Thank you, Ms. Chow.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thank you, Mr. Chair.

Tristan, I had a chance to take a quick look at the website for your association. I wonder if you could expand on something for me.

When I clicked on the website, I saw, other than the name of the association, complaints as the first thing highlighted. I found that intriguing, in a way. You would think that, for most organizations, the first thing they would do, in terms of someone seeing who they are, is explain what they do, what their advocacy role is, what their responsibilities are, and how they can actually help. But on your website, the absolute first thing that's on there is complaints for nannies and caregivers, and then for employers.

Could you explain to me why that has become such a critical piece of what you do, and why it would be the first thing on your website?

Mr. Tristan Downe-Dewdney: Well, more than anything these days with the program, I think we're looking at problems. There isn't a dialogue right now on ways we can improve the rough edges. They're the people who are facing significant problems. In terms of our role, the better we can communicate that, or help people find the right person to talk to for a problem, it seems like the best thing we can do.

Mr. Rick Dykstra: You note on your site that you get literally hundreds of complaints on a daily basis.

Mr. Tristan Downe-Dewdney: That might be outdated. I think these days it's probably a bit less than that.

Mr. Rick Dykstra: All right.

Obviously, part of the reason we're here is because of the issues that arose out of the *Toronto Star* story regarding the Dhalla family. Were complaints from the caregivers noted with your association?

Mr. Tristan Downe-Dewdney: We did not have contact with the ones in question.

Mr. Rick Dykstra: The ones in question...

Mr. Tristan Downe-Dewdney: I mean the ones who went to Intercede originally. I'm not sure which case you're referring to in particular, but I don't believe I've seen names in any of the *Toronto Star* articles that cross with our own list.

Mr. Rick Dykstra: Did the employer lodge any complaints with your association?

Mr. Tristan Downe-Dewdney: Is there a specific case you're referring to?

Mr. Rick Dykstra: Yes, it's the case of the Dhalla family. When Ms. Dhalla was here she argued that the reverse was actually true, and it was her family that had been taken advantage of. On your website it indicates that you can register a concern or complaint as a caregiver or as an employer.

Mr. Tristan Downe-Dewdney: There was no complaint filed from that family.

Mr. Rick Dykstra: One of the other things I noted on the website was project 2009. Did that emanate largely out of the issues that have arisen regarding caregivers and nannies in the last number of months?

Mr. Tristan Downe-Dewdney: Absolutely. It started two months ago and will be wrapping up at the end of this week. It was largely in response to *Toronto Star* articles, given there's so much attention to the issue these days with minimal funds. This is the best time to take action.

Mr. Rick Dykstra: It would be interesting for this committee if you could submit a copy of that report when you've completed its recommendations. It's obvious that the attention that's been paid to the *Toronto Star* articles and this specific issue has touched a lot of associations like yours that work with caregivers.

● (0940)

Mr. Tristan Downe-Dewdney: I'd be happy to do that.

Mr. Rick Dykstra: I also want to ask you about a couple of issues regarding caregivers working illegally in the home. It is probably the

biggest issue we've dealt with in this short-term review we're doing leading up to a report. How do we put an employer in a position where they're advising the caregiver that if they enter the home they are working illegally? How do we stop that from happening?

Mr. Tristan Downe-Dewdney: Do you mean creating a relationship responsibility where the employer is obligated to tell the caregiver?

Mr. Rick Dykstra: It's obvious that both the employer and the caregiver are not acting in their own interests...or they're acting in their own interests, but are probably a little too self-interested in terms of not waiting for an LMO or a work permit so they can both enter into the association legally. The biggest issue we have here is how to deal with that.

Mr. Tristan Downe-Dewdney: I agree that is a major issue. I point to the waiting times as being the most significant way of addressing that. In the report the committee put out there's mention of more government information, web portals, and contacting an NGO. I think those are all fantastic ideas for communicating that information.

Mr. Rick Dykstra: I've had a lot of allegations from the caregivers who were here about tasks they were asked to do that they believed were inappropriate—i.e., snow shovelling, shoe shining, and cleaning off-site businesses. How do we assist a caregiver from not being put into those types of positions, whether it's in regard to the issue relating to the Dhalla family, or at large?

I'm sure caregivers in large part feel they almost have to do these things, or they're forced to do this work that has nothing to do with the work they agreed to do coming into the home. They're put in a position, because of the employer-employee relationship, that they fear they'll be sent home, fired, or put out on the street. How do we deal with that? From my perspective that's where this whole thing went off the rails.

Mr. Tristan Downe-Dewdney: I think giving that information from the very beginning, even before a caregiver comes to Canada, would be a great start to making sure they know they have those rights and that they are protected. The system should also be enabled to reduce wait times so they don't feel they are stuck in a home and can change without risking their permanent residency in the long run.

Mr. Rick Dykstra: Prior to an employer getting an LMO or a work permit, are they responsible for having a clear understanding of what the caregiver is responsible for doing in their home?

Mr. Tristan Downe-Dewdney: It's their responsibility, but it's not always clear and they don't always investigate that.

Mr. Rick Dykstra: Who doesn't always investigate that?

Mr. Tristan Downe-Dewdney: The families don't always necessarily understand their responsibilities under the program.

The Chair: Thank you, sir.

Mr. Karygiannis.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Good morning, and thank you for coming to the committee.

Let's go back a couple of years. It's my understanding right now—and the record has proven it—that if you apply from the Philippines there is a two-thirds decline versus one-third a couple of years ago. Am I correct on that?

Mr. Tristan Downe-Dewdney: I've heard that. I don't have access to those statistics, though.

Hon. Jim Karygiannis: If you send paperwork in to change employers, to extend your visa, that now takes about six months. A couple of years ago, it took about two months. Am I correct on that?

Mr. Tristan Downe-Dewdney: Again, that's also what I've heard.

Hon. Jim Karygiannis: If the caregiver comes from the Philippines straight, then it's okay. But the acceptance rate from the Philippines has gone down to a third, so they go other places to apply. In those other places, there are unscrupulous people who actually ask you for key money in order to bring you in, but in the Philippines you don't have that problem.

Mr. Tristan Downe-Dewdney: Right. I've heard of that—that a lot of caregivers go abroad. I know of women coming from the Philippines who go to northern Europe or Hong Kong or elsewhere, complete the program there—

Hon. Jim Karygiannis: Hong Kong, Singapore, Dubai, and other places.

What if a caregiver were to come to Canada under the same scheme as an entrepreneur? Businessmen can get a three-year visa as an immigrant, and after the three years they can relieve their conditions. If somebody applies to come as a businessman, he can have an open work permit. He can come to Canada and get OHIP in Ontario. Then in three years he can go to Immigration Canada and say he has a business and wants to become permanent. Would your association be supportive of something similar for the caregivers?

• (0945)

Mr. Tristan Downe-Dewdney: We'd have to look into it more closely. I don't think we have an official position on that. I can say that it sounds attractive, but I don't know how quickly something like that could be done. I know that waiting times could be addressed more quickly. It's a question of making sure that the resources are there. But as for what we support in the long term, what you suggest might be a very good option.

Hon. Jim Karygiannis: They would have an open work permit and would not have to worry about going from employer to employer. An employer could hire them on the spot, and they wouldn't have to get another LMO. That would be more attractive, and I'm happy that Ms. Chow brought it up. She's supporting the motion that she didn't support a couple of months ago. Let's put that on the record.

Let me also ask this question: would you say that the system is broken?

Mr. Tristan Downe-Dewdney: Yes, but—

Hon. Jim Karygiannis: Would you say that this broken system is putting caregivers, as well as employers—similar to the famous case we're discussing—in a precarious situation?

Mr. Tristan Downe-Dewdney: Absolutely.

Hon. Jim Karygiannis: So there's not only Ms. Dhalla, but there are thousands of employers who want to get somebody quickly to look after their families. There are thousands of nannies in this position who can't wait the six months.

Mr. Tristan Downe-Dewdney: Absolutely.

Hon. Jim Karygiannis: If a broken system is putting the employers in this situation, then the fault lies squarely on the minister's shoulders, because he hasn't taken steps to fix it.

Mr. Tristan Downe-Dewdney: Well, all families that need help immediately and can't get it are in that position.

Hon. Jim Karygiannis: They would go the extra step.

Mr. Tristan Downe-Dewdney: Yes.

Hon. Jim Karygiannis: If steps were in put place, then we wouldn't have to go through all this.

Mr. Tristan Downe-Dewdney: If somebody could hire a caregiver right away, then that would solve a major problem.

Hon. Jim Karygiannis: So the Dhalla family is not the only one in this situation, where the caregivers have gone rogue and done something that isn't appropriate. There are thousands of families in this position.

Mr. Tristan Downe-Dewdney: They are far from alone—and that's why we try to keep discussion about the Dhalla case to the minimum and concentrate on where the problems come from.

Hon. Jim Karygiannis: I understand that there were two meetings the minister had at the end of April.

Mr. Tristan Downe-Dewdney: I believe there were meetings on the 25th and the 26th.

Hon. Jim Karygiannis: Were you invited on the 26th?

Mr. Tristan Downe-Dewdney: No, we were not.

Hon. Jim Karygiannis: Why not?

Mr. Tristan Downe-Dewdney: The minister's office suggested that the meeting on the 26th was for members of the caregiver community. Perhaps it was for those directly in the program, rather than for those related to the program.

Hon. Jim Karygiannis: Aren't you a member of the caregiver community in the program? You take care of them. I know that the parliamentary secretary was saying there were complaints. Were you singled out because you might have recommendations that the minister wouldn't want to hear?

Mr. Tristan Downe-Dewdney: That would be harder to say. I don't know how familiar the minister is with our association.

The Chair: Time's up, Mr. Karygiannis, but I'll let him finish.

Mr. Tristan Downe-Dewdney: It's possible, but I couldn't confirm it. I think there was a more select crowd on the 26th, and the record will show who was there on that day.

The Chair: Thank you, sir.

Madame Thāi Thi Lac.

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good morning. Thank you for being here with us.

I want to ask you several questions. We know how the open permit system works. Don't you think it could be somewhat difficult to offer an open permit to live-in caregivers, taking into account their special situation? They often arrive here with little money and they succeed in putting some money aside.

Right now, when they are sponsored, we know that the sponsors must agree to support these persons for three years so that they don't have to go on welfare. If they do go on welfare, then the sponsors must reimburse the benefits received to the government.

If that person is between jobs and does not have any money, because she has been unemployed for four, five or six months, how can she meet her needs — we know the conditions, that person is not eligible for welfare? Would an open permit not cause some uncertainty or a probable uncertainty in such a case?

• (0950)

[*English*]

Mr. Tristan Downe-Dewdney: From what you just explained, certainly it would sound like that's the case. In any situation where they're earning so little money and need to bridge the time between employers, there's a very real risk that they won't be able to get by during that time.

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac: You have also mentioned the very long waiting times for permits renewal.

When somebody leaves a job but gets another one in Canada from an employer who could offer a contract, the waiting time is relatively long. I know a case where the person had to also renew her permit so as not to be illegally in Canada. But the government had to wait for the approval of Human Resources and Skills Development before issuing that permit, because that person did not have a valid contract in Canada and she could be refused a permit.

Couldn't we allow that person to make two applications at the same time, one for the work permit and one for the contract, to join those applications to reduce the stress? Don't you think this could be a good solution?

[*English*]

Mr. Tristan Downe-Dewdney: Absolutely. That sounds like a very attractive solution. I think anything that could cut down on the processing would be a great step forward.

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac: We have talked a lot this last while about creating an organization that would help live-in caregivers.

But what would be the most needed changes the government should make to optimize his services? Right now, even with all that good will, with a good training for the caregivers, with the NPOs that help the caregivers, if the government doesn't optimize his services, the waiting times will be very long.

If you had one recommendation to make to the government to streamline the system, what would it be?

[*English*]

Mr. Tristan Downe-Dewdney: I think a great step forward would be to have a centralized processing centre for all these permits, for the renewals, and for the contracts, even to look at, for instance, the qualifications of caregivers who come to Canada from overseas, just to make sure that all across the board there is one standard. The family could call to check up and ask what is the status of the caregiver's papers. They could get a good, clear answer and we could make sure that those standards are centralized.

The Chair: Merci.

Mr. Shory.

Mr. Devinder Shory (Calgary Northeast, CPC): Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair.

Thank you so much for your time and your presentation.

Could you please tell us how many hours per week a caregiver should generally be expected to work?

Mr. Tristan Downe-Dewdney: Well, many expect to be working full-time hours, so I think in Ontario that's up to 44 hours per week. There are families who have expectations that are significantly higher than that, and caregivers need to understand they don't have to work beyond that. If they want to work just full-time, they should only have to work just full-time.

Mrs. Nina Grewal: You know what? We have heard stories that some caregivers are expected to work more than 12 hours per day and every day of the week. Have you heard similar stories to this one?

Mr. Tristan Downe-Dewdney: I certainly have. There are a lot of cases where that happens. Sometimes the caregivers are okay with that; other times they aren't but they feel pressured into those kinds of situations.

• (0955)

Mrs. Nina Grewal: So do you believe this is a reasonable way to treat a caregiver?

Mr. Tristan Downe-Dewdney: No, I do not believe it is. I think in terms of the work done, there need to be certain flexibilities. If a caregiver is in a home looking after a child and the child is away for an hour or the child is napping, then there's a break time, but there are families where, certainly, you get caregivers who are working non-stop for that whole period.

Mrs. Nina Grewal: Mr. Chair, do I have some more time left? I would like to give it to Mr. Shory.

The Chair: Mr. Shory.

Mr. Devinder Shory: Thank you, Ms. Grewal, and thank you, Mr. Chair, for giving me this opportunity.

I want to get some clarification on two programs, on the entrepreneurial program and this caregiver program. Do you have any knowledge about the entrepreneurial program and how it works?

Mr. Tristan Downe-Dewdney: My knowledge of that program is fairly limited, beyond understanding that there needs to be a certain net worth of the individual, that they need to invest a certain amount and have a certain amount of background experience, which is somewhat similar to the live-in caregiver program.

Mr. Devinder Shory: To business.

Mr. Tristan Downe-Dewdney: Yes.

Mr. Devinder Shory: On the other hand, if I am correct, in the caregiver program, we require an employer to start with it, then we require an LMO, and then the ball rolls. Is that understanding correct?

Mr. Tristan Downe-Dewdney: That's right.

Mr. Devinder Shory: I have been hearing in this committee that we should come up with similar conditions or a similar program, that the caregivers should also have the conditions the entrepreneurs have. To my understanding, these are two different programs and two different approaches for immigrating. Is that a correct understanding?

Mr. Tristan Downe-Dewdney: I would say there are similarities, but there are significant differences in terms of the net worth of the individual, in terms of how much money they're bringing with them or investing. None of that applies to a live-in caregiver. They just need to make sure they have the training background that can be certified.

Mr. Devinder Shory: So a streamlining of the requirement for entrepreneurs is the entrepreneur's own strength—basically, financial and business capability. On the other hand, the caregiver is invited to Canada because the caregiver is required to look after some specific person.

Mr. Tristan Downe-Dewdney: Yes.

Mr. Devinder Shory: Okay, thank you.

The Chair: Mr. Dykstra, you have five minutes.

Mr. Rick Dykstra: Thank you, Mr. Chair.

I don't know if I'll need all the time, but I appreciate it.

One of the things we did—the first piece of legislation this government passed in 2006 was Bill C-2, the Federal Accountability Act. It has given, certainly, these caregivers in this circumstance the security that they were able to come forward, that they were able to

speaking their minds, that they were at least protected somewhat under our legislation. And they did so. One of the concerns I have is about going through a process like that and not being able to come to a suitable conclusion in terms of assisting those caregivers.

The work this committee is doing here actually provides a format to review exactly the things you've brought forward today. How do we ensure that the process we're going through now actually assists those caregivers to make sure we don't impede or don't stop the next issue like this, which happens with a high-profile individual, from coming forward and acknowledging that things have happened that are potentially untoward or, according to their stories, have certainly put them in a very precarious and uncomfortable position? How do we ensure we're going to be able to assist these ladies?

Mr. Tristan Downe-Dewdney: With regard to that point, I'm not sure which recommendation number it was the committee had in the policy paper. I can check here. I think it was proposal 23 that mentioned the three-month follow-up.

If the caregivers could follow up with some authority who could remind them of their rights on a regular basis—keep track of complaints and that sort of thing—then at a future date if that caregiver brings forth complaints, there would be something to go back to. I think that would be an excellent way of reminding them of their rights and what resources are available but also keeping track of what might be going right or wrong with the caregiver relationship.

• (1000)

Mr. Rick Dykstra: It seems that when we get into these situations it takes a high-profile case, a high-profile individual—whatever we may be talking about—to bring these issues more to the fore. One of the concerns I'm seeing come out of this is that there are those, for positive reasons and perhaps political and perhaps other reasons, other high-profile individuals who come forward to protect or speak on behalf of the individual in question. In this case, it is high-profile enough that the leader of the opposition actually indicated his support or his belief of his colleague versus the caregivers who presented to this committee.

I ask you not specifically about what he said, but would you not at least comment on the fact that a very high-profile person, the leader of the opposition, actually indicated his belief was of his colleague, versus the caregivers? Does that really do justice to what we're trying to accomplish here?

Mr. Tristan Downe-Dewdney: If he's saying he supports his colleague, I wouldn't have any problem with that. If he's making conclusions about what any investigation might lead to, some sort of discovery, that would be inappropriate. But I think if they're simply supporting a colleague in the process, I would be temperate in criticizing them for that.

Mr. Rick Dykstra: Thank you.

The Chair: I have a couple of questions.

You mentioned two recommendations to the government. One was a form of white-listing, which I assume means preparing a list of recommended people, or recommended organizations. Who would determine that?

Mr. Tristan Downe-Dewdney: That would be up to the government to decide. I think that either some sort of government body or something at arm's length—maybe a body of stakeholders of some sort—but there needs to be some government oversight, for sure. But yes, I think a white list would be a fantastic idea.

The Chair: You know, that's always difficult, one person saying someone is okay and another person saying that person's not okay. It could be a clash of personalities. I was interested because I would think that would be really tough to do, to prepare such a list.

Mr. Tristan Downe-Dewdney: I don't necessarily think it should be arbitrary, that the body would say "You, you, and you get to be licensed and you don't". I think it should be a very clear list of what standards an agent or an agency needs to meet in order to be on the white list. Anybody who can practise effectively, according to the government, can be on it and then have their names removed if and when they breach the program.

The Chair: The second recommendation you made was to try for a significant reduction in waiting times. Could you elaborate on how the government could do that?

Mr. Tristan Downe-Dewdney: If a centralized processing centre could be created for that—and I believe there's one for other programs, but maybe not fully effective—and if there could be some body to which all those documents could be channelled, they could be reviewed under the same standards and the staff could be meeting the demand. I think that would be a good step forward.

The Chair: Members of the committee, I'm going to give Ms. Mendes five minutes.

We have a problem. We've been with this gentleman for an hour, and he's probably had enough of us. I'm simply warning you that our next set of witnesses—two witnesses—are not here, unless they're somewhere in the building. At this particular point they are not here, so please keep that in mind.

To be fair to Mr. Downe-Dewdney, he's probably had enough, but we'll allow Ms. Mendes to have the final five minutes.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you very much, Mr. Chair. And thank you, Mr. Downe-Dewdney.

I'll try to totally change the subject to make it a little different.

On Sunday night, CBC Newsworld, on *the fifth estate*, had a program called "Where the Women Went", about the "Newfoundland ladies", which I found absolutely fascinating. Are you aware of this program featuring Nova Scotia and Newfoundland?

Mr. Tristan Downe-Dewdney: Was this from two days ago?

Mrs. Alexandra Mendes: Yes, the day before yesterday.

Mr. Tristan Downe-Dewdney: No, I haven't seen it.

Mrs. Alexandra Mendes: These Newfoundland ladies are women who live in small communities in Newfoundland that have lost most of their fishery industries, and they find themselves without any possibility of work. Nova Scotia has an aging population in need of caregivers, so this program started between the two. It's a very informal program in which these ladies are going to mainland Nova Scotia to provide caregiver services to families in Nova Scotia. Nova Scotia obviously finds this extremely interesting, both financially and in terms of the services that they are able to provide to the

families, as the labour is not there to fulfill the needs of the population.

These ladies work for two weeks, 24 hours a day, no weekends, and then they get two weeks off. Nobody checks their qualifications. But they've been mothers, grandmothers, and they've lived their normal lives as women, if you wish, and that's the qualification they're asked to bring to the table on this program. And this is very informally done. That's what I understood from the program, and I checked it afterwards.

So I wonder why we are making it so difficult to apply some of these reasonably easy criteria to employ caregivers. Why are we so difficult in the qualifications that we demand of foreign caregivers? Why do we ask so much proof of whatever previous job in caregiving they've had in their country? Most of them haven't had caregiving experience per se, but they've been mothers, they've been grandmothers, they've been family members. We don't do it here to those we hire to provide that care.

Do you see some unfairness in this?

• (1005)

Mr. Tristan Downe-Dewdney: I couldn't speak to the appropriateness of it. My only assumption would be that because it's a program that offers a chance of immigration, the standards would be set differently. I wouldn't be able to comment on the appropriateness of that. I don't know all the ins and outs of the Nova Scotia and Newfoundland experience.

Mrs. Alexandra Mendes: But the fact is that perhaps one of the reasons we have so much trouble with the processing times for documents is that we demand so much of these caregivers, which inland we don't. But the fact is we don't have enough labour in Canada to provide for all the needs of our aging population. And we're not requesting all these proofs of qualification of our own caregivers here.

Mr. Tristan Downe-Dewdney: Certainly I think it would be beneficial to look at what those requirements are. There are some countries where you need the permission of your employer to go through with the process of going through a Canadian visa office, and certainly consideration should be taken for those standards that can be harmful where they are and can delay things significantly. When you're waiting on an employer who might not respect you to agree to let you go, that's a whole other ball game that needs to be looked at.

Mrs. Alexandra Mendes: Well, exactly, and that's what provokes so much of the delay, even for those six months I'd have to wait here to change employers. I'm not even talking about the wait times abroad, just the ones here within Canada, which I believe an open permit would certainly resolve. If they came into Canada with an open permit, with no obligation to have one single employer, but definitely with the obligation to work, then the same conditions that apply to qualified workers, that you have no access to social programs, no social assistance during those first three years of your stay in Canada, would apply to the live-in caregivers.

Mr. Tristan Downe-Dewdney: Again, it's an attractive idea. I think one thing that may be looked at, though, is where the caregivers are working. If a caregiver is coming to Canada to work in northern Ontario, say, and it's not a very welcoming community to them and this isn't what they expected and they want to go to Toronto and get a caregiver job there, then there may be some problems in terms of meeting the demand from the families that need care outside major urban centres. But otherwise, I think there are a lot of good ideas there. It may be just a matter of creating essential support.

Mrs. Alexandra Mendes: I think Mr. Tilson clarified the white list, so I'm done.

The Chair: Okay, thank you.

Sir, we've had a good session with you, and I want to thank you for coming and giving your comments to the committee. It's been very helpful.

Ladies and gentlemen, unless something has happened quite recently, our next two witnesses have not appeared. It is now almost ten minutes after ten, so I'm assuming that they're not coming.

You are excused, sir. I should have said that. Thank you for coming.

So unless someone has any other bright ideas, I'm going to adjourn the meeting and then I'm going to suggest that we now have a subcommittee meeting, which would be representatives from each of the four caucuses, and that would be an in camera proceeding.

The meeting is now adjourned until Thursday at nine o'clock.

Thank you very much.

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