

Precarity, Power, and the Politics of Migrant Care Labour in Canada, 2019–2024

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Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of
Doctor of Philosophy

in the
School of Communication
Faculty of Communication, Art and Technology

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SIMON FRASER UNIVERSITY
Spring 2026

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Abstract

This dissertation examines Canada's 2019–2024 Caregiver Pilots as a case study in how the Canadian state deploys immigration policy to reproduce racialized and gendered labour exploitation. Despite promising clear pathways to permanent residency, the pilots perpetuate systemic exploitation through interconnected governance mechanisms that position migrant care workers as simultaneously essential and disposable.

This dissertation introduces academic muckraking as an original methodology combining critical discourse analysis, critical statistical analysis of administrative data obtained through 46 Access to Information and Privacy requests over 28 months, and collaborative participatory research with 37 migrant care workers. Grounded in Participatory Action Research and feminist political economy, this approach examines what is officially said, what administrative data reveals, and what workers experience, analyzing how Canada's immigration system maintains racialized and gendered labour hierarchies through superficial policy adjustments that obscure deeper structural inequities.

Analysis of internal IRCC data reveals that as of September 2024, three months after the pilots concluded, only 2.2% of applications in the most-used stream had completed basic eligibility assessment, leaving 35,590 applicants in indefinite administrative limbo. Federal statistical frameworks systematically undercount non-permanent residents, with the 2021 Census recording a 36% missed rate, nine times the general population rate. ATIP requests for wage data for care workers on temporary permits were denied on the grounds that the data did not exist, despite those workers being required to submit wage records and pay stubs to IRCC as a condition of permanent residence eligibility. Viable sectoral bargaining frameworks proposed by care worker advocacy organizations over three decades remain unimplemented.

The dissertation introduces two original concepts alongside an empirical application of an established framework. Strategic opacity describes how technical complexity, administrative fragmentation, and normalized undercounting render workers visible enough to be administered but invisible enough to evade accountability. Jurisdictional precarity names the regulatory void produced by federal-provincial fragmentation, which enables exploitation while diffusing state responsibility. Building on Schmidt et al.'s (2023) concept of bureaucratic violence, the dissertation provides the first detailed empirical demonstration of how processing delays, fluctuating application caps, and shifting eligibility criteria manufacture permanent temporariness as a designed outcome.

This dissertation contributes to immigration studies, labour studies, Communication Studies, and feminist political economy through the methodology of academic muckraking, offering both substantive findings on Canada's caregiver programs and a methodological framework for investigative scholarship in contexts of institutional opacity.

Keywords: migrant care workers, immigration governance, feminist political economy, precarious work, temporary foreign workers

Dedication

**For those who cared,
and those who kept looking.**

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List of Acronyms

AEL	Asiatic Exclusion League
AEPA	Agricultural Employees Protection Act
ATIP	Access to Information and Privacy
AWCBC	Association of Workers' Compensation Boards of Canada
BBB	Broader-based bargaining
BCGEU	BC General Employees' Union
BES	Bureau of Employment Services (Philippines)
CADIW	Committee Against the Deportation of Immigrant Women
CDA	Critical Discourse Analysis
CDWCR	Committee for Domestic Workers' and Caregivers' Rights
CIC	Citizenship and Immigration Canada
CNU	Census Net Undercoverage
CPR	Canada Pacific Railway
CSSEA	Community Social Services Employers' Association of BC
CSSLRA	Community Social Services Labour Relations Act
ESA	Employment Standards Act
EVP	Exchange Visitors Program (United States)
FCDA	Feminist Critical Discourse Analysis
FDM	Foreign Domestic Movement
FOI	Freedom of Information
FPA	Fair Pay Agreement
HAA	Health Authority Act
HCCP	Home Child Care Provider
HEABC	Health Employers Association of BC
HRSDC	Human Resources and Development Canada
HSW	Home Support Worker
ILO	International Labour Organization
IMP	International Mobility Program
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
LCP	Live-in Caregiver Program
LFS	Labour Force Survey (Statistics Canada)

LMIA	Labour Market Impact Assessment
LTC	Long-term care (i.e., LTC workers)
MCWP	Migrant Care Workers Precarity (project)
MWC	Migrant Workers Center
NDP	New Democratic Party (Canada)
NIEAP	Non-Immigrant Employment authorization Program
NPR	Non-permanent resident
NSB	National Seaman's Board (Philippines)
OEDB	Overseas Employment Development Board (Philippines)
POEA	Philippine Overseas Employment Administration
PR	Permanent resident
SAWP	Seasonal Agricultural Worker Program
SEIU	Service Employees International Union
SFU	Simon Fraser University
SRT	Social reproduction theory
TEAP	Temporary Employment Authorization Program
TFW	Temporary Foreign Worker
TFWP	Temporary Foreign Worker Program
TR	Temporary resident
UFCW	United Food and Commercial Workers
UP-BC	Understanding Precarity in British Columbia

Chapter 1.

Introduction

It's Monday morning, March 31, 2025. Rica's alarm wakes her early, and she makes her way to the kitchen, double-checking that all the documents she collected over the weekend are still sitting ready on the kitchen table in their manila folder. Proof of education—*got it*. Language test—the fifth version—*check*. Birth certificates, health documents, ID cards—*check*. Rica taps her foot while waiting for the bus. This day has been years in the making.

Rica, originally from the Philippines, came to Canada years earlier and has been waiting for more than 3 years for an opportunity to apply for permanent residency. She has two children and is separated from her husband. Coming to Canada was an opportunity for what she knew would be hard work—but worth it, as she could offer her kids a chance to attend university and make their own way to a better life.

Rica works as a nanny to two young children and their family in Vancouver, but today she has made her way to her local Neighbourhood House, a community centre in South Vancouver, where she sits with Jenny at a quietly humming computer. Jenny was also up early—she's arranged for the three computers at the Neighbourhood House to be logged into Immigration, Refugees and Citizenship Canada's (IRCC) new "Caregiver Pilot" application page. For weeks, she's been working to help folks get their documentation together, and now, Monday, March 31, 2025 the application portal will open. Both Rica and Jenny sit with excited anticipation. This application is not like the others that Rica has applied to and been rejected from. It is the result of more than 40 years of caregiver activism, as the government has explained it is only open to caregivers already living and working in Canada, with the promise of automatic permanent residency and no two-step review process.

At 10 a.m., the application portal opens, and Rica clicks through the page with Jenny anxiously looking over her shoulder. The click does something, but then the website continues to load. ...And load. ...And load.

It gives her an error message.

Jenny tells her to go back and refresh the page. Rica does so. This time the next page loads—*what a relief*. But partway through submitting her application, the website crashes again. Jenny moves over to another caregiver sitting at a computer—they are experiencing the same struggle. Anxiety, panic, and despair begin to mount in the room. Why is the application website not working? Is it just them? They quickly check Facebook on their phone and ask other caregivers if they are also having problems—they are. After weeks of preparation and years of waiting, Rica's future is now held in the frustrating limbo of a loading webpage.

Within a few hours, IRCC's main page shows a distressing update:

"Workers in Canada – 2025: Full"

By early afternoon, all 2,750 promised spots of permanent residency for caregivers in Canada are gone. Rica, along with thousands of other caregivers, is left with nothing but empty promises and the anguish of not knowing what her future looks like. No one understands what has happened—why the website didn't work, why the spots were so quickly filled, why caregivers with years of working in Canada and everything ready couldn't even make it through the application portal. How could this have happened?

Rica's story is not unique.¹ Canada, a nation built on the violent foundations of settler colonialism, finds itself at a critical moment. Today, Canadians confront a constellation of crises that expose the structural inequities embedded in our nation's social and economic systems. Soaring living costs, wage stagnation, and skyrocketing rent and grocery prices have left many struggling to afford basic needs. At the same time, an overstretched healthcare system and persistent care shortages have created cascading challenges for an aging population. Beneath these immediate pressures lies a demographic imbalance with profound implications for the future. One in five working-age Canadians is nearing retirement, the highest proportion in the country's history, while fertility rates remain below replacement levels. This demographic reality forces a

¹ This account is a composite narrative based on multiple firsthand testimonies shared with the author by caregivers who experienced similar circumstances during the March 31, 2025, application process. Names and identifying details have been changed to protect participant confidentiality. For contemporaneous reporting on the widespread technical difficulties and systemic failures experienced by caregivers during this application launch, see Davidson, S. (2025, April 1).

difficult question: How will Canada sustain its economic and social systems in the years to come?

For decades, immigration has been central to Canada's economic strategy and national identity; yet, the system is under significant strain. The number of non-permanent residents in the country has reached record levels, and public discourse is increasingly shaped by frustration and xenophobic rhetoric. As Tungohan and Careless (2023) demonstrate, migrant workers face a paradoxical position in public discourse; they are deemed essential during periods of economic growth or crisis yet frequently scapegoated as threats to Canadian jobs and social services during periods of economic uncertainty. This "conditional inclusion" shapes not only public sentiment but also policy responses, as evidenced by recent government pledges to reduce temporary resident numbers from 6.5% to 5% of the total population by 2026.

These tensions highlight a paradox in Canada's immigration strategy: while its economy relies heavily on the contributions of migrant labour, particularly in care work, its policies perpetuate precarious conditions for those who provide this essential labour. This dissertation focuses on one such program, the 2019–2024 Caregiver Pilots, which promised reforms and, in the state's words, "clear pathways" to permanent residency for migrant care workers but instead replicated patterns of exclusion and exploitation.

Canada's reliance on migrant care workers is neither new nor isolated. From the 17th century *Filles du Roy* to British nannies in the early 20th century, the Canadian state has consistently framed care labour as essential to its national project while marginalizing those who provide it. Feminist scholars, particularly within the social reproduction theory (SRT) tradition, have argued that this systemic undervaluation of care work reflects broader capitalist dynamics. Social reproductive labour, the work required to sustain human life and social relations, remains both indispensable and invisible in capitalist economies (Bhattacharya, 2017; Fraser, 2016). Migrant women, predominantly racialized and often from the Global South, are disproportionately tasked with this undervalued work, experiencing what Chowdhury (2016) describes as "permanent temporariness." This state of bureaucratic limbo extracts their labour while minimizing their social and economic inclusion.

This state of permanent temporariness extends far beyond reproductive labour. Canada began using temporary migrant labour as a response to labour shortages in difficult, dangerous, and undervalued work through the Seasonal Agricultural Workers Program (SAWP), introduced in 1966 and still in operation. The SAWP established a system to recruit temporary groups of racialized workers from the Caribbean, Mexico, or other countries of the Global South, who could serve the needs of agricultural employers and harvest and process agricultural products under harsh conditions and for low wages. Critically, SAWP workers were not entitled to the same rights as either immigrants or Canadian workers. Workers' entry and employment were managed through employer-tied work permits, fixed-term contracts, limitations on freedom of association, and restrictions on access to settlement services and community supports. The SAWP remains a fundamental and un-get-rid-able aspect of Canada's agricultural economy 60 years after its introduction. In many ways, the program can be seen as both a fundamental failure *and* success of the state's reliance on temporary migrant labour; it is now a foundational pillar of Canada's approach to managing its labour force. The structural features of the SAWP, including restrictions on employment mobility, racialized recruitment, low wages, limitations on rights, and employer-tied housing, would come to shape subsequent temporary migrant work programs across Canada's economy.

The Caregiver Pilots exemplify these dynamics, representing both continuity and evolution in Canada's approach to migrant labour programs. By framing the 2019 program as a progressive reform that eliminates live-in requirements and provides faster pathways to permanent residency, the Canadian state presents itself as caring and inclusive. However, as this dissertation demonstrates, these changes are superficial, masking deeper systemic inequalities. Administrative barriers, processing delays, and shifting policy requirements continue to create precarity for migrant care workers, reflecting deliberate choices about whose labour is valued and whose rights are deferred.

This dissertation situates the Caregiver Pilots within broader historical and political-economic contexts to analyze how they perpetuate patterns of racialized and gendered labour exploitation despite shifting state narratives of progressive reforms. By examining both the structural mechanisms and the lived experiences of care workers, this research critiques Canada's immigration and labour policies while advocating for systemic change. At its core, this work grapples with a critical question: How and why

does a country that relies so significantly on migrant care workers continue to marginalize and devalue their contributions? In answering this question, the dissertation centres the urgent need to rethink not only the policies governing care work but also the broader systems that sustain inequity and precarity in Canada's immigration governance.

Accordingly, this research captures a pivotal moment of progress in the fight for fair immigration policies for care workers. In June 2024, after decades of relentless activism and advocacy by care worker organizations, the federal government announced a series of programs known as the Home Care Worker Immigration Pilots. These pilot programs promised permanent residency upon arrival for eligible care workers, addressing a long-standing demand from advocates and signalling a potential shift towards more inclusive immigration policies.

However, as Rica's story illustrates, implementing these programs has been fraught with delays and uncertainty. Originally scheduled to launch in January 2025, the programs failed to materialize on the announced date, with no official explanation provided by the federal government. Several factors likely contributed to this delay, including the collapse of the Liberal Party of Canada's leadership, the prorogation of Parliament, the re-election of a far-right Trump administration in the United States, and the emergence of a trade war between Canada and the United States. When the programs finally opened on March 31, 2025, technical failures and overwhelming demand resulted in the immediate closure of applications, leaving thousands of eligible workers—like Rica—without recourse.

While the announcement of these programs marks a significant step forward in its promise of permanent residency (PR) upon arrival, the findings of this dissertation underscore the need for continued scrutiny. To ensure that these changes meaningfully address systemic flaws rather than perpetuate existing inequities, sustained advocacy and vigilance remain essential.

1.1. A Critical Inquiry into Canada's Caregiver Pilots: Research Questions and Literature Review

As discussed, the 2019–2024 Caregiver Pilots represent the latest iteration in Canada's long history of programs designed to govern migrant care work. Framed as progressive reforms, these programs eliminated the controversial live-in requirement of their predecessor, the Live-In Caregiver Program (1992–2014), and promised expedited pathways to permanent residency. However, beneath these promises lies a more troubling reality. Rather than addressing systemic inequities, the pilots have perpetuated and, in some cases, exacerbated the precarity faced by migrant care workers. Like before, administrative barriers, processing delays, and shifting policy requirements continue to undermine the dignity and stability of those performing this essential labour.

This dissertation critically examines the 2019–2024 Caregiver Pilots as a case study in Canada's broader immigration governance, exploring how these programs reflect and reinforce systems of exclusion and control. Specifically, it interrogates the policies, language, and practices underpinning the pilots through five central research questions:

- 1 How do the Caregiver Pilots reflect the Canadian government's broader strategies for managing migrant labour?
- 2 In what ways do administrative processes within IRCC shape the lived experiences of migrant care workers?
- 3 How do policy language and institutional practices reinforce power imbalances between the state and migrant workers?
- 4 How do migrant care workers navigate and experience the Caregiver Pilots?
- 5 How do migrant care workers mobilize, organize, and develop strategies to challenge and transform the conditions of their labour and immigration status?

These questions serve the broader theoretical intervention of examining how state policies sustain racial and patriarchal capitalism through meso-level institutional mechanisms. While the five research questions above focus on empirical dimensions of the Caregiver Pilots—examining specific policies, administrative practices, and worker

experiences—this dissertation's overarching analytical project asks: How does the Canadian state deploy immigration policy as an institutional mechanism to reproduce racialized and gendered labour exploitation within a capitalist economy? By centering meso-level analysis—the institutional processes, bureaucratic practices, and policy frameworks that mediate between macro-level structures of capitalism and the micro-level experiences of migrant workers—this study examines how the state operates as both architect and legitimizer of exploitative labour regimes.

1.1.1. Scholarship on Migrant Labour in Canadian and Global Contexts

The transnational migration of care workers is a defining feature of the globalized care economy, shaped by centuries of historical labour mobility and deeply entrenched structural inequalities. From the colonial era to contemporary articulations, the movement of workers across borders reflects both the commodification of care and the growing reliance on women from the Global South to sustain care systems in wealthier nations. Concepts such as the "feminization of survival" (Sassen, 2000) and "global care chains" (Hochschild, 2014) highlight the gendered and racialized dimensions of this phenomenon, underscoring how care responsibilities are transferred across borders, reshaping labour markets, families, and communities worldwide.

In Canada, the demand for migrant care labour has been driven by a combination of demographic shifts, underfunded care infrastructure, and the increasing participation of women in the formal labour force. The International Labour Organization (ILO) predicts that by 2030, 2.3 billion people will require care services globally, a demand that Canada, like other high-income nations, has increasingly met through recruiting migrant care workers (International, 2024). This reliance on migrant labour is rooted in historical patterns of labour migration, evolving from colonial-era indentured servitude to contemporary temporary foreign worker programs. Scholars such as Lydia Potts (1990) and Rhacel Parreñas (2015) have traced the historical roots of this global labour market, emphasizing how economic, political, and social forces have created a complex web of labour mobility that connects regions and societies worldwide.

The feminization of migration, particularly in the care sector, has developed significantly since the 1970s. Women from the Global South, often highly educated,

migrate to fill care gaps in wealthier nations, while their own care responsibilities are transferred to family members or hired domestic workers in their home countries. This phenomenon, described by Arlie Hochschild (2014) as "global care chains," reveals the paradox of migrant care workers providing essential care in receiving countries while being unable to fulfil caregiving roles within their own households. The case of the Philippines, as a leading source of migrant care workers, exemplifies how state policies and global economic inequalities intersect to shape these labour flows. The Philippines' labour export strategy, institutionalized in the 1970s, has positioned Filipina women as central actors in the global care economy, with millions of workers deployed to more than 160 destinations worldwide (Ortega, 2025; Philippine Statistics Authority, 2020; Rodriguez, 2010).

In Canada, the historical reliance on migrant care labour has been shaped by a series of policy frameworks, from the Temporary Employment Authorization Program (TEAP) in the 1970s to the Live-in Caregiver Program (LCP) in the 1990s, and more recently, the Caregiver Pilots introduced in 2019. These programs, while ostensibly designed to address labour shortages, have institutionalized the migrant care workers' temporary status and precarity, creating a system where migrant care workers are essential yet marginalized. The LCP, for example, required workers to live with their employers and complete 24 months of work before becoming eligible for permanent residency, a pathway fraught with bureaucratic hurdles and prolonged family separation (Atanackovic & Bourgeault, 2014). Despite reforms, contemporary programs continue to reproduce patterns of control and exclusion, reflecting broader global inequalities in the care economy.

To summarize, the scholarship on migrant labour in Canada and global contexts underscores the systemic devaluation of care work and the racialized and gendered hierarchies that underpin global labour markets. Migrant care workers are indispensable for addressing care deficits in receiving countries, enabling women's economic participation and supporting ageing populations. At the same time, their labour sustains families and communities in the sending countries through remittances, which serve as a critical lifeline for many households. However, these contributions come at a high personal and social cost, including family separation, precarious working conditions, and the systemic devaluation of care work. These dynamics reveal the uneven distribution of benefits and burdens in the global care economy, where the contributions of migrant

care workers are often rendered invisible. The historical and structural forces that have shaped the transnational care economy are discussed in depth in Chapter 3.

Shifting from a discussion of the globalized economy to a critical Canadian case study, this dissertation explores how these global dynamics manifest in a high-income receiving country, shedding light on the specific policies, practices, and lived experiences that define the Canadian care economy and its reliance on the care labour of women from across the world.

1.1.2. Theoretical Framework for the Dissertation

This dissertation uses a feminist political economy framework to analyze the experiences of migrant care workers in Canada. Feminist political economy examines how gender, race, and class intersect with economic and political systems to create patterns of inequality and exploitation. Building on the work of Canadian scholars like Leah Vosko, Pat Armstrong, and Patricia Connelly, this approach reveals how care work—despite being essential to society—is systematically devalued, particularly when performed by racialized migrant women.

While feminist political economy provides the core theoretical foundation, this research draws on insights from several related fields to create a comprehensive, interdisciplinary analysis. From social reproduction feminism, the dissertation adopts the understanding that care work is fundamental to sustaining capitalism, even as it remains invisible and undervalued. The theory of racial capitalism and other key lessons from Black feminist and Black Marxist work help explain how immigration policies extract labour from racialized workers while limiting their rights and social inclusion. Intersectionality provides tools for understanding how multiple forms of oppression—based on gender, race, class, and immigration status—operate simultaneously in the lives of migrant care workers.

The dissertation also incorporates ideas from critical data studies and data feminism to examine how government data collection and statistical practices shape our understanding of migrant care work. Critical data studies challenges the assumption that data is neutral, revealing instead how data practices reflect and reinforce social inequalities. Data feminism, as posited by Catherine D'Ignazio and Lauren Klein (2020),

emphasizes how factors like race, gender, and immigration status influence both how data is collected and how it is interpreted.

By combining these theoretical approaches within a feminist political economy framework, this interdisciplinary analysis reveals how global capitalism, state policies, and social hierarchies work together to position migrant care workers as both essential and disposable. This framework not only advances the scholarly understanding of migrant labour but also provides a foundation for advocating transformative policy reforms that prioritize the dignity, rights, and well-being of care workers.

Social Reproduction Feminism, Intersectionality, and Racial Capitalism

Social Reproduction Feminism (SRF) follows from early Marxist feminists' work in theorizing social reproduction and expanding the notion of "labour" and "economy" to encompass not just the value-producing labour of the traditional waged economy but also the non-waged labour required to feed, clothe, house, and raise current and future generations of workers in the waged economy (Ferguson, 2008). Perhaps because this labour has typically been, and still is, largely performed by women, it has often been overlooked or marginalized within traditional Marxist scholarship. Silvia Federici (2012), a longtime advocate for the recognition of social reproductive labour as legitimate labour, argues that

The entire Leftist tradition has agreed on the marginality of housework to the reproduction of capital and the marginality of housework to the reproduction of capital ... but to not see women's work in the home is to be blind to the work and struggles of the overwhelming majority of the world's population that is wageless. It is to ignore that American capital was built on slave labor as well as waged labor and, up to this day, it thrives on the unwaged labor of millions of women and men in the fields, kitchens, and prisons of the United States and throughout the world. (pp. 29, 31)

Federici (2012) further argues that it is indeed the institutionalization of waged and unwaged labour through the family structure that has allowed for the rapid advancement and generalization of capitalist production. In the longstanding "ideal" of the nuclear family, women were dependent on men's wages, and men were consequently dependent on that wage and the job that supplied it. By efficiently keeping men tied to their jobs and women tied to men, the family has been a fascinating example of "capital for capital," a social structure that guarantees "the quantity and quality of labor power and its control" (Federici, 2012, p. 33).

However, like early feminist critiques of Marxist scholarship's deterministic penchant, SRF itself was the subject of pointed critiques of Althusserian—read structuralist—tendencies. Himani Bannerji (1991) delivered perhaps the severe critique, pointing out the tendency for SRF (at least in the Canadian tradition) to systematically ignore the experiences of race and racism. While Bannerji's (1991) critique must be considered in any contemporary use of SRF, I agree with Ferguson (2008) that, while SRF has been flawed, "it is possible to overcome the tendencies towards structuralism and reductionism without abandoning the SRF paradigm as a whole" (p. 45). The challenge then is to move forward in discussions of political economy with a conception of labour, economy, and society that considers not only gender but also race. Ultimately, I believe this means taking a nuanced and self-reflexive intersectional approach, where no category is taken to be general or all-encompassing. Each question of gender, class, and race intersects with one another within a historically specific nexus; only through contending with each and all will we ever come to explicate the complex dynamics of the capitalist mode of production.

Aligning SRF with the theoretical perspectives of racial capitalism and intersectionality is crucial to ensure its relevance when studying the ways in which the Canadian economies rely on and discursively manage migrant labour. Given the transnational nature of neoliberal globalized capitalism, we must look at the policies, language, and representations of migrant labour through a contextualized and intersectional understanding of the production and reproduction of national and transnational chains of labour and care. For this reason, my dissertation integrates SRT with anti-colonial and anti-racist approaches to feminist political economy.

Intersectionality, as theorized by Kimberlé Crenshaw and expanded by scholars such as Patricia Hill Collins, provides a critical lens for analyzing how multiple axes of oppression—including race, gender, class, and immigration status—intersect to shape the experiences of migrant care workers. This framework is essential for understanding the complex and overlapping systems of inequality that structure the global care economy. For example, intersectionality highlights how migrant care workers are positioned at the intersection of racialized labour exploitation, gendered care responsibilities, and class-based precarity. By integrating intersectionality with SRF, this dissertation moves beyond single-axis analyses to capture the multifaceted dynamics of oppression and resistance in the care sector. Intersectionality also reveals how the

devaluation of care work is not merely a product of gender hierarchies but is deeply intertwined with racial and colonial histories, as well as the neoliberal restructuring of global labour markets.

A brief clarification is necessary here regarding the treatment of class in this dissertation, given that class is a contested concept with distinct theoretical traditions that yield different analytical frameworks. The intersectional tradition tends toward what might be characterized as a relational understanding of class; one closer to Weber's (1978) conception of class as life chances, market position, and relative social standing. In the Weberian tradition, class operates as one axis of stratification among others, describing how different groups of workers are positioned with respect to each other: skilled versus unskilled, documented versus undocumented, high-status versus low-status. This relational understanding can be analytically useful and this dissertation draws on it when considering how migrant care workers are positioned relative to other categories of workers in Canada's labour market. However, the primary class framework governing this dissertation is Marxist rather than Weberian. In the Marxist tradition, class is not primarily a matter of relative positioning or life chances but a specific and fixed relationship to the means of production: one either owns the means of production or is compelled to sell one's labour power in order to survive. This distinction matters for the analysis of migrant care work because it locates the source of exploitation not in the relative disadvantage of care workers compared to other workers but in the structural relationship between capital and labour that makes their exploitation both possible and necessary. Following Mies (1986), SRF, and the broader tradition of Marxist feminism, this dissertation treats race and gender not as categories parallel to class but as historically co-constituted with it. They are each produced through the same processes of capitalist accumulation and dispossession and reproduced through the nationalist and colonial ideologies that give those processes their social and legal form. Class, race, and gender are therefore analyzed not as three separate axes of oppression that happen to intersect in the lives of migrant care workers, but as mutually constitutive dimensions of a single system of exploitation whose logic is elaborated in the Marxist political economy section that follows.

Foucault's concept of *biopower* adds another important dimension to this analysis by examining how state power and governance regulate the lives of individuals through mechanisms of control and discipline. Biopower refers to the ways in which

states manage populations through policies and practices that govern life itself, from immigration controls to labour regulations. In the context of migrant care labour, biopower operates through programs such as Canada's Temporary Foreign Worker Program (TFWP) and Caregiver Pilots, which impose strict conditions on workers' mobility, employment, and access to permanent residency. These mechanisms of control not only regulate the labour of migrant care workers but also shape their subjectivities, positioning them as temporary, disposable, and perpetually precarious. By integrating biopower into the analysis, this dissertation reveals how state policies and practices reproduce racialized and gendered hierarchies within the care economy, ensuring that migrant care workers remain a flexible and exploitable labour force.

To begin to examine these patterns of relations, I believe I must first understand the historical context in which my analysis is situated. As Gimenez (2005) points out, there is never *production* or *reproduction* in general but rather a historical specificity to these categories. Wherever capitalism exists, the functioning of the mode of production determines the social organization of production and reproduction. Therefore, the ways in which production and reproduction occur and are economically, biologically, or socially organized will always be in relation to one another and the dominant mode of production. Each instantiation of the capitalist mode of production will entail a historically and materially specific realization of this relationship.

I maintain that it is not necessarily the case that production is subordinate to reproduction but rather that they are in dialectical relation to one another and are mutually constitutive. Certainly, the wage a family receives determines how and how much it is reproduced; at the same time, how that family is reproduced also determines their wage. Women's reproductive labour—which historically and still today is largely unwaged and certainly devalued—has been a socially imposed condition with impacts far beyond the household or family. Female employment, especially for women of lower classes or marginalized populations, is so often an extension of housework. As Federici (2012) argues, “Our road to the wage often leads us to more house care” (p. 34). Delphy (2016) adds yet another layer to this critique, arguing that the labour market itself plays a critical role in the exploitation of women's labour. Through being systematically discriminated against in the labour market—whether through lower wages, less opportunity, violence, or any other means—women are encouraged to enter the so-

called domestic mode of production. This may be as a wife, as a mother, or as a domestic worker.

For migrant workers, understanding their position in the global flows of labour also means examining the ways in which migrant workers from the Global South exist within a worldwide system where certain countries, such as the Philippines, have migrant labour as a major export. Therefore, for a Filipina, the “road to the wage” in many cases may lead her not only to housework but also to work as a migrant worker performing domestic work in Canada. In this way, migrant care workers fit well within Delphy’s understanding of systematic discrimination under the domestic mode of production: migrant workers from the Global South providing care to citizens and families of the Global North are essential to the reproduction of global capitalism.

This systemic exploitation of racialized and gendered labour is further explained through the lens of *racial capitalism*, a framework theorized by Cedric Robinson (1983) and expanded by scholars such as Ruth Wilson Gilmore (2007) and Jodi Melamed (2015). Unlike traditional Marxist analyses that treat race as secondary to class, racial capitalism posits that racial differentiation is central to the accumulation of capital. This framework is particularly relevant for analyzing the global care economy, where racialized women from the Global South are systematically exploited to sustain care systems in wealthier nations.

In the Canadian context, racial capitalism helps explain how migrant care workers are positioned as both essential and disposable within the labour market, reflecting broader patterns of racialized labour exploitation that are deeply embedded in the history and structure of global capitalism. The historical reliance on racialized labour, from colonial-era indentured servitude to contemporary temporary foreign worker programs, reflects a broader pattern of racialized exploitation. Migrant care workers, particularly those from the Philippines and other Global South countries, are recruited to fill care gaps in Canada but are denied full citizenship rights and subjected to precarious working conditions. This racialized precarity is not incidental but rather central to the functioning of the Canadian care economy, which depends on the devaluation of care work performed by racialized women.

The integration of racial capitalism with SRF and intersectionality allows for a more nuanced understanding of how race, gender, and class intersect in the global care economy. For example, the aforementioned concepts of the "feminization of survival" (Sassen, 2000) and "global care chains" (Hochschild, 2014) can be understood as manifestations of racial capitalism, where the labour of racialized women is extracted to sustain the social reproduction of wealthier nations. This framework also highlights the role of the state in perpetuating racialized labour hierarchies through immigration policies that create and maintain temporary status for migrant workers.

Marxist Perspectives on Migrant Labour

Central to my feminist political economy framework are Marxist concepts and their critiques, particularly as developed by feminist, Black, and anti-colonial scholars. I draw on Marxist theory to understand the dynamics of labour migration in a global context by examining the economic relations that drive capital accumulation and dispossession. This theoretical foundation helps me explain the forces that propel individuals across borders in search of work and reveals how these migration patterns serve broader capitalist interests. By drawing on Marxist analysis, I believe we can better understand how migrant care workers become embedded in global economic systems that extract their labour while limiting their rights and social inclusion—dynamics that are central to understanding both the SRF and racial capitalism theories that I employ in this study.

To that end, a few core concepts derived from Marx are worth revisiting in depth. Two concepts in particular—the *surplus value of labour* and the *reserve army of labour*—are especially relevant to the perspectives and theory I employ in my analysis. This section will introduce these concepts as they have been reformed and employed by political economists seeking to investigate globalized neoliberal capitalism and migrant labour.

In this section, I rely on the work of Vic Satzewich (1991) and the feminist political economy framework for analyzing employment-related geographical mobility as proposed by Sharon R. Roseman, Pauline Gardiner Barber, and Barbara Neis (2015). These scholars introduce and reformulate Marxist concepts specifically within the context of migrant labour.

One of the core elements of Roseman et al.'s (2015) framework includes a specific Marxist understanding of class relations. In particular, they explain the importance of Marx's theory of *surplus value*, citing Resnick and Wolff (2006) to contextualize:

[It is based on] a notion of a historically contingent, ever-changing and always contested level of the costs of producing and reproducing labor power. That variation is precisely one of the major contributions of Marx: the idea that the value of labor power (and hence surplus value) depends on the swirl of social changes in the society. (Resnick & Wolff, as cited in Roseman et al. [2015], p. 21)

This framework is particularly useful in this study, as Roseman et al. (2015) tied the theory of surplus value to an understanding of social reproduction and mobility. Relying on the work of Meg Luxton (2006), they point out the ways in which attention to social reproduction allows us to understand how capital accumulation can access the surplus value of labour, in part through the complex articulations of the costs/benefits of social reproduction (in homes, families, etc.). In addition, an attentiveness to social reproduction points out how, when social reproduction relations are broken or challenged, additional labour is required to fill in in those gaps and sustain families. This additional labour and/or gaps in social reproduction is a major force driving international migration, with increasingly more social reproduction being carried out "across borders" (Luxton, 2006, p. 36). Here, they bring in Hochschild's theory of "global care chains," an important theoretical contribution detailed in Chapter 3.

Nancy Fraser (2023) also has turned much of her recent theoretical attention to the crisis of what she terms "cannibal capitalism" and the ongoing "crisis of care." As she explains,

Marx meant the collective fund of social energies exceeding those required to reproduce a given form of life and to replenish what is used up in the course of living it. How a society uses its surplus capacities is absolutely central, raising fundamental questions about how people want to live. (2023, p. 5)

Fraser (2023) argues that through analyzing the ways in which globalized capitalism has allocated our surpluses, we can immediately see the ways in which it is both structurally racist and a "guzzler of care." The indispensable life-sustaining activities of social reproduction, whether paid or unpaid, are the lifeblood of capitalism. Fraser

traces the structural “externalizing” of the labour of social reproduction (among other things) disproportionately onto poor, racialized, gendered communities. Under financialized capitalism, real wages have decreased over time, resulting in the need for increasingly more work hours to support oneself and one’s family. More work hours mean fewer hours available to perform the work of social reproduction, resulting in a “care gap.” This care gap, Fraser explains, had led to states, particularly those in the Global North, importing migrant workers to fill this gap. Typically, it is racialized, rural, poor women from the Global South who are performing the social reproductive and care work for wealthier, more privileged women. In this way, financialized capitalism has developed a structural organization of surplus capacities that depends on the labour and mobility of workers from the Global South—it relies on migrant care workers as a reserve army of labour.

Migrant Workers as a Reserve Army of Labour

In unpacking globalized labour dynamics, political economists have employed Marx's profound insights into the paradoxical nature of capitalism. Capitalism's simultaneous drive to create an abundance of labour yet reduce the necessity for it unveils a fundamental truth: labour migration, particularly that which is temporary, serves as a crucial “buffer” for the accumulation of capital. Temporary migrant workers become, in essence, the reserve army of labour, readily deployable during periods of heightened labour demand and just as swiftly discarded when the need wanes.

Within a Marxist understanding, the reserve army of labour exists in two forms particularly relevant for this analysis. The first is the *latent surplus population*—individuals displaced by the relentless march of capitalist relations of production. The second is the *floating surplus population*—workers rendered redundant by the inexorable laws of capital accumulation. Both forms are directly dependent on the internal countervailing dynamics of capitalism to both reduce and create labour—Marx’s “law of capital accumulation”:

It is its tendency ... to create as much labour as possible; just as it is equally its tendency to reduce necessary labour to a minimum. It is therefore equally a tendency to increase the labouring population, as well as constantly to posit a part of it as surplus population—a population which is useless until such a time as capital can utilize it. (Marx, Grundrisse, 1973, p. 399)

This concept, reframed, is what Mosafa Henaway (2023) describes as the dialectic of “essential and disposable.” Migrant work is not incidental to global capitalism but rather a fundamental and necessary structural component of modern economies such as that of Canada. I must also examine this necessary component through an understanding of the difference between the conventional category of “immigrant and migrant workers,” particularly those engaged in temporary labour, and the conventional category of “immigrants.” Migrant workers are constrained by state-imposed temporal limitations and frequently find themselves stripped of basic citizenship rights, inhabiting a precarious space within their host nations. Immigrants, in contrast, are designated as future settlers and citizens, with their status implying permanence and societal integration.

Satzewich (1991) provides a useful and straightforward definition of migrant labour:

Migrant labour refers, then, to those foreign-born persons who seek to relocate themselves in sites in production but whose work and stay within a social formation are subject to temporal constraints imposed by the state. Migrant workers are those who are not granted the right of permanent settlement by the state in which they sell their labour power. They do not possess the rights and obligations of citizens of the nation, nor are they allowed the possibility of ever acquiring those rights in the receiving nation. They are not defined as members of the political community ... In other words, they are not defined as members, or future members, of the imagined community which constitutes the nation. In theory, if not in practice, they are subject to repatriation to their country of origin. (p. 38-39)

For his part, Henaway (2023) explains that the use of the umbrella term “migrant” is itself a political choice when juxtaposed with “immigrant.” She stresses that the term is not intended to collapse or ignore the wide diversity of experiences, but rather the significance of a unified term is in forging solidarity and advocating for justice in the movement of migrant workers. This recognition of the power inherent in the language used in the discourse prepares us to delve into the economic systems at play.

In this context, migrant caregivers in Canada emerge as a pivotal group caught in the dialectic of essential/disposable and migrant/immigrant. Canadian state migrant caregiver programs exemplify the tension inherent in the global capitalist system. These programs position migrant workers as temporary residents lured by the potential of permanent residency, a precarious status that simultaneously offers hope and imposes

restrictions—a trade-off between labour and freedom now for the possibility of acceptance and stability later. This uneven bargain, set against a backdrop of changing requirements and expanding programs, is at the heart of this dissertation.

Extending Feminist Political Economy through Critical Data Studies and Data Feminism

Building on my feminist political economy framework, I have extended my analysis to draw on the emerging fields of critical data studies and data feminism to examine the racialized and gendered dynamics of migrant care labour in Canada. While feminist political economy provides a foundation for understanding how capitalism operates through systems of exploitation, I rely on insights from critical data studies and data feminism to illuminate how these systems are reproduced and sustained through the production, management, and representation of data in the 21st century. These approaches enable me to interrogate how administrative and statistical practices—often framed as neutral or technical—function as mechanisms of power and control that reinforce the marginalization of migrant care workers.

Critical data studies, as articulated by scholars such as José van Dijck (2014) and Rob Kitchin (2014), interrogates the social, political, and economic implications of data practices, challenging the assumption that data is objective or apolitical. This field emphasizes how data is embedded in power relations, shaping what is counted, how it is counted, and who benefits from these processes. In the context of migrant care labour, critical data studies can reveal how administrative data systems, such as those used by IRCC, are not merely tools for governance but active sites of power that produce and sustain precarity. For example, fragmented data collection, opaque decision-making processes, and selective visibility in statistical narratives all serve to reinforce the marginalization of migrant care workers

Data feminism, as developed by Catherine D'Ignazio and Lauren Klein (2020), builds on this critique by centring equity and justice in data practices. This approach challenges the exclusion and misrepresentation of marginalized groups in data systems, emphasizing how race, gender, class, and immigration status intersect to shape data production and interpretation. Key principles from data feminism align closely with the principles of feminist political economy, particularly when examining the devaluation of care work and the systemic exclusion of racialized and gendered labour through

administrative and statistical infrastructure. By integrating data feminism into this analysis, the dissertation highlights how the selective visibility of migrant care workers in official data—whether through undercounting, misclassification, or exclusion—reflects broader patterns of racialized and gendered exploitation. For instance, the underrepresentation of non-permanent residents (NPRs) in population statistics not only limits policymakers’ ability to make informed decisions but also perpetuates social and economic marginalization, reinforcing the “deliberate production of precarity” (Bloom, 2025, p. 103).

Integrating select insights from critical data studies and data feminism into the feminist political economy framework allows this dissertation to extend the legacy of SRT’s incisive work on migrant care workers, offering an examination of how data practices in the 21st century also reproduce and sustain these systems of exploitation. While traditional analyses of migrant care labour have focused on structural inequities in policy and labour markets, this dissertation extends the critique to the realm of data governance, revealing how administrative and statistical practices function as mechanisms of control. For example, I argue that formatting data, selecting and categorizing variables, and framing statistical narratives are not neutral processes but rather deliberate strategies that manage visibility and invisibility. These practices structure how migrant labour is understood within public discourse, reinforcing institutional power imbalances and obscuring state responsibility for systemic inequities.

To summarize, this dissertation joins the foundational insights of feminist political economy with the critical perspectives drawn from data feminism and critical data studies, creating an integrated approach for analyzing the racialized and gendered dynamics of migrant care labour in Canada. By interrogating how data practices reproduce systems of exploitation, this work not only advances scholarly understanding of migrant labour but also advocates for transformative reforms that prioritize the dignity, rights, and well-being of care workers and all migrant workers.

1.1.3. Contributions and Implications

This dissertation offers a critical contribution to the fields of communication studies, immigration studies, labour studies, and public policy by presenting a nuanced examination of Canada's 2019–2024 Caregiver Pilots. Through my analysis, I develop

and present three key concepts—*strategic opacity*, *jurisdictional precarity*, and *administrative mechanisms of control*—which I use to bridge theoretical insights and empirical findings to address systemic inequities in Canada's treatment of migrant care workers. At its core, my research critiques systemic flaws within IRCC, marked by inefficiency, opacity, and a pervasive disregard for the well-being of migrant care workers. These issues are underpinned by the structural devaluation of care work—a reflection of entrenched patterns of racial capitalism, gender inequality, and systemic inequities that I illuminate through a feminist approach to communication studies.

A central theoretical contribution of this dissertation is the refinement and expansion of *strategic opacity* as a concept for understanding how administrative and statistical practices produce and sustain precarity among migrant care workers. Drawing on critical feminist communication studies and data feminism, this concept interrogates the ways in which data and bureaucratic processes communicate power and control. While scholarship has identified the structural precarity of migrant labour, strategic opacity enriches the analysis by uncovering how administrative delays, application caps, and fragmented statistical practices function as deliberate mechanisms of governance.

Strategic opacity also reveals how seemingly neutral processes, such as formatting data, selecting and categorizing variables, and framing statistical narratives, are deliberately designed to manage visibility and invisibility. As mentioned, these practices not only structure how migrant labour is understood within public discourse but also reinforce institutional power imbalances. Scholars such as Goldring, Berinstein, and Bernhard (2009) discuss this as the “institutionalization of precarity” in Canada, where state practices systematically render certain populations vulnerable while obscuring their own role in perpetuating inequities. Building on Foucault’s concept of *power-knowledge*, Goldring et al. (2009), and also Bloom (2025), highlight how power operates not only through coercion but also through the production of knowledge—what can be known, how it is known, and who gets to know it. In this framework, the state’s control over what is counted—and what remains uncounted—shapes how temporary residents are governed and understood. As explained by Goldring et al. (2009, p. 241),

Our fuzzier and non-binary conceptualization of precarious migrant status is relevant for several reasons and constituencies. From an academic, rights-based, policy, service delivery and activist perspective, recognizing the institutionalized production and the complexity and confusion of

precarious status in Canada helps to make visible the presence and potential vulnerability of people living with variable forms of precarious status, including no status. Lack of visibility compounds the vulnerability and marginalization of people with precarious status and their families by reproducing an underclass that is vulnerable on several fronts, including inadequate access to health and other services, limited recourse in the event of abuse at work or other arenas, and deportation.

I employ the concept of *administrative mechanisms of control* to examine the specific tools and practices through which states regulate and discipline migrant care workers, including temporary work permits tied to single employers, restrictive visa conditions, and opaque decision-making processes that limit workers' agency and mobility. By analyzing these practices, I demonstrate how administrative systems are not merely bureaucratic instruments but active sites of power that shape the lived experiences of migrant care workers. The pilot programs that I analyze exemplify what Schmidt et al. (2023) identify as “bureaucratic violence”—how administrative systems perpetuate precarity while appearing to address worker demands. Understanding how these programs operate requires attention to both their formal policies and to the mechanisms of knowledge production and opacity that shape their implementation and outcomes.

As Urvin (2004) observes, the act of counting populations has historically been “omnipresent, crucial, and steeped in violent stakes” (p. 148), particularly in colonial contexts. Population statistics are not only administrative tools nor are they neutral technologies; they also shape societal understandings of belonging and collective identity (Kertzer & Arel, 2002). When groups like non-permanent residents are systematically undercounted or rendered invisible through fragmented data collection, it not only limits policymakers' ability to make informed decisions but also perpetuates social and economic marginalization. This selective visibility reflects what Sharma (2020, p. 214) terms a “technique of governance,” where statistical and strategic opacity serve to maintain worker vulnerability while obscuring state responsibility.

Building on this foundation, I introduce *jurisdictional precarity* as an additional, interrelated concept. This concept relies on Virginia Mantouvalou's (2012) notion of *legislative precariousness*, which refers to the layered and often contradictory legal and bureaucratic frameworks that govern migrant care workers, creating conditions of instability and vulnerability. Through jurisdictional precarity, I emphasize how

overlapping federal, provincial, and municipal regulations—combined with the transnational nature of care work—produce a fragmented landscape of rights and protections. Migrant care workers are frequently caught in jurisdictional gaps, where inconsistent policies and enforcement mechanisms exacerbate their precarious status. These gaps underscore how certain groups of workers are systematically excluded from or inadequately protected by labour laws, leaving them particularly vulnerable to exploitation. For migrant care workers in Canada, this legislative gap is profound, reflecting a deeper societal undervaluation of care work and the intersecting inequities of gender, race, class, and citizenship. Rather than mitigating these vulnerabilities, the legislative frameworks in place—particularly in British Columbia—often entrench precariousness by failing to provide meaningful protections or enforce existing rights.

Grounded in participatory action research and informed by feminist scholarship from a wide range of fields, my research places the voices and experiences of migrant care workers at the centre of the analysis. These narratives critically inform the theoretical and empirical contributions of my work. By foregrounding their lived experiences, I critique existing policies while advocating for a more equitable and just system—one that recognizes care workers as integral to Canadian society.

1.1.4. Positionality and Methodology

My research is shaped by my dual roles as a scholar and community activist—a perspective that bridges academic inquiry with the lived realities of migrant care workers. Through years of collaboration with care workers and advocacy groups, I have witnessed firsthand the immense challenges they face in navigating Canada's immigration system. These experiences have profoundly influenced the interdisciplinary approach of this dissertation, which combines critical discourse analysis, quantitative analysis, and participatory action research to offer a holistic examination of the Caregiver Pilots and their implications.

While this dissertation builds on a rich tradition of academic and activist critiques of temporary migrant labour programs in Canada, it also addresses a critical gap: the need for a contemporary analysis of how these programs function in practice. Caregivers have long endured exploitative conditions under temporary migration programs—conditions that have been widely documented yet persist with little meaningful reform. I

take a novel approach by closely examining the bureaucratic processes and institutional frameworks that shape the daily experiences of migrant care workers. In addition, I interrogate how a government that claims progressiveness and care perpetuates systems of exclusion and control through superficial adjustments that leave structural inequities intact. As a result, my dissertation offers not only critique but also a detailed examination of the machinery of governance, exposing how systemic issues of exploitation and marginalization are maintained.

To conduct this analysis, I adopt a multidisciplinary methodology following participatory action research, feminist political economy, critical discourse analysis, investigative research practices, and liberatory approaches to statistical analysis. My use of Access to Information and Privacy (ATIP) requests allowed me to access and analyze internal documents from IRCC, offering unique insights into the operational realities of the Caregiver Pilots. The participatory action research methodology is particularly crucial to my work and represents a deliberate departure from many traditional academic research approaches. This is an explicitly political project, developed through an iterative and collaborative process (see Chapter 3). The direction, findings, and relentless pursuit of information in this research was driven in many instances by the goals and needs of care workers themselves. As a result, my project contributes a relatively unique perspective when compared with many existing qualitative participatory research projects. I consider care workers to have served as a secondary advisory committee; they provided guidance, gut checks, and critical questions to ensure I was on the right track to conduct research that would be actively helpful to their lives and goals. This approach allowed me to leverage my strengths as a researcher, discourse analyst, and political economist to perform technical investigations and analyses while centring the needs of the community. This methodology reflects my commitment to research that not only analyzes systems of oppression but actively works to challenge them in ways that serve those most affected.

1.2. Structure of the Dissertation

This dissertation is organized into seven chapters. In the following, I outline the structure of the dissertation, offering you a roadmap to the arguments and analyses presented throughout:

Chapter 2: Methodology. This chapter lays out the interdisciplinary methodological approach I use to investigate the structural dynamics of racism, colonialism, classism, and patriarchy embedded within Canada's caregiver programs. Methodologically, this dissertation fits under the broad scope of participatory action research. To answer the diversity of my research questions, I adopt a mixed-methods analysis that draws heavily on investigative practices and is anchored by three key methods: critical discourse analysis, critical statistical analysis, and secondary analysis of qualitative interviews and focus groups with care workers. Together, these varied methods provide an understanding of the "behind the scenes" workings of the Caregiver Pilots. This chapter outlines the details of how I went gathering, analysing, and questioning a diverse set of data while sharing my dissertation research with a collaborative research team.

Chapter 3: Transnational Care Migration and Canada in the Global Migrant Care Chain. This chapter situates Canada's reliance on migrant care workers within its historical and global contexts. It begins with a review of literature on globalized care migration, highlighting how the commodification of care labour and the feminization of migration have reshaped labour markets worldwide. The chapter then traces Canada's colonial roots, examining how labour policies have historically exploited racialized workers, from the dispossession of Indigenous peoples to the establishment of a "permanently temporary" migrant workforce. Migrant domestic workers, particularly women of colour, have long faced exclusion and discrimination under restrictive immigration policies.

The chapter also examines the systemic devaluation of care work, historically framed as an extension of women's "natural" roles rather than a skilled profession. This devaluation is amplified for migrant women who are racialized and marginalized, making them disproportionately tasked with care work deemed undesirable by Canadian-born workers.

Finally, the chapter situates Canada within the global care chain, showing how its reliance on migrant labour is interconnected with international migration trends and labour markets. It provides a comprehensive historical review of migrant care worker programs in Canada: from the early colonial period to 2014, including the Seasonal Agricultural Worker Program (SAWP), TFWP, and LCP. These programs demonstrate

how economic needs, racialized hierarchies, and evolving policies sustain Canada's reliance on migrant labour while reinforcing systemic discrimination.

Empirical Chapters: A Close Examination of Canada's Caregiver Pilots. The empirical chapters (4–6) present original research and findings on the structural forces maintaining precarity and inequity in Canada's migrant caregiver programs. Drawing on new data and analyses, these chapters document how systemic barriers and policy mechanisms shape caregivers' experiences and constrain their pathways to permanent residence and collective bargaining.

Chapter 4: The 2019–2024 Caregiver Pilots. This chapter examines how administrative tools such as delays, application caps, and sub-caps function as mechanisms of state control. These tools perpetuate precarity for care workers by trapping them in a prolonged temporary status despite promises of "clear pathways" to permanent residency. The chapter highlights how incremental victories, such as removing the live-in requirement, are undermined by evolving forms of administrative control. By exposing the systemic undervaluation of care labour and the political underpinnings of these administrative practices, this chapter calls for transformative, not merely procedural, reforms.

Chapter 5: Invisible Labour. This chapter introduces the concept of strategic opacity to analyze how technical complexity, administrative fragmentation, and normalized undercounting reinforce power relations in immigration governance. It critiques how Canada's statistical practices selectively render migrant care workers visible or invisible, depending on political and economic priorities. Moreover, the chapter argues that these practices are not mere technical oversights but intentional mechanisms of control that obscure systemic inequities while fragmenting worker populations. In addition, it examines recent policy developments, which, while claiming to enhance transparency, often intensify patterns of opacity and ambiguity.

Chapter 6: Between Federal and Provincial. This chapter explores how jurisdictional precarity—the fragmented accountability between federal and provincial systems—exposes care workers to systemic exploitation. It examines the legislative gaps that exclude care workers from meaningful labour protections, such as collective bargaining, and highlights such structural barriers as their isolation in private households

and reliance on complaint-based enforcement models. In addition, it provides a review and comparative analysis of two grassroots advocacy organizations' submissions to the BC Labour Relations Review panel on mechanisms to adapt British Columbia's labour laws to implement a system of broader-based bargaining and argues for this as a transformative solution that would offer migrant care workers meaningful access to the right to collectively organize, self-advocate, and self-represent while addressing immediate regulatory gaps.

Chapter 7: Conclusion. The conclusion draws together the dissertation's key findings regarding migrant care worker programs in Canada. It articulates the policy implications of this research, emphasizing the need for permanent immigration pathways, data transparency, coordinated regulatory approaches, and sectoral bargaining models. In addition, a case is made for moving beyond performative consultation towards implementing worker-led solutions, underscoring the importance of information access rights and advocating for reforms to both federal immigration policies and provincial labour laws, which would empower care workers through collective representation.

Chapter 2.

Methodology

This dissertation is a study of the intersections of language, power, and policy, framed through a political and interdisciplinary lens. It is grounded in a feminist epistemology that centres the systemic dynamics of racism, colonialism, and patriarchy within Canada's immigration programs, specifically those governing migrant care workers. This work is both critical and aspirational: it seeks not only to reveal and critique structural inequities but also to imagine pathways towards equitable policy reform, with the goal of contributing to the transformative work of liberation.

Methodologically, this dissertation is grounded in Participatory Action Research (PAR), an approach that centres the knowledge and experiences of migrant care workers themselves while pursuing collaborative, justice-oriented inquiry. Unlike many traditional research paradigms that maintain separation between researcher and researched, PAR is conducted "by or with insiders to an organization or community, but never to or on them" (Herr & Anderson, 2015, p. 3). This commitment to research as collaborative practice shapes every dimension of this dissertation—from which questions are asked to how data is collected, analyzed, and mobilized for social change.

Within this PAR framework, the research employs three integrated analytical methods that together provide a multi-dimensional understanding of how Canada's Caregiver Pilots operate. Critical discourse analysis (CDA), grounded in Norman Fairclough's framework and extended through feminist approaches, examines how power operates through policy language, government communications, and public narratives. Critical statistical analysis, drawing on radical statistics traditions and contemporary scholarship in the sociology of quantification, treats government-produced data not as neutral facts but as governance instruments that both reveal and obscure systemic inequities. Participatory research techniques, operationalized through collaborative work with care workers and community advocates, demonstrate how centering worker knowledge generates insights that quantitative and discursive analyses alone cannot achieve. Together, these three methods examine what I term the interconnected dimensions of immigration governance: what is said (official narratives),

what is happening (actual outcomes revealed through data), and what is experienced (lived realities of care workers navigating these systems).

These analytical methods draw on three distinct but interconnected data sources. Government administrative data—obtained through 46 Access to Information and Privacy (ATIP) requests submitted over 28 months— provides insight into internal IRCC operations, processing statistics, and policy implementation. Public-facing government communications, including press releases, policy announcements, parliamentary debates, and program guidelines, reveal how the state frames caregiver programs and presents statistical information to the public. Collaborative research conducted through the Migrant Care Workers Precarity Project (MCWP), including interviews with 37 care workers and ongoing participation in community organizing, grounds the analysis in lived experiences and worker-generated knowledge. Each data source offers essential but partial perspectives; together, they enable analysis of the gap between policy rhetoric and administrative reality, between government promises and worker experiences, between what is publicly stated and what internal documents reveal.

This chapter is organized into four sections that detail this methodological approach. Section 2.1 establishes Participatory Action Research as the overarching methodological framework guiding this dissertation, explaining how PAR's commitment to collaborative, justice-oriented inquiry shapes research design, data collection, and knowledge production. Section 2.2 details critical discourse analysis as the first analytical method, situating this research within Fairclough's framework while extending it through feminist critical discourse analysis to interrogate how gendered and racialized discourses sustain inequities within immigration governance. Section 2.3 details critical statistical analysis as the second analytical method, drawing on radical statistics traditions to analyze government-produced data as both evidence of systemic patterns and as artifacts of institutional power. Section 2.4 describes the data sources and collection strategies that operationalize these methods: the ATIP request process and what it yielded (and failed to yield), the systematic collection of public government communications, and the collaborative research conducted through the MCWP.

This chapter demonstrates how a PAR methodology integrated with critical discourse analysis, critical statistical analysis, and participatory research techniques enables rigorous investigation of complex policy questions while remaining accountable

to the communities most affected by those policies. The iterative and reflexive nature of these methods—where ATIP findings inform interview questions, where worker insights guide statistical analysis, where collaborative interpretation shapes how documents are read—exemplifies research that is both empirically grounded and politically engaged. This methodological foundation provides the analytical tools for revealing how Canada's caregiver programs sustain exploitation through what I term strategic opacity: the deliberate use of technical complexity, administrative fragmentation, and selective (non)disclosure to govern migrant workers through the management of visibility and knowledge production.

2.1. Participatory Action Research as Methodology

PAR serves as the overarching methodological framework for this dissertation, shaping how research questions were formulated, how data was collected and analyzed, and how findings are presented and mobilized. Unlike traditional research paradigms that prioritize observational distance and claim neutrality, PAR is conducted "by or with insiders to an organization or community, but never to or on them" (Herr & Anderson, 2015, p. 3). This approach is inherently value-laden, explicitly goal-oriented, and politically motivated. As Herr and Anderson (2015) explain, action research as emancipatory practice aims to help oppressed groups "identify and act on social policies and practices that keep unequal power relations in place" (p. 11). PAR rejects the false dichotomy between research and activism—all research serves political purposes whether we acknowledge it or not. The question is not whether research is political, but whose interests it serves and toward what ends.

This commitment to PAR aligns with the feminist epistemology grounding this dissertation, established in the chapter introduction. Feminist scholars have long argued that claims to objectivity and neutrality often mask the perspectives and interests of dominant groups, rendering invisible the knowledge production of marginalized communities. PAR makes visible what traditional research obscures: the researcher's positionality, the power dynamics in knowledge production, and the political stakes of how research questions are framed and findings are deployed. By centering the knowledge and experiences of migrant care workers, PAR ensures this research addresses questions that are useful to affected communities.

This research has been deeply collaborative and responsive to community needs. Over several years, through consultations, workshops, and advocacy meetings, I have engaged with caregivers, advocates, and policymakers to co-develop central questions and approaches. This collaborative process is not separate from the research—it is the research. My quantitative analysis was directly shaped by caregivers' frustrations about the absence of statistical evidence supporting their lived experiences. It was care workers themselves who identified the gap between what they knew experientially—widespread wage theft, exploitative conditions, processing delays—and what could be demonstrated empirically through government data. Their insistence that "we know this is happening, but we can't prove it" prompted my ATIP request campaign to obtain the statistical evidence that would make visible what the state had rendered invisible. Similarly, policy proposals on sectoral bargaining examined in Chapter 6—while authored by me—were developed collaboratively with labour advocates and care workers who identified collective representation as essential for transforming exploitative conditions.

These advocacy efforts have informed real-world engagements, including meetings with federal and provincial politicians and IRCC directors. The research process has been iterative and reflexive, with findings from collaborative work informing subsequent analyses. As Greenwood describes, meaningful theorizing occurs through "successive cycles of combined reflection and action, the action feeding back to revise the reflection in ongoing cycles" (Greenwood, 2002, p. 125). This cyclical process is evident throughout the dissertation's three analytical methods, each of which puts the PAR commitment to collaborative, justice-oriented inquiry into practice.

PAR methodology shapes how each analytical method is deployed in this research. Critical discourse analysis (Section 2.2) does not merely analyze government policy language as text—it examines how care workers themselves read, interpret, and contest official discourse. Their understandings of what policy promises actually mean, their identification of contradictions between stated intentions and lived realities, and their critiques of how the state frames care work all inform the discourse analysis. Critical statistical analysis (Section 2.3) emerged directly from the PAR process: care workers' insistence on the need for statistical evidence to counter government claims of program success prompted the ATIP requests, while their knowledge of what questions to ask shaped which data I sought. Participatory research techniques (Section 2.4.3)

most explicitly demonstrate how PAR functions—through collaborative interviews, joint analysis sessions, and ongoing dialogue about how findings should be interpreted and mobilized.

While collaborative research is integral to this work's ethos, the dissertation remains an individual academic product requiring careful navigation between collective contributions and independent intellectual achievement. I have elected the path of transparent acknowledgment: quotes from caregivers illustrate and support findings derived from my analyses, functioning as narrative anchors rather than primary data. Insights from advocacy meetings and participatory research provide context while grounding findings in lived experiences. This balance honours the collaborative nature of knowledge production while meeting the requirements of doctoral research.

PAR methodology also shapes how data is interpreted and presented in this dissertation. When I identify strategic opacity as a governance mechanism (Chapter 5), this concept emerged from care workers' repeated experiences of encountering bureaucratic processes designed to confuse and exhaust them, combined with my analysis of how ATIP data reveals systematic patterns of information withholding. When I analyze jurisdictional precarity (Chapter 6), this framework developed through conversations with advocates about how federal-provincial gaps create exploitation, validated through my examination of legislative structures. The theoretical contributions of this dissertation represent collaborative thinking formalized through academic analysis—ideas generated in community spaces, tested against empirical evidence, and articulated through scholarly frameworks.

This approach demonstrates that action research can produce scholarship that is both rigorous and impactful. Rather than viewing collaboration as compromising academic standards, this dissertation stands as evidence of action-oriented research's potential to advance scholarly knowledge while contributing to broader struggles for social justice. The methodological choices detailed in the sections that follow—from discourse analysis (Section 2.2) to statistical analysis (Section 2.3) to data collection strategies (Section 2.4)—are all shaped by this foundational PAR commitment to research that serves liberation.

2.2. Critical Discourse Analysis

Critical discourse analysis (CDA) constitutes the first analytical method employed in this dissertation, operationalizing the PAR methodology established in Section 2.1 by examining how power operates through language in immigration policy. CDA is a methodological approach that critically examines the interplay among language, power, and society (Chouliaraki & Fairclough, 1999; Fairclough & Wodak, 1997; van Dijk, 1985). It operates from the premise that language is never neutral—how we speak and write both reflects and shapes power relations (Fairclough, 1989; van Dijk, 1993). CDA reveals how language maintains or challenges existing inequalities by making visible the power asymmetries embedded in seemingly neutral texts. CDA emerged in the 1970s from critical linguistics, which posits that language and society are inseparable (Blommaert & Bulcaen, 2000; Halliday, 2003), and has since evolved to offer an explicitly political framework for analyzing discourse and its relationship to social structures (Wodak, 2011).

Norman Fairclough is widely regarded as a foundational figure in CDA's development, particularly with the publication of *Language and Power* (1989). His work provided a synthesis of linguistic analysis, political commitment, and methodological rigour, cementing CDA as a distinct approach to analyzing power dynamics embedded in discourse. CDA's theoretical underpinnings draw from Marxist and Frankfurt School critical theory, Gramscian notions of hegemony, and Foucauldian perspectives on power and discourse. These intellectual influences align closely with my dissertation's theoretical framework, which interrogates the structural dynamics of racism, colonialism, and patriarchy in Canadian immigration policy.

2.2.1. Discourse as Power and Knowledge

Within CDA, the theoretical foundation draws from Foucault's (1972) conceptualization of discourse, which is vital for analyzing how caregiver policies both reflect and perpetuate knowledge and power structures. Foucault argues that discourse is not merely linguistic but is shaped by "historical rules" that define the conditions under which knowledge is produced and shared within specific social, economic, and political contexts (p. 131). Discourse constitutes shared knowledge, recurring across texts and communicative events to construct and sustain social realities (van Leeuwen, 2005). By

this definition, discourses both reflect and enact socially constructed knowledges: what we say is shaped by what we know, and what we know is structured by what can be said.

This understanding highlights discourse's central role in constructing social reality. While discourses do not *determine* what can be known or achieved, *they establish the conditions* under which reality is experienced and understood (Roderick, 2016). In relation to this dissertation, this pushes me, as a critical analyst, to understand that caregiver policies are not neutral texts; they are discursive artefacts that emerge from and reinforce the social realities of migrant care workers in Canada. Understanding discourse as both constitutive and reflective helps to unpack how these policies contribute to the marginalization of care workers while simultaneously framing their labour as indispensable yet undervalued.

Foucault's argument that power does not repress but instead shapes visibility provides a critical foundation for this dissertation. Power is exercised not by making things disappear but by controlling how and where they appear. Consequently, a productive critique involves analyzing both visibility and invisibility—how caregiver policies bring certain realities into focus while rendering others invisible. CDA scholars emphasize that power asymmetries embedded in discourse often remain hidden, operating ideologically to sustain inequality (Fairclough, 1995; Roderick, 2016). As Fairclough (1995) argues, critique involves uncovering how interconnected systems of power, ideology, and discourse sustain the status quo: "In human matters, interconnections and chains of cause-and-effect may be distorted out of vision. ... Hence 'critique' is essentially making visible the interconnectedness of things" (p. 36).

2.2.2. Feminist Discourse Analysis

While Faircloughian CDA provides the foundational framework for analyzing the interplay between language and power, FCDA deepens this inquiry by explicitly foregrounding the gendered and intersectional dimensions of discourse. As Lazar (2008) describes, FCDA offers a "radical discursive critique of prevailing unequal social arrangements" (p. 90), making it a critical tool for interrogating the complex intersections of gender, race, class, and migration that shape Canada's caregiver policies.

FCDA expands the scope of traditional CDA by examining how language and communication reflect and sustain systems of power rooted in patriarchy, colonialism, and capitalism. This approach challenges analysts to dissect dualistic divides—such as work–leisure, public–private, and work–home—that are particularly salient in understanding the lived experiences of migrant care workers. These divides shape not only how we think and speak about ourselves and our society; they are institutionally enshrined within policy frameworks, perpetuating systemic inequities.

By integrating FCDA into my methodology, I examine care work policies through a lens that captures the compounded vulnerabilities faced by racialized women migrants. FCDA interrogates how language and discourse shape perceptions of care work as "unskilled" labour and position care workers as marginal figures in both labour markets and policy discussions. The FCDA approach complements the critique of administrative practices and statistical governance by emphasizing how gendered and racialized narratives underpin systemic precarity.

2.2.3. Operationalizing CDA in This Dissertation

This research operationalizes CDA as what van Dijk (1985) describes as a "problem-oriented" critical science that "starts from prevailing social problems, and thereby chooses the perspective of those who suffer most, and critically analyses those in power, those who are responsible, and those who have the means and the opportunity to solve such problems" (p. 4). This alignment underscores the dual aims of my research: to hold powerful actors accountable for perpetuating structural injustices and to amplify the perspectives of those most harmed by these policies.

CDA's transformative potential lies in revealing what Fairclough (1995) calls "the interconnectedness of things"—the hidden relationships between discourse, power, and social structures that sustain inequality (p. 36). Rather than merely describing these dynamics, this methodology seeks to reorder them into "new connectivities and arrangements" (Roderick, 2016, p. 58). In practice, this means analyzing both what is explicitly stated in policy documents and what remains unsaid—the absences, silences, and strategic obscurities that function as governance mechanisms.

The discourse analysis in this dissertation examines the "what is said" dimension of immigration governance, as outlined in Section 2.3.3's three-part analytical framework. This involves analyzing how the Canadian state frames caregiver programs through official policy language, ministerial communications, and public-facing narratives. The specific texts analyzed—internal government documentation obtained through ATIP requests, public-facing government discourse, and care workers' own interpretations of official narratives—are detailed in Section 2.4. Here, the focus remains on the analytical approach: how CDA provides tools to interrogate how language choices shape meaning, how discourse practices reinforce power asymmetries, and how these textual and discursive dimensions connect to broader social structures of inequality.

CDA and FCDA both demand reflexivity about the researcher's own positionality and social motivations (Wodak & Meyer, 2009). I approach this work with particular caution, recognizing my position as a white Canadian academic studying the experiences of racialized migrant care workers. This reflexivity requires vigilance to avoid reproducing the very power structures I seek to critique. The PAR methodology established in Section 2.1 provides a framework for this reflexivity—by centering care workers' own interpretations of policy discourse, by bringing workers' critiques of official language into collaborative analysis sessions, and by ensuring that discourse analysis serves advocacy and organizing rather than solely, or primarily, producing academic knowledge.

CDA enables a critical analysis of the power dynamics embedded in Canada's Caregiver Pilots, focusing on the Canadian government as the central actor. As the architect of these immigration systems, the government wields immense power as both policy originator and the entity responsible for revision and continuation. By combining CDA's structural rigour with FCDA's intersectional focus, this research highlights the urgent need to dismantle the entrenched social and institutional arrangements that devalue care work and marginalize those who perform it.

2.2.4. Fairclough's three-dimensional framework

Over the past 30 years, Fairclough has developed a three-dimensional framework for understanding and analyzing discourse, which he first outlined in *Discourse and Social Change* (1992) (see Figure 1). This framework remains one of the

most comprehensive within CDA, offering a structured approach to examining the interplay of language, power, and society (Blommaert & Bulcaen, 2000; Chouliaraki & Fairclough, 1999; Wodak, 2011). Fairclough's framework consists of three interrelated dimensions: discourse as text, discourse as practice, and discourse as social practice. Together, these dimensions provide a framework for analyzing how texts are created, consumed, and embedded within broader social structures.

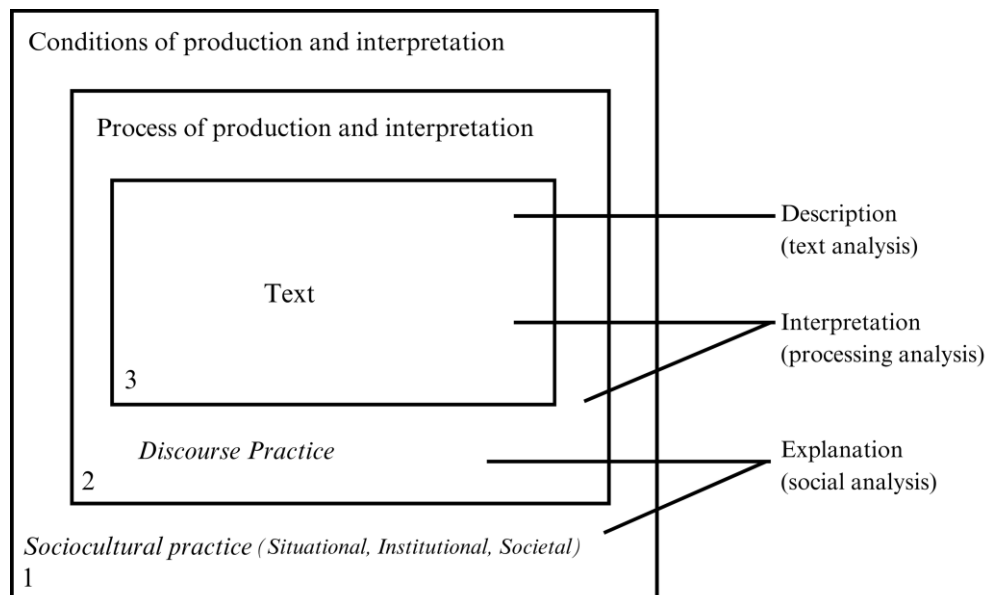


Figure 1. Fairclough's (1992) three-dimensional framework

1. Discourse as Text

Fairclough's (1992) initial dimension focuses on the linguistic features of a text, including vocabulary, grammar, cohesion, and structure. At this level, analysis involves a close reading of the text to uncover how language choices shape meaning and reflect power dynamics. Fairclough emphasizes that this layer of analysis is foundational, as it reveals how texts are constructed and the implicit assumptions embedded within them.

In this dissertation, this dimension was applied to internal IRCC documents, public-facing policy announcements, and participatory research data. For instance, in analyzing internal IRCC spreadsheets obtained through FOI requests, I examined how numerical data was framed, whether as raw counts or selectively contextualized to support policy recommendations. Similarly, I analyzed Ministerial Instruction letters for their lexical choices, paying attention to how language shaped narratives of efficiency

and control. By focusing on these linguistic features, I identified subtle but significant ways the Canadian government frames migrant care workers' contributions and challenges.

2. Discourse as Practice

The second dimension examines the processes of text production, distribution, and consumption. This dimension bridges the text itself with the social context in which it is situated, emphasizing how texts are shaped by and shape societal norms. According to Fairclough, this dimension reveals how texts operate within specific institutional or cultural contexts.

This dimension enabled exploration of the stark contrasts between internal and public-facing government documents. For example, an internal memo discussing backlog statistics may reflect an entirely different narrative than a press release announcing the success of the Caregiver Pilots. Similarly, participatory action research provided insights into how caregivers themselves consume and reinterpret these texts, often using them as tools for advocacy or resistance. This level of analysis revealed how discourse practices within the Canadian immigration system reinforce power asymmetries, dictating what is visible to the public and what remains obscured.

3. Discourse as Social Practice

The broadest and most “macro” dimension situates discourse within broader social structures, focusing on the ideological and hegemonic forces that influence and are influenced by texts. Fairclough argues that discourses both reflect and reproduce power relations, with some being more ideologically invested, depending on their role in maintaining or challenging existing hegemonies.

This dimension was critical for understanding how caregiver policies simultaneously emerge from and contribute to systemic inequities in Canada's immigration system. At this level, analysis connects specific linguistic and discursive choices to broader systems of racial capitalism and patriarchy. For instance, when internal government communications frame delays or application caps as technical issues, this discursive strategy obscures their role as deliberate tools of governance—what I term strategic opacity in Chapter 5. At the same time, public-facing documents

invoke narratives of inclusion and fairness, aligning with broader state discourses of progressive governance. By situating these textual and discursive practices within the broader social context of how care work is devalued, how racialized migrant women are positioned within global labour markets, and how the Canadian state manages immigration to serve capitalist accumulation, this dimension reveals how discourse perpetuates structural inequities while maintaining an appearance of neutrality.

Together, these three dimensions provide the analytical tools for examining government discourse in this dissertation. The specific texts analyzed through this framework—and the processes through which they were obtained and collected—are detailed in Section 2.4 on data sources and collection strategies.

2.3. Critical Statistical Analysis

Critical statistical analysis constitutes the second analytical method employed in this dissertation. Unlike positivist approaches that treat numbers as neutral, objective facts, critical quantitative inquiry examines how data is produced, categorized, and deployed as a mechanism of governance. This critical tradition has roots in radical statistics movements like RadStats (Radical Statistics Group), founded in the 1970s by statisticians and researchers concerned with how technical language mystifies social problems, how power structures shape statistical work, and how communities lack control over what and how statistical investigations are conducted. RadStats articulates a clear political commitment: "We believe that statistics can be used to support radical campaigns for progressive social change. Statistics should inform, not drive policies. Social problems should not be disguised by technical language" (Radical Statistics Group, n.d.). Their concerns remain urgent today.

Drawing on this radical tradition alongside contemporary scholarship in the sociology of quantification (Desrosières, 1998, 2008; Geffroy et al., 2025), this approach recognizes that statistics "not only count, but constitute" their objects (Espeland & Stevens, 2008, as cited in Geffroy et al., 2025, p. 1130)—that is, the very act of measuring and categorizing shapes the social realities being measured. As Stage and Wells (2014) argue in their foundational work on critical quantitative inquiry, this approach uses data analysis to "reveal inequities and identify social or institutional perpetuation of systematic inequalities" (p. 10) rather than merely confirming theoretical

models or pursuing what they term "positivist assumptions with their implications of fixed theoretical frameworks" (p. 2).

This critical stance aligns with the PAR methodology established in Section 2.1, as both reject the fiction of researcher neutrality and embrace explicitly justice-oriented inquiry. Stage and Wells explain that critical quantitative researchers "used quantitative work, not to prove the relevance of grand theories, but rather to add to knowledge about... those who were underrepresented and/or oppressed" (2014, p. 2). In the context of immigration governance, Geffroy and colleagues' analysis of tourism quantification systems offers a particularly apt theoretical framework. They argue that government statistics function as "an instrument of government in the Foucauldian sense, as they participate in the establishment of norms and classifications, and allow a certain degree of control over heterogeneous realities" (2025, p. 1129). This conceptualization of statistics as governance tools—rather than mere measurement instruments—provides the theoretical foundation for my approach to analyzing IRCC's administrative data.

Within this dissertation, I analyze datasets compiled and categorized by the Government of Canada, specifically IRCC. In my case, the typical first stages of quantitative data collection—designing surveys, establishing sampling frames, or coding qualitative material into quantitative categories—were not necessary. The government of Canada has already categorized, classified, and compiled extensive data tables on migrant care workers: application numbers and statuses, approval and rejection rates, demographic breakdowns, processing timelines, and more. My analytical work involves applying statistical techniques to this existing government-produced data to identify patterns, calculate rates and trends, and—crucially—to reveal what is systematically absent or obscured within official reporting. The data collection strategies used to obtain these materials are detailed in Section 2.4, including ATIP requests, the systematic collection of public-facing government discourse, and collaborative participatory action research with care workers and advocates.

Such an approach to analyzing government-produced statistics is, of course, not entirely new. Sourcing and analyzing large datasets is a well-known strategy within the field of investigative journalism and is often referred to as "data journalism" (Parasie, 2015). Morini (2025) defines data journalism as "an inflection of digital journalism with its roots in statistical methods." Journalism scholars, like those within critical quantitative

research, are grappling with the promise and the limitations of pursuing objectivity in their work. Many have written of the turn to data journalism as both a vital tool for accountability that operates outside individual subjectivity while also being a research and reporting tool that itself must be understood as the product of knowledge construction processes (Tong & Zuo, 2019). This dissertation sits at the crossroads of critical journalism and political economy, two fields engaged with the tensions between interpretive and ostensibly objective approaches to research. Grounded in the School of Communication, this dissertation benefits from this disciplinary positioning, drawing from communication studies' engagement with how information—whether textual or numerical—is produced, circulated, and deployed as a tool of power.

Drawing on my own lived experience as an advocate and training as a researcher, I find value in employing both qualitative and quantitative approaches simultaneously. Not because one is better than the other, but because both represent imperfect means of analyzing a complex and opaque network of meaning and relations. As Stage and Wells note, critical quantitative work has faced resistance from both sides: from qualitative researchers who view quantification as fundamentally incompatible with critical inquiry, and from positivist researchers who view any departure from "objective" statistical analysis as methodologically suspect (2014, pp. 3-4). I reject both positions.

Integrating statistical analysis with critical discourse analysis allows me to interrogate not only what IRCC says is happening in these programs but also what the numbers reveal—and, crucially, what is left unsaid or unaddressed. Through 46 ATIP requests submitted over 28 months, I accessed internal IRCC quantitative data that allowed me to compile and publish several series of datasets that, to my knowledge, had not otherwise been publicly disseminated. Analyzing these datasets alongside government documentation and participatory research provides what Geffroy et al. (2025) describe as examination of "interconnected dimensions" of governance: what is officially stated, what actually occurs, and what is lived and experienced. I argue that quantitative analysis adds distinctive depth to my discursive analysis by revealing absences and silences that would not have been apparent in the qualitative discourse alone. As Fairclough (2003) emphasizes, analyzing "which elements of events ... are present/absent, prominent/background". While not an original aspect of Fairclough's CDA framework, critical statistical analysis fits well within his charge to examine the material conditions and power relations that discourse both reflects and reproduces.

2.3.1. Analytical Techniques

My analytical approach encompasses several interconnected techniques for examining government administrative data. The government-produced datasets I received required substantial preparatory work before analysis could begin: data cleaning, removing duplications, contextualizing raw information and unlabeled tables, manually re-entering data from scanned PDFs, and cross-referencing multiple sources to establish comprehensive pictures of program operations (see Figure 2). This labour-intensive process reveals how even "raw" government data arrives already shaped by bureaucratic logics, formatting decisions, and organizational priorities—all quantitative data is socially produced.

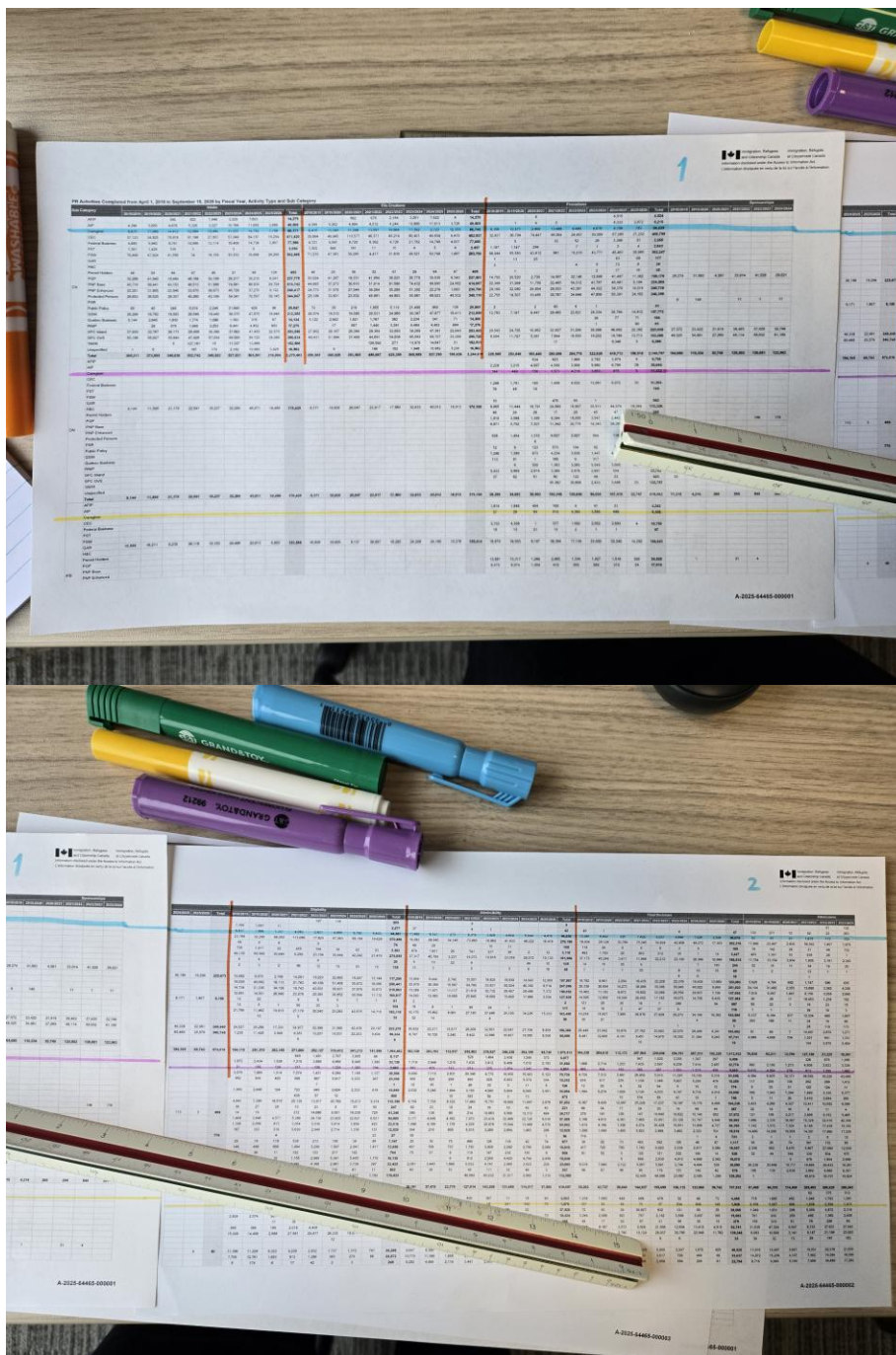


Figure 2 - Images of data cleaning and aligning a pdf photocopy of a multi-page spreadsheet for later manual entry

Beyond basic data verification—such as comparing internal statistics with public communications to identify discrepancies—I conducted statistical analyses to identify patterns and trends across different dimensions of the Caregiver Pilots. The analytical techniques I employed include:

- **Descriptive statistics:** Calculating percentages, rates, medians, and trends over time to establish baseline patterns in application processing, approvals, and rejections. This includes breaking down data by program stream (Home Child Care Provider vs. Home Support Worker), by year (2019–2024), and by demographic categories such as country of origin, gender, age, and dependent status.
- **Comparative analysis:** Examining differences across these demographic and programmatic categories to identify patterns of differential treatment. For instance, comparing approval rates for applicants from different countries of origin, or analyzing how processing times vary between program streams.
- **Gap analysis:** Systematically comparing publicly stated targets, promised processing timelines, and policy commitments against actual processing outcomes revealed in internal ATIP data. This technique proves particularly effective at revealing the distance between policy rhetoric and administrative reality.
- **Trend analysis:** Tracking changes in processing volumes, approval rates, rejection reasons, and application backlogs across multiple years to identify whether patterns represent systemic features of program design or temporal anomalies.
- **Cross-tabulation:** Analyzing relationships between multiple variables simultaneously—for instance, examining how country of origin intersects with rejection rates, or how program stream intersects with processing times—to reveal how administrative barriers compound along lines of race, gender, and class.

These metrics collectively reveal the systemic inequities embedded within the programs. They also reveal how IRCC strategically employs data—what is disclosed, what is omitted, and what is selectively framed—to advance specific policy objectives. For instance, analyzing rejection reason codes provided in ATIP data reveals patterns in how discretionary criteria are applied. Calculating actual processing times against promised timelines exposes the gap between what IRCC tells applicants to expect and

what applicants actually experience. The quantitative analysis also allows for the identification of statistical outliers and anomalies that warrant deeper investigation through discourse analysis or participatory research.

Significance of Absence and Silence

Silence and absence—the omission of certain topics, data, or actions—are pivotal elements of CDA that reveal how power operates through strategic invisibility. This framework for analyzing what discourse chooses to highlight versus what it deliberately marginalizes becomes particularly powerful when applied to immigration policy data (Fairclough, 2003). Quantitative analysis proves particularly valuable in revealing absences that qualitative discourse alone might miss: gaps between official narratives and actual outcomes, persistent backlogs disguised as processing delays, disproportionate refusal rates obscured by aggregate statistics, or unfulfilled promises of expedited pathways to residency.

This analysis extends beyond identifying missing documentation to recognizing administrative inaction as political choice. The deliberate decision to not correct systemic mistakes, not address documented internal failures, or not collect data on basic work conditions or reports of exploitation represents governance through what I term *strategic opacity*. For example, IRCC's absence of wage data for migrant caregivers—confirmed through ATIP requests—is not bureaucratic oversight but a deliberate choice that maintains plausible deniability about exploitation while avoiding accountability for substandard working conditions.

Such strategic silences function as Foucauldian techniques of power that govern not through direct coercion but through the management of visibility and knowledge production. When IRCC documents detail application targets while internal datasets reveal systemic failure to meet those targets, the gap between public narrative and operational reality becomes a tool of governance that manages public perception while maintaining exploitative practices.

By treating silence as data and absence as strategy, this approach provides a tool for examining how immigration governance operates through multiple, often contradictory layers: official narratives that project competence and fairness, operational realities that reveal systemic dysfunction and discrimination, and lived experiences that

document the human consequences of these institutional failures. As Geffroy et al. argue, statistics "co-constitute the reality" of the phenomena they purport to measure (2025, p. 1130). In the case of migrant care work, what IRCC chooses not to measure—wages, working conditions, exploitation—effectively renders these realities invisible within official knowledge systems, even as care workers themselves know and experience them daily. This analysis reveals how Canada's caregiver programs sustain inequality not despite their humanitarian rhetoric but through the strategic deployment of that rhetoric to obscure structural violence. The mechanisms and implications of strategic opacity are examined in depth in Chapter 5.

2.3.2. Integration Across Methods

This dissertation examines three interconnected dimensions of immigration governance (see Figure 3), with each analytical method investigating a distinct but complementary aspect of how the Caregiver Pilots operate:

1. **What is said:** The official narratives and discourses articulated in public-facing and internal documents, analyzed through critical discourse analysis (Section 2.2)
2. **What is happening:** The actual outcomes and systemic patterns revealed through critical statistical analysis of internal IRCC data and publicly available government statistics (this section)
3. **What is experienced:** The lived realities of migrant caregivers as captured through participatory action research (Section 2.4.3)

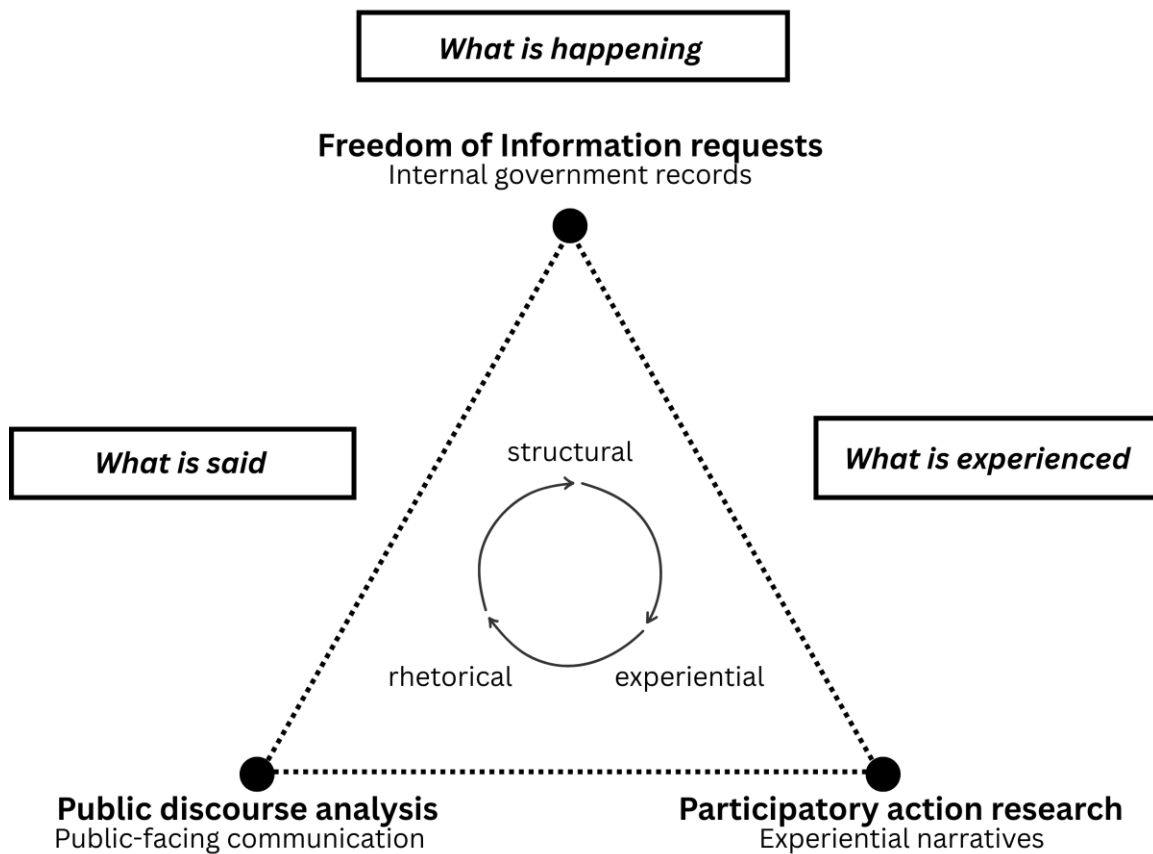


Figure 3. Diagram of dialectical methodology

Together, these three methods operationalize the PAR framework established in Section 2.1, providing integrated lenses for understanding how Canada's caregiver programs function in practice.

Critical statistical analysis serves a crucial accountability function within this framework: it provides empirical evidence that grounds both the discourse analysis and the participatory research, demonstrating through the government's own data how policy promises diverge from administrative realities. By treating data itself as a site of power that reflects ideological commitments and structural inequities, this approach provides a comprehensive, holistic understanding of how Canada's caregiver programs operate beyond their stated intentions. The quantitative findings reveal patterns of systematic delay, differential treatment, and administrative barriers that caregivers experience

individually but that only become visible as deliberate governance strategies when analyzed at scale—when individual frustrations with processing delays are revealed to be systemic features affecting thousands of applicants, when isolated experiences of wage theft are shown to occur in contexts where the government systematically refuses to monitor wages, when promises of "clear pathways" are demonstrated through the numbers themselves to be functionally impossible for the majority of applicants to navigate successfully.

The following section details the data sources and collection strategies that operationalize these three methods, explaining how government administrative data, public communications, and collaborative research were obtained and what each contributes to the overall analysis.

2.4. Data Collection Methods

The analytical methods detailed in the previous sections draw on three data sources. This section details the collection strategies employed to obtain government administrative data through Access to Information and Privacy (ATIP) requests (herein discussed through the broader term FOI), public-facing government communications, and collaborative research with care workers and advocates. These data collection approaches are iterative and reflexive, each informing and refining the others.

2.4.1. Freedom of Information Requests: Accessing Internal Government Data

The use of FOI requests in academic research, while increasingly recognized as valuable, remains an underutilized and complex tool. Matthew Yeager (2012), a criminologist who has extensively pursued litigation against the Canadian state for access to information, highlights the challenges inherent in using FOI requests. Yeager argues that this method, particularly when employed by graduate students or early-career researchers, disrupts the traditional academic separation of study from activism. He notes that pursuing FOI requests often comes at significant personal cost—financial, social, and professional. Quoting Miliband (1969), Yeager (2012, p.181) underscores the risk: universities, far from supporting dissent, have historically “helped the state by acting against” critical researchers, particularly during times of moral and political crisis.

Despite these challenges, the use of FOI requests aligns well with the activist-oriented and critical research epistemology underpinning this dissertation. I share Yeager's (2012) conviction that FOI requests must remain part of the critical "methodological arsenal," particularly when governments tightly control access to data, research funding, and public narratives (p. 182). The method's potential to uncover previously hidden records makes it invaluable for scholars seeking to understand and critique structures of power.

FOI requests are gaining traction in the social sciences but continue to challenge traditional evaluative criteria like validity, reliability, and generalizability. Walby and Luscombe (2017) argue that FOI requests require their own methodological framework, given the unique opportunities and challenges they present. For critical researchers, FOI data offers a rare glimpse into government decision-making processes, revealing trends, deliberations, and institutional priorities that are often sanitized or absent from public narratives. Unlike political speeches or media releases, FOI disclosures can uncover the unembellished mechanisms of governance, exposing the mundane yet consequential ways power operates within state apparatuses. As Yeager (2012) aptly describes, the material obtained through FOI requests often serves as a "treasure trove," shedding light on how decisions are made, justified, and concealed.

The Data Gap: Why FOI Requests Were Necessary

In my own research, FOI requests have yielded a wealth of qualitative and quantitative data, forming a cornerstone of this dissertation's methodological approach. Similar to Jamie Brownlee's (2015) work on contract faculty in Canada, my use of FOI requests emerged from frustration with the lack of publicly available data on well-known but poorly documented issues. For example, it is broadly understood, socially and anecdotally, that a significant proportion of migrant caregivers in Canada are Filipina women and that these workers often endure exploitative working conditions, including wages below minimum standards. However, finding statistical data to substantiate these claims proved incredibly difficult and, at times, impossible.

FOI requests enabled me to access internal IRCC documents that confirmed and quantified these realities, providing critical insights into caregiver demographics, wage patterns, and program operations. For instance, while Statistics Canada's Labour Force Survey (LFS) and Census of Population offer valuable labour market data, these

sources often exclude or marginally capture the experiences of migrant workers, particularly those classified as non-permanent residents. FOI data filled these gaps, offering not just numbers but the context and mechanisms behind them.

The transition from informal knowledge to formalized data was both revelatory and frustrating. It demonstrated not only the systemic erasure of migrant caregivers from mainstream labour statistics but also the intentional opacity surrounding their contributions to the Canadian economy. This absence, discussed in greater detail in Chapter 5, exemplifies the role of absence in discourse analysis referenced earlier. By juxtaposing FOI-obtained data with other sources, the analysis interrogates these silences as potentially deliberate omissions rather than incidental gaps.

The Labour Force Survey: A Foundational but Limited Resource

The LFS, conducted monthly by Statistics Canada, is a cornerstone of Canadian labour economics. Sampling approximately 56,000 households, it provides timely and comprehensive data on employment trends, industry breakdowns, work hours, and wages. For policymakers and researchers alike, the LFS offers invaluable insights into the socio-economic conditions of Canadian workers.

However, for studying TFWs or NPRs, the LFS is fundamentally limited. Crucially, it does not distinguish among individuals working on temporary visas, permanent residents, or Canadian citizens. As clarified in the LFS documentation:

There are no questions in the LFS that ask respondents whether they are temporary foreign workers. Therefore, it is not possible to produce counts of, or employment numbers for, temporary foreign workers from the LFS. If contacted for the LFS, temporary foreign workers will be included only if they identify the selected dwelling as their usual place of residence. In addition, they cannot be separated from a larger group of respondents who were not born in Canada and who are not landed immigrants. In 2014, the 'other' category represented 2% of the employed population and would therefore have a negligible impact on the overall employment numbers. Also included in this group are: Canadian citizens by descent who were born elsewhere, foreign students with a study permit, claimants of refugee status or family members of immigrants who are not landed immigrants themselves. (See Labour, 2020)

This omission renders the LFS ineffective for analyzing niche populations like care workers on temporary work visas. While it remains a useful tool for understanding

broader labour market trends, its inability to identify temporary workers represents a significant barrier for studies like mine.

The Census of Population: A Broader but Still Insufficient Snapshot

The Census of Population (the census) conducted every 5 years is Canada's most comprehensive socioeconomic data source. Its detailed demographic and labour-related questions, particularly those on occupation, wages, and work hours, make it a valuable resource for labour market analysis. Unlike the LFS, the census provides a snapshot of the labour force that can be cross-tabulated with citizenship status, allowing indirect identification of non-Canadian citizens engaged in the workforce.

The most recent Canadian census was performed May–July 2021, and the data has been slowly released to the public over the last several years. On the long-form census, the section “Labour Market Activity” asked several relevant questions for the purposes of my study including the type of work, the employer's name, hours worked, wage received, weeks worked, benefits received, and commute time. The census *did not* ask about permanent or temporary work status or if an individual was working in Canada via a temporary visa—either student, work, or other. However, questions 21A and 21B of the “Sociocultural Information” section ask specifically whether the person is either a Canadian citizen by birth, a Canadian citizen by naturalization, or not a Canadian citizen. As a result, we can cross-tabulate these two sections, in effect to determine that any non-Canadian citizens self-declaring employment are either a) working via a temporary status visa, or b) are working while undocumented.

However, this workaround remains imperfect. While cross-referencing employment data with questions on citizenship status provides an approximate measure of temporary workers, it cannot account for undocumented workers or distinguish between different visa types (e.g., caregivers vs. other temporary workers). These limitations highlight the census's inability to fully capture the nuances of Canada's migrant caregiver programs.

Searching for Data on Non-Permanent Residents

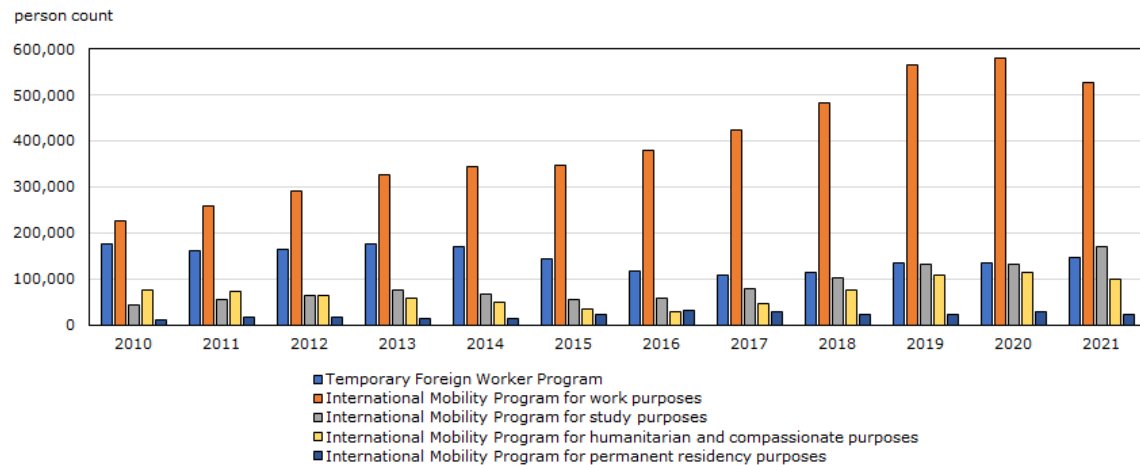
The absence of comprehensive public data led me to explore alternative sources, such as the recent series of Economic and Social Reports, *Foreign Workers in Canada*, by Yuqian Lu and Feng Hou with the Social Analysis and Modelling Division, Analytical

Studies and Modelling Branch at Statistics Canada. Lu and Hou (2023a, 2023b) provide the most comprehensive, and alarming, picture of the landscape of temporary foreign workers in Canada. They note in the first paper in the series that temporary foreign workers are an increasingly important source of labour in Canada, and as a result, it is critical to be able to accurately measure their numbers. However, Lu and Hou note that obtaining data on these workers is not straightforward. They point to two sources: 1) statistics on work permit holders released by IRCC and 2) statistics on temporary residents with earnings based on tax administrative files.

Lu and Hou discuss the shortcomings and challenges of each of these sources, notably that the number of work permits released by IRCC “does not indicate how many were actively engaged in the labour market” (Lu & Hou, 2023a, para 6). They conclude, to my disappointment, that the picture of available data on TFWs is limited, and requires the use of multiple cross-analyses using differing survey tools:

One major limitation of the statistics on employed temporary residents is that they are usually two years out of date. In the absence of a better data source, to produce more updated estimates of employed temporary foreign workers, labour force participation rates of work permit and non-work permit holders, based on employment income records, can be applied to IRCC’s monthly and yearly temporary resident records. (Lu & Hou, 2023a, para 14).

Lu and Hou’s findings regarding the lack of comprehensive and accurate data on TFWs were troubling, particularly given their findings: not only was the number of TFWs in Canada increasing year over year, but from 2010 to 2019 (see Figure 4), TFWs were increasingly concentrated in the three economic sectors that offer low-paying work.



Note: The numbers of work permit holders any time in a year are rounded to the nearest 100.
Source: Statistics Canada, Non-permanent Resident File.

Figure 4. Number of work permit holders in one calendar year (2010–2021) (Lu & Hou, 2023a)

2.4.2. Do-It-Yourself Data: Freedom of Information Requests

Over the span of 28 months, I submitted 46 FOI requests. For a complete list of the FOI requests submitted see Appendix A. This yielded hundreds of pages of internal IRCC documents, including policy implementation guidelines, ministerial instruction memos, meeting minutes, presentation slide decks, screenshots of internal systems, and various spreadsheets and tables. The records were often disorganized, repetitive, and required extensive data cleaning, for example, by organizing records, removing duplications, contextualizing raw data, and sometimes manually re-entering data from scanned PDFs.

The process was self-taught through trial and error, developing an iterative approach through email discussions with FOI agents to better tailor requests. Most requests for novel datasets followed this structure:

Please provide any and all documentation that tracks (a) wages and (b) hours of work for individuals in Canada immigrating and working under any of the following programs: Live-In Caregiver Program; Caring for Children Program; Caring for People with High Medical Needs Pathway; Interim Pathway for Caregivers; Home Child Care

Provider Pilot; Home Support Worker Pilot.

Time period to provide is 2016–2023, please restrict information only to those working in Canada through one of these programs and exclude any data on them after receiving PR or working in Canada on a different work permit.

Please redact any identifying information, omit cabinet confidences, and break down by year, program type, and province of work/residency. If microdata is available, please provide it, otherwise any internal data on median or average wages/hours worked by program by year and province would still be helpful. If aggregate numbers are provided please indicate the sample size being used to generate the statistic.

If requests were for copies of internal communications, requests were often simpler, adopting a format similar to the following:

Please provide a copy of memorandum 'F-124430 - Managing Caregiver Inventories'. In addition, please include any additional memorandums pertaining to the Childcare Programs (Home Child Care Provider and Home Support Worker pilot) issued during 2023.

Despite the challenges and immense time and labour required, the successful requests were indeed a treasure trove of information. The internal statistics on applicants, approvals, work permits, permanent residency, ages, gender, program type, dependents, country of origin, and similar contained detailed information that was simply unavailable via public-facing datasets. The data I received provided a line of sight into the inner workings of the migrant caregiver programs and the flows of people through these policy gateways that could not have been obtained otherwise. For example, FOI-obtained data allowed me to:

- confirm the gendered and racialized composition of the caregiver workforce; and
- identify approval and processing rates within the caregiver programs.

Beyond the data I did receive, the data I did not receive was equally revealing. In response to a detailed request to receive internal IRCC data on the wages of caregivers actively working on work permits in Canada who have not yet obtained permanent residency, the FOI agent responded by saying they had verified with IRCC that they could not provide me this data—because it did not exist. The absence of wage data highlights not only a gap in IRCC's record-keeping but a broader issue of transparency and accountability within the migrant caregiver programs, examined in depth in subsequent chapters.

2.4.3. Public-facing Government Discourse

The second data source involved collecting public-facing government discourse, focusing on official communications from IRCC and publicly available datasets from Statistics Canada. This enabled analysis of the narratives the government presents to the public through press releases, policy announcements, ministerial statements, program guidelines, and related documents. This approach follows CDA scholarship on analyzing government discourse, recognizing that all state communication functions as storytelling, presenting problems and proposing solutions through supposedly rational expertise (Fairclough, 2010). However, how problems are framed predetermines which solutions seem reasonable or imaginable. Public-facing government discourse collection involved systematically gathering:

- **IRCC press releases and news announcements** (2019–2024) related to caregiver programs
- **Ministerial statements and speeches** addressing care work and immigration
- **Program guidelines and application instructions** published on IRCC's website
- **Parliamentary debates and committee testimonies** concerning caregiver programs
- **IRCC annual reports and statistical releases** on immigration trends
- **Public datasets** from Statistics Canada on population, labour, and immigration

These materials were collected through systematic searches of government websites, parliamentary records, and using web archiving tools to capture time-sensitive

materials. The public-facing government discourse provides the "what is said" dimension of my analytical framework (Section 2.3.2), revealing how the state frames caregiver programs, what language it uses to describe migrant workers, what promises it makes about pathways to permanence, and how it presents statistical information to the public.

2.4.4. Collaborative Research Data: The Migrant Care Worker Precarity Project

The third data source consists of collaborative research conducted with migrant care workers and community advocates through the Migrant Care Workers Precarity Project (MCWP). This includes interview transcripts, collaborative analysis sessions, advocacy documents co-produced with community organizations, and observational notes from organizing meetings and policy consultations. Unlike the government-produced data detailed previously, participatory research data emerges from relationships of trust, reciprocity, and shared political commitments with care workers themselves.

This data provides the "what is experienced" dimension of my analytical framework, grounding the statistical patterns and discursive analysis in the lived realities of those navigating the Caregiver Pilots. As discussed in Section 2.1 on PAR methodology, this collaborative approach shapes not only what data is collected but how it is interpreted and mobilized. Care workers' frustrations with the absence of statistical evidence supporting their experiences directly shaped my ATIP request strategy. Advocates' analysis of policy gaps informed which internal documents I sought. Workers' stories of navigating administrative opacity guided my attention to particular patterns in the quantitative data.

The qualitative dimension of this dissertation draws on interviews conducted through the MCWP, a collaborative research initiative I co-founded in 2023 under the SSHRC-funded Understanding Precarity in BC Partnership (UP-BC). The MCWP emerged from a call by Vancouver-based activist and CDWCR co-founder Cenen Bagon, who identified urgent need to investigate rapid changes to Canada's migrant care worker programs since 2014. As I was already engaged in this dissertation research when Cenen's call for researcher support came, it represented a natural fit to share my emergent findings and data with the collaborative project.

Our interdisciplinary team comprised four academic researchers, two community-based organizers, and two research assistants. As a founding member and lead team member, I spearheaded the quantitative, discursive, and policy aspects while sharing my dissertation research findings, datasets, and all FOI documentation with the broader project. Working alongside colleagues Jenny, Anita, Rincy, Noemi, Alice, Kassandra, and Cenen, I participated in qualitative analysis of interview transcripts and co-authored publications, conference presentations, and our final report (Bagon et al., 2024).

This collaborative work gained significant traction, leading to publication opportunities through the Canada Excellence Research Chair in Migration & Integration at Toronto Metropolitan University, where we published the policy brief "Ensuring the Success of the New Care Worker Pilots: Applying Lessons from the Past." The research findings were presented to and discussed directly with IRCC Directors, providing an opportunity to validate my findings through direct engagement with policymakers responsible for implementing the caregiver programs.

The MCWP employed mixed methods, combining CDA, critical statistical analysis and qualitative interviews. The CDA and critical statistical work utilized 26 ATIP responses and over 1000 pages of internal IRCC documentation—statistical data on intake, processing times, acceptance rates, and demographics, alongside textual materials including Ministerial memos and processing instructions. This MCWP dataset shared substantial overlap with, but was not identical to, the FOI data I present in this dissertation, which drew from my 46 individual requests submitted over 28 months. For the qualitative component, we conducted 4 focus groups and 30 individual interviews with 37 migrant care workers across Metro Vancouver between July and October 2023, reaching participants primarily through snowball sampling via community connections.

While this dissertation captures a slice of my research specific to my PhD, the MCWP project has continued beyond this work. We have been approved for funding to continue our research through 2025–2026, where we are extending our analysis to the newly launched 2025 Caregiver Pilots, building on the foundation established in this dissertation's examination of the 2019–2024 programs.

2.4.5. Secondary Analysis and Ethical Collaboration

For this dissertation, I employ what Janet Heaton (2008) terms "secondary analysis"—reusing collaboratively collected data to investigate questions beyond the primary research scope. The MCWP was designed with broad research questions about precarity in migrant care work. My dissertation focuses more specifically on the institutional mechanisms of strategic opacity, jurisdictional precarity, and administrative control within the 2019–2024 Caregiver Pilots. This focused analytical lens represents a distinct though related research agenda.

Importantly, I have not utilized interview transcripts or raw data as primary sources in this dissertation. Instead, I have selected illustrative quotes and narratives to support findings derived from my discursive and quantitative analyses. Interviews serve as a key narrative element in this research, illustrating the lived experiences of migrant caregivers and grounding the theoretical and quantitative analyses in human stories. Rather than conducting new qualitative analysis of the interview data, I draw on quotes and stories that resonate with and document patterns already revealed through critical discourse analysis and critical statistical analysis.

This approach reflects methodological choices aligned with my mixed-methods design. While the MCWP foregrounded qualitative interviews as a primary data source, this dissertation foregrounds government documents and administrative data, using interviews to illustrate, contextualize, and humanize what the numbers and discourse reveal. This is consistent with critical quantitative approaches that use qualitative material to complement and interpret quantitative patterns (Stage & Wells, 2014).

This approach reflects my commitment to transparency, ethical collaboration, and the centrality of caregiver perspectives in this work. All interview data was collected under Tri-council ethics guidance with full informed consent, with participants understanding that their contributions would inform both the MCWP collaborative project and individual researchers' related work.

My use of this collaboratively collected data honours the collective nature of the MCWP while pursuing my specific dissertation research questions. I have been transparent with my MCWP collaborators about how I am using the interview data, and any publications emerging from my dissertation work acknowledge the MCWP as the

source of interview data. This represents an ethical approach to collaborative research: contributing my substantial ATIP datasets and policy analysis to the collective project while also drawing on the collective interview data for my individual scholarly work.

The iterative and reflexive relationship between data sources—ATIP data informing interview questions, interview insights prompting new ATIP requests, collaborative analysis shaping how I interpret government documents—exemplifies the PAR methodology established in Section 2.1. The MCWP embodies the commitment to research "by or with" rather than "to or on" care workers (Herr & Anderson, 2015, p. 3), centering worker knowledge and ensuring research serves collective organizing and advocacy goals alongside scholarly knowledge production.

2.5. Chapter Conclusion

In this chapter, I have established the methodological foundation for this dissertation, outlining a comprehensive and justice-oriented approach to studying Canada's migrant caregiver programs. This approach is grounded in PAR as an overarching methodology that centres the knowledge and experiences of migrant care workers while pursuing collaborative, transformative inquiry. Within this PAR framework, three integrated analytical methods — CDA, critical statistical analysis, and participatory research techniques — each illuminate distinct but interconnected dimensions of how the Caregiver Pilots operate.

CDA, grounded in Fairclough's framework and extended through feminist approaches, provides tools for examining how power operates through policy language, government communications, and public narratives. Critical statistical analysis, drawing on radical statistics traditions (RadStats) and contemporary scholarship in the sociology of quantification (Stage & Wells, 2014; Geffroy et al., 2025), treats government-produced statistics not as neutral facts but as governance instruments that both reveal and obscure systemic inequities. Participatory research techniques, detailed through the Migrant Care Workers Precarity Project, demonstrate how collaborative knowledge production with care workers and advocates generates insights that quantitative and discursive analyses alone could not achieve.

These three methods work together to examine what I term the three interconnected dimensions of immigration governance: what is said (official narratives analyzed through critical discourse analysis), what is happening (actual outcomes revealed through critical statistical analysis), and what is experienced (lived realities documented through participatory action research). This framework allows me to interrogate the gap between policy rhetoric and administrative reality, between government promises and worker experiences, between public communications and internal operations. By treating each dimension as essential yet insufficient on its own, I demonstrate how Canada's caregiver programs sustain inequality through the strategic deployment of humanitarian rhetoric to obscure structural violence.

The data sources detailed in Section 2.4—government administrative data obtained through 46 ATIP requests over 28 months, public-facing government communications, and collaborative research with 37 care workers through the MCWP—provide the empirical foundation for this multi-dimensional analysis. Each data source required distinct collection strategies and presents unique challenges and opportunities. ATIP data offers insight into internal government operations but arrives already shaped by bureaucratic categories and institutional priorities. Public discourse provides the state's official narrative but must be read critically for what it obscures as much as what it reveals. Collaborative research centres worker knowledge and lived experience but requires ongoing ethical attention to power dynamics within the research process itself.

This dissertation offers a model for research that is both rigorous and justice-oriented, both empirically grounded and politically engaged. The iterative and reflexive nature of these methods—where ATIP findings inform interview questions, where worker insights guide statistical analysis, where collaborative interpretation shapes how documents are read—exemplifies how research can be accountable to communities while maintaining scholarly integrity. This approach challenges false dichotomies between objectivity and advocacy, between quantitative rigour and qualitative depth, between academic knowledge and activist practice.

Chapter 3 shifts focus from methodology to the historical and theoretical context that grounds this analysis. Building on the methodological framework established here, Chapter 3 traces the evolution of Canada's caregiver programs within the broader context of colonial dispossession, racial capitalism, and the global political economy of

social reproduction. I situate the 2019–2024 Caregiver Pilots within Canada's longer trajectory of extracting migrant labour while foreclosing settlement—from the Seasonal Agricultural Worker Program to the Live-in Caregiver Program to contemporary temporary foreign worker regimes. This historical grounding provides essential context for understanding how institutional mechanisms operate as deliberate governance strategies. By examining how past programs have shaped present conditions, Chapter 3 sets the stage for the empirical analyses that follow, reinforcing this dissertation's commitment to revealing the structural forces that sustain exploitation while documenting how care workers resist, organize, and demand transformation.

Chapter 3.

Transnational Care Migration and Canada in the Global Migrant Care Chain

One quarter into the 21st century, care work remains one of the most undervalued yet indispensable forms of labour in the global economy. Canada, like many other high-income nations, faces a care crisis characterized by ageing populations, slow population growth, and an underfunded care infrastructure, making it increasingly dependent on the labour of transnational migrant care workers. Despite its critical role in sustaining households, communities, and economies, care work is often rendered invisible, underpaid, and disproportionately shouldered by women, particularly those from low- and middle-income countries. In our contemporary globalized economy, care labour has become increasingly commodified, with higher-income countries and families relying on the transnational migration of women from the Global South to meet their care needs. This phenomenon reflects deepening global inequalities and a growing reliance on the labour and remittances of migrant women.

This chapter provides a historical and theoretical foundation for understanding the global migration of care labour with a particular focus on Canada's role as a receiving country. It begins by tracing the historical roots of transnational labour migration from the colonial era to the present day, highlighting how economic, political, and social forces have shaped the global care economy. The chapter then examines the feminization of migration, particularly in the care sector, and the emergence of "global

care chains" (Hochschild, 2014), whereby care responsibilities are transferred across borders—reshaping labour markets, families, and communities worldwide. By situating Canada's reliance on migrant care workers within this broader historical and global context, the chapter reveals how the country's care economy is deeply intertwined with systems of racialized and gendered labour exploitation.

In addition, I explore the economic and social implications of transnational care work for sending and receiving countries. While migrant care workers play a pivotal role in sustaining the economies and social infrastructures of receiving countries like Canada, their labour comes at a high personal and social cost, including family separation, precarious working conditions, and the systemic devaluation of care work.

The chapter also provides an in-depth review of Canada's migrant labour policies, focusing on the evolution of programs designed to manage and control migrant care workers. From the SAWP to TFWP and the more recent Caregiver Pilots, Canada's approach to migrant labour has been shaped by a legacy of colonial practices, racial hierarchies, and gendered divisions of labour. These programs, while framed as solutions to labour shortages, have institutionalized precarity and exclusion, creating a "permanently temporary" workforce (Chowdhury, 2016). By examining the historical continuity between agricultural and care worker programs, this chapter demonstrates how key mechanisms of control—such as employer-tied permits, restricted mobility, and limited pathways to permanence—have been adapted to manage migrant care labour, perpetuating patterns of racialized and gendered exploitation.

By situating Canada's care economy within this broader historical and global context, this chapter lays the groundwork for the subsequent analysis of the 2019 Caregiver Pilots. It reveals how the administrative mechanisms, policy frameworks, and state approaches that shape contemporary care worker programs are not new but rather the evolution of long-established patterns in how Canada manages and controls migrant labour. This historical analysis is essential for understanding how current care worker programs reproduce patterns of precarity, control, and racialized exclusion, and for advocating for transformative reforms that address the systemic inequities embedded in Canada's immigration and labour policies.

3.1. Care Work in a Globalized World: Migration, Precarity, and Inequality

In the 21st century, care work remains a cornerstone of global economies, yet it continues to be undervalued and disproportionately borne by women, particularly those from low- and middle-income countries. Care work encompasses the labour involved in maintaining households and caring for dependents, including childcare, eldercare, and domestic tasks essential for social reproduction. The commodification of care labour—the transformation of care activities from unpaid family responsibilities into market-based services—has intensified in the context of globalization, with higher-income nations increasingly relying on transnational migration to meet their care needs.

This reliance has given rise to what Saskia Sassen (2000) terms the "feminization of survival." The feminization of survival describes how economic restructuring and global inequalities have pushed women, particularly from developing countries, into new forms of labour migration as primary income earners for their families. Complementing this analysis, Rhacel Parreñas (2015) describes the "international transfer of caretaking," which refers to the systematic movement of care responsibilities from families in wealthy countries to migrant women from poorer nations, creating hierarchical chains of care provision across national borders. These concepts underscore the systemic inequalities driving the migration of women from the Global South to fill care and domestic roles in wealthier countries—a phenomenon that has reshaped labour markets, families, and communities worldwide.

Globally, domestic workers constitute a significant portion of the care workforce, with the ILO (International, 2021) estimating that at least 75.6 million individuals aged 15 and over are employed in domestic work—76% of whom are women. These workers are disproportionately concentrated in upper-middle-income countries, where they account for over half or 53.1% of all domestic workers. The reliance on migrant care labour has also led to the formation of transnational care chains, where care responsibilities are transferred across borders, often at significant personal and social costs to migrant workers.

This section explores the structural dynamics of these care chains, situating Canada's care economy within the broader global context of racialized and gendered

labour exploitation. By examining the historical and systemic factors that have shaped the global care economy, this section lays the groundwork for understanding how Canada's reliance on migrant care workers reflects and perpetuates entrenched inequalities.

3.1.1. A World Market for Labour Power

The movement of workers across borders has deep historical roots, stretching back to the early colonial era of the 15th and 16th centuries and continuing into the present. This global phenomenon has been shaped by centuries of economic, political, and social forces, creating a complex web of labour mobility that connects regions and societies across the world.

Lydia Potts's (1990) seminal work on the global history of labour migration introduces the concept of the "world market for labour power":

The world market for labour power appears to be a universal structure with a history of several hundred years. In the course of that history every inhabited continent and almost every society on earth has been drawn into the world market—although with differing, even opposing functions. For the original inhabitants of America and Australia, and the residents of Asia and Africa this has meant extermination, abduction, and exploitation. For at least part of the white people's world it has meant material wealth. (p. 7)

Potts's analysis of the "world market for labour power" necessarily encompasses the foundational role of the Atlantic slave trade in establishing global patterns of racialized and gendered labour exploitation. From the 15th to 19th centuries, the forced migration of over 10.6 million Africans to the Americas—with approximately 9.2 million surviving the crossing—created the economic foundation upon which later "free" labour migration would build (Eltis et al., 2019). The plantation economies of the Caribbean, Brazil, and the southern United States—sustained entirely through enslaved African labour—generated the capital accumulation that would finance European industrialization and colonial expansion.

Crucially, the Atlantic slave system established what Diana Paton (2022) identifies as a "global gendered division of reproductive labor" that prefigures contemporary care migration patterns. While men comprised approximately 64.6% of those enslaved and transported across the Atlantic, with women representing 35.4% and

children 21.7%, the gendered exploitation extended far beyond these voyages (Eltis et al., 2019). Enslaved women performed not only agricultural and domestic labour but also the reproductive work that sustained plantation societies: cooking, cleaning, childcare, and eldercare for both enslaved and free populations. However, plantation slavery's relentless exploitation of adult labour left "almost no time for the work of social reproduction," creating what Paton terms a "crisis in reproduction" that maintained dependence on continuous importation of enslaved people (p. 743).

This system externalized the costs of care work across continents. African women bore and raised children who would later be enslaved and transported to the Americas yet received no compensation for this reproductive labour. As Paton demonstrates, "The main costs of bearing and raising children were not borne by slaveholders," allowing sugar and other commodities to be "produced more cheaply and profitably" through this spatial separation of reproductive and productive labour (p. 745). The countless African mothers who had once cared for those who became enslaved plantation workers were rendered invisible, and their reproductive labour was appropriated without acknowledgement—a pattern that persists in contemporary global care chains, where women from the Global South provide care work that subsidizes wealthier economies.

The gendered dimensions of this exploitation intensified during the 19th century as abolitionist pressures mounted. Planters increasingly sought to purchase more women to achieve "natural reproduction" on plantations, subjecting enslaved women to new forms of surveillance and control over their reproductive lives. These interventions, from mandatory obstetric care to cash incentives for childbearing, represent early forms of what we now recognize as state management of reproductive labour. The abolition of slavery across European empires did not eliminate these racialized labour hierarchies but rather transformed them into new systems of indenture, contract labour, and controlled migration that maintained similar power dynamics while appearing more "voluntary."

Between 1800 and 1930, over 150 million people participated in global migration flows, including 50 million Europeans moving to the Americas, 50 million Indian and Chinese indentured workers relocating to various European colonies, and millions more from Africa, the Middle East, and Japan migrating to different destinations worldwide

(McKeown, 2004; Massey et al., 1998). The dynamics of international migration underwent significant transformation during this period, driven by the Industrial Revolution and the elimination of slavery across European empires. These changes reshaped labour demands in the New World, particularly regarding settlers and workers, as the growth of advanced industrial economies and their associated capital investments created a novel global framework for labour mobility.

The early 20th century marked a transition from indentured servitude, following its prohibition in major source countries like China (1910) and British India (1917) (Sturman, 2014). Colonial powers then turned to Africa, implementing a hybrid system combining coerced and wage labour, particularly during both World Wars (Dowlah, 2024; Potts, 1990). Throughout this period, industrialized regions, investing heavily in manufacturing, infrastructure, and service sectors, drew workers from underdeveloped areas experiencing economic stagnation or uneven growth. In contrast to the earlier era of European colonial expansion and settlement, this period witnessed the emergence of labour migration flows from former colonial territories and developing nations toward European and North American centres.

A pivotal transformation occurred during and after both World Wars when the United States and Western Europe established large-scale guest worker programs to address their growing labour demands (Castles, 1986; Reichert & Massey, 1982). These programs introduced a new model of temporary labour migration. Ostensibly emergency and short-term measures, the programs were designed to require workers to return home after the moment of crisis had passed. The system gained widespread support across different stakeholders: host governments appreciated the flexibility to repatriate workers during economic downturns; labour-sending countries benefited from remittances and skills development; employers secured reliable, cost-effective labour; domestic workers were protected, as foreign workers filled unwanted jobs; and residents were assured of the temporary nature of the immigration. However, as Vernon Briggs (2004, p. 1) explains, “Unlike other extreme measures that were quickly abandoned after the wars were over, however, guestworker programs have proven to be difficult to end. Starting such programs has always been far easier than stopping them.”

By the 1970s, a predominantly south-to-north migration pattern would be established, with receiving countries typically located north of sending nations. Between

1970 and 1995, the primary destination countries for international migrants were Canada, the United States, Russia, Germany, and France. Conversely, the main sources of emigration included Mexico, Bangladesh, the Philippines, Kazakhstan, Vietnam, Sri Lanka, and Colombia (Massey et al., 1998). The global landscape of labour migration expanded further with the emergence of the Gulf Region as a major destination for temporary foreign workers. This evolution from colonial-era forced labour to structured guest worker programs established patterns of labour mobility that would later shape the development of today's transnational care economy, where women from lower-income countries increasingly fill essential care roles in wealthy nations.

3.1.2. Global Care Chains and the Feminization of Labour Migration

By the 1970s, the transformation of global labour migration had coincided with another significant shift: the increasing feminization of migration flows, particularly in the care sector. As women from the Global South began filling critical care gaps in wealthier nations, they became central actors in what Arlie Hochschild (2014) terms "global care chains", which she defines as "a series of personal links between people across the globe based on the paid or unpaid work of caring" (p. 250). These chains typically connect women across borders, with those from lower-income countries providing care in wealthy nations while transferring their own care responsibilities to family members or hired domestic workers in their home countries.

This feminization of migration reflects broader structural changes in sending and receiving countries. In destination countries like Canada, ageing populations, increased women's labour force participation, and insufficient public care infrastructure created a growing demand for care workers. Meanwhile, in sending countries, economic pressures and state policies increasingly positioned women's migration as a development strategy. The result is the emergence of Sassen's (2000) "feminization of survival" (defined in section 3.1 of this chapter), which helps explain how households, communities, and even entire nations have restructured their economic strategies around women's transnational labour. Sassen (2000), foreshadowing Hochschild, also refers to this situation as a "circuit," noting the importance of understanding that this political economic shift is strategic and institutionalized in many ways, and not solely the result of individualized actions.

Within these global care chains, the distinction between "skilled" and "unskilled" care work reveals deeply embedded gender and racial hierarchies in migration systems. While immigration policies in Global North countries increasingly prioritize "skilled" migration to address ageing populations and labour shortages, it is important to address that the very definition of skill is deeply gendered and racialized. This is particularly evident in the care sector, where despite the complex competencies required, much care work is systematically classified as "unskilled" labour.

The case of Canada illustrates these contradictions. While only 36% of principal applicants in the Federal Skilled Worker Program were women in 2017, 94% of those admitted under the caregiver category were female. This disparity exists despite evidence that female migrant workers in Canada are, on average, more highly educated than Canadian-born workers. The phenomenon of "education–occupation mismatch" is particularly acute among migrants from Southeast Asia, where in 2021, a total of 54.7% recent immigrants were considered overeducated for their positions. This mismatch was even more pronounced among caregivers from this region, with 69.2% being overeducated for their roles (Schimmele & Hou, 2024).

These statistics support Dumitru's (2014) critique of how migration frameworks can reinforce gender biases. Her analysis of Hochschild's (2002) "care drain" metaphor highlights how even well-intentioned frameworks can perpetuate what she terms "methodological sexism" by studying women solely as caregivers while neglecting their other professional capacities. This critique is particularly relevant given that many care workers, especially from countries like the Philippines, hold college degrees yet are classified as "unskilled" when working in care sectors.

This systematic devaluation of care work not only reflects gender bias but also reinforces global inequalities. The paradox of highly educated women being channelled into "unskilled" care work categories reveals how immigration policies—while appearing gender-neutral in their focus on education, qualifications, and wage levels—often embed and reproduce gender and geographical biases. These patterns contribute to negative outcomes such as reduced employment income, productivity, and well-being among highly educated immigrants whose skills are underutilized in the Canadian labour market (Cornelissen & Turcotte, 2020).

3.1.3. International Policy and Legal Frameworks for Domestic and Care Workers

The global care economy is also shaped by the legal and policy frameworks that govern the status and rights of domestic and care workers. Despite the critical role these workers play in sustaining households and economies worldwide, they have historically been excluded from labour and social protections. To date, the ILO estimates that at least 30% of domestic workers globally remain without any form of labour protection, with even higher exclusion rates in certain regions: 99% in the Middle East, 61% in Asia and the Pacific, and 45% in Eastern Europe and Commonwealth of Independent States (CIS) countries (International, 2013). This is perhaps the starkest indication of devaluing care work and the people who perform this labour.

Domestic workers, who perform housework, childcare, elder care, and care for the sick and disabled, form the hidden backbone of care economies, although their work is often rendered invisible, and they are denied the basic rights and protections afforded to other workers. In many countries, domestic workers are excluded from minimum wage laws, limits on working hours, and access to social security benefits, leaving them vulnerable to exploitation, abuse, and precarious working conditions (King-Dejardin, 2019). This lack of legal protection perpetuates cycles of poverty and marginalization, particularly for women, who make up the vast majority of domestic workers globally.

Efforts to address these inequities have gained momentum in recent decades, particularly with the adoption of the ILO's *Domestic Workers Convention* (C189) in 2011. This landmark convention calls for equal treatment under labour laws, access to social protections, and measures to prevent abuse and exploitation. As of May 2024, a total of 36 countries have ratified C189, with most of these ratifications occurring in Latin America and Europe (International, n.d.). Notably, Argentina (2014), Bolivia (2013), Brazil (2018), Chile (2015), and Uruguay (2012) were among the early adopters in Latin America, while European countries such as Belgium (2015), Finland (2015), Germany (2013), Italy (2013), and Portugal (2015) have also ratified the convention. Other regions have seen more recent ratifications, including Madagascar (2019), Namibia (2020), and Seychelles (2024). The Philippines, a major source country for migrant domestic workers, ratified the convention in 2012, and remains an important exemplar of

interrogating the intersection of care work and international policy (Fontana, 2020). Canada has yet to ratify C189.

In addition to ratifying C189, many countries have introduced policy, legislative, and institutional reforms aimed at extending or improving protections for domestic workers. For example, Spain passed Royal Decree 1602/2011 and Ley 27/2011, which comprehensively address the labour and social rights of domestic workers, including access to social security (International, 2016). Similarly, enacted in 2013, Argentina's Law 26,844 provides domestic workers with the same labour rights as other workers, including minimum wage guarantees, paid leave, and limits on working hours. In the United States, the scope of the federal minimum wage and overtime protections was expanded in 2013 to include domestic workers, marking a significant step towards recognizing their contributions and rights (International, 2016).

However, while legislative reforms are indispensable for recognizing and protecting migrant workers' rights, they are often slow to occur, and legal provisions may be inadequate or insufficiently enforced. Weak institutional enforcement capacities, traditional practices, cultural norms, and attitudes can hinder compliance with legislation. For example, many employers—particularly private households and frail older individuals—lack awareness of their legal obligations, while domestic workers themselves may be uninformed about their rights (International, 2016). Additionally, the irregular legal status of many migrant workers further complicates enforcement, as they may fear retaliation or deportation if they report abuses or demand their rights. These factors collectively undermine the effectiveness of legal protections, even in countries with relatively progressive frameworks.

Canada stands out as one of the few countries where care workers have pathways to permanent residency, reflecting a more progressive approach to migrant care labour. Through programs such as the Live-In-Caregiver Program and more recent Caregiver Pilots, Canada allows migrant care workers to transition from temporary to permanent status, promising a degree of stability and recognition that is rare in other parts of the world (Government of Canada, 2023). However, even in Canada, care workers face significant challenges, including precarious employment conditions, limited labour protections, and systemic barriers to full labour market integration (Cornelissen & Turcotte, 2020). These contradictions highlight the gap between policy frameworks and

lived realities, even in countries often characterized as having progressive immigration systems. Indeed, the remainder of this dissertation will demonstrate how the everyday experiences of care workers diverge substantially from surface-level readings of Canadian policy.

The case of the Philippines, a leading source of migrant care workers, illustrates how these global policy dynamics play out in practice. The Philippine government has actively sought to protect its overseas workers through bilateral agreements and advocacy for international standards, yet Filipino care workers continue to face significant challenges in destination countries, particularly those with weak legal protections for domestic workers (Parreñas, 2015; Rodriguez, 2010). This tension between sending and receiving countries highlights the need for more equitable and enforceable international frameworks to protect the rights of migrant care workers.

3.1.4. The Case of the Philippines

The Philippines presents perhaps the most striking example of these intersecting trends. The country's transformation into what Rodriguez (2010) terms a "labor brokerage state"—a state that systematically organizes and profits from the export of its citizens as workers—illustrates how the historical evolution of labour migration systems has contributed to the feminization of transnational labour flows, particularly in the care sector. However, this transformation cannot be understood without examining its colonial antecedents and the specific mechanisms through which the Philippine state institutionalized labour export.

Several institutional precursors to the contemporary labour brokerage state can be identified in the colonial labour system established under U.S. rule. The American colonial project in the Philippines, operating under the banner of "benevolent assimilation"—a policy of cultural and political incorporation designed to "civilize" and Americanize the Filipino population—fundamentally restructured Philippine institutions in ways that would later facilitate mass labour migration (Choy, 2003; Rodriguez, 2010). One particularly critical initiative was the introduction of public health training, especially nursing education, which would establish enduring patterns of migration to the United States.

Through the pensionado program in the first decade of the 20th century, the colonial government sent prospective nurses—often selected from elite families—to the United States for training (Choy, 2003; Rodriguez, 2010). The pensionado program, a scholarship system that sent Filipino students to study in American institutions, created what Choy (2003) describes as "Americanized hospital training system during the period of early-twentieth-century colonial rule" (p. 2). These Filipina pensionadas returned to assume high-status positions in Philippine hospitals and nursing schools, establishing a pattern whereby "study in the United States came to be viewed by broader segments of the population as a sure path to upward mobility in the Philippines" (Rodriguez, 2010, p. 45).

By the 1920s and 1930s, Americanized nursing education had been established within the Philippines itself. However, as Choy (2003) argues, this "Americanized nurse training established by the U.S. colonial government actually laid the groundwork for Filipina migration to the United States" (as cited in Rodriguez, 2010, p. 46). The colonial education system thus created both the technical skills and cultural orientation that would make Filipino workers particularly suited for international migration, especially to the United States and other Western countries.

Though the Tydings–McDuffie Act of 1934—legislation that established Philippine independence while severely restricting Filipino immigration to the United States—temporarily halted Philippine immigration, Filipina nurses would later find entry through the U.S. Exchange Visitor Program (EVP) established in 1948 (Rodriguez, 2010). The EVP, designed to serve U.S. Cold War ideological aims, provided participants with opportunities to work and study in U.S. institutions while receiving monthly stipends, hoping to "countermand anti-American sentiment propagated by the Soviet Union" (Rodriguez, 2010, p. 47).

The institutionalization of labour export under President Ferdinand Marcos emerged from both this colonial legacy and immediate economic pressures of the 1970s. Despite export-oriented industrialization policies—economic strategies focused on producing goods for international markets rather than domestic consumption—the Philippines struggled with rising unemployment and balancing payment deficits (Rodriguez, 2010). Facing a mounting economic crisis exacerbated by global oil price increases, Marcos institutionalized labour export through Presidential Decree 442 in

1974, creating three state agencies: the Overseas Employment Development Board (OEDB), the Bureau of Employment Services (BES), and the National Seaman's Board (NSB) (Rodriguez, 2010).

These agencies were "responsible for the development, promotion, regulation, and implementation of the labor export program" (Rodriguez, 2010, p. 68). The economic rationale was explicit: migrant remittances would help strengthen the country's foreign exchange reserves in a period of severe economic instability. As Guevarra (2010) demonstrates, this period marked the beginning of the Philippines' systematic transformation into what she terms "the home of the great Filipino worker," with the state actively marketing its citizens as ideal laborers for the global economy. By 1983, with total foreign debt reaching \$42.8 billion, Marcos mandated through Executive Order 857 that remittances be sent through the Philippine banking system, with workers subject to punitive measures for non-compliance (Rodriguez, 2010). The formalization of this approach culminated in the establishment of the Philippine Overseas Employment Administration (POEA) in 1982, consolidating previously fragmented migration agencies under a single bureaucratic structure.

This state-managed migration system intersected with global economic restructuring to particularly affect women's labour mobility. The gendered nature of structural adjustment programs—economic reforms imposed by international financial institutions that typically reduce government spending and deregulate markets—created certain pressures for women's migration (Bakan & Stasiulis, 2003). As Parreñas (2015) argues, these structural changes confined women to "low-paid, low-status jobs" with "unequal pay," conditions that became "an inducement for out-migration" (as cited in Rodriguez, 2015, p. 72). The broader context of economic restructuring thus created what Parreñas (2015) terms an "international division of reproductive labor," positioning Filipino women as ideal candidates for care work in wealthier countries while simultaneously creating economic pressures that made migration an attractive option.

Notably, the state's promotion of labour migration coincided with its positioning of the Philippines in the global tourism market. The hosting of the Miss Universe pageant in 1972—the same year labour export policy was instituted—was part of establishing the Philippines as "an exotic destination and a land of beautiful women" while marketing "the beauty and generosity of Filipino women as 'natural resources' to compete in the

international tourism market" (Rodriguez, 2010, p. 73). This dual marketing strategy reveals how the commodification of Filipino women's labour was embedded within broader narratives of national identity and competitive advantage in the global economy.

The Philippine government actively pursued bilateral agreements and conducted marketing missions to secure employment opportunities for Filipino workers across East Asia, West Asia, Europe, and North America (Guevarra, 2010; Rodriguez, 2010). As Guevarra (2010) documents in her ethnographic study of recruitment agencies, this process involved sophisticated mechanisms for "marketing dreams" and "manufacturing heroes," whereby the state and private agencies collaborated to construct Filipino workers as particularly suitable for international employment. The success of this strategy is evident in the dramatic increase in annual departures: from fewer than 50,000 workers in the early 1970s to more than 700,000 by 1994 and exceeding one million annually since 2009 (Ang et al., 2023).

This institutional framework created what has become a self-reinforcing system of migration dependence. The Philippines now relies heavily on remittances, which reached \$32.5 billion in 2022, making it one of the world's largest recipients of migrant remittances (Ang et al., 2023). However, this economic success has come at significant social costs, including family separation and what some scholars describe as a "care deficit" within the Philippines itself, as caregivers migrate abroad to provide care for families in wealthier countries while leaving their own children and elderly relatives behind (Parreñas, 2001).

Today, Filipina domestic workers can be found in more than 160 destinations worldwide, their migration patterns shaped by a complex interplay of economic factors, particularly recruitment costs and potential earnings. The stratification of destination markets reflects global economic inequalities: while Hong Kong commands higher recruitment fees (up to US\$3,000) due to better wages, the Gulf Cooperative Council nations require minimal initial investments (around US\$115) but offer lower salaries. This stratification has given rise to what Hochschild (2014) describes as "multiple-link" global care chains, a pattern we often see in the stories of migrant care workers in Canada. These are networks of care relationships that span multiple countries as care workers move between destinations of varying economic opportunities. Many Filipina domestic workers first migrate to intermediate destinations, notably the United Arab Emirates and

Hong Kong among other Gulf and Asian destinations, before eventually moving to higher-wage destinations like Canada (Silvey & Parreñas, 2020; Yin, 2024). Workers often use lower-cost or organizationally "recommended" initial destinations as stepping stones, gaining experience and saving money to eventually access more expensive but higher-paying markets such as Canada.

The vulnerabilities inherent in these migration pathways are illustrated by the case of Sarah Balabagan, whose story mobilized international attention to the plight of Filipino domestic workers in the 1990s. Balabagan was only 14 years old when she left the Philippines to work as a domestic worker for a family in Dubai, though recruitment agencies falsified her documents to show she was 28 years old (Sayres, 2007). Upon arrival, she faced immediate sexual harassment from her male employer, was confined to the house, and lacked sufficient Arabic language skills to seek help. When she defended herself against a sexual assault by stabbing her employer, she was sentenced to death, highlighting the extreme legal vulnerability faced by domestic workers in destination countries with limited labour protections (Sayres, 2007). Balabagan's case, along with other high-profile incidents, became catalysts for organizing efforts among Filipino domestic workers and advocacy groups internationally.

Silvey and Parreñas (2020) introduce the concept of *precarity chains* to describe how migrant care workers, particularly those from the Philippines, face interconnected forms of insecurity. Precarity chains refer to interconnected forms of economic and social insecurity that link workers' conditions abroad with their families' circumstances at home. These chains link the precarious employment conditions workers experience abroad with the financial instability experienced by their families back home, highlighting how vulnerability is transmitted across transnational spaces. This creates complex, multi-directional care chains that extend beyond simple binary relationships between sending and receiving countries.

The Philippines case illustrates how the historical evolution of labour migration systems has contributed to the feminization of transnational labour flows, particularly in the care sector. What began as colonial-era training programs and then later institutionalized as emergency economic policy under Marcos has become emblematic of how care work has been increasingly commodified and internationalized (Rodriguez, 2010). The colonial labour system, "including the introduction of training programs for

overseas employment and the labor recruitment industry, would form the backbone of the contemporary migration apparatus" (Rodriguez, 2010, p. 65). However, while "private actors played a role in the training and recruitment of migrant workers with minimal state interference" during the colonial period, "under the Marcos government the state would engage in the processes of training and recruitment itself, while also regulating private actors to capitalize on out-migration as a means of generating foreign exchange" (Rodriguez, 2010, p. 65). This pattern represents a significant shift from earlier forms of labour migration, reflecting both the growing global demand for care workers and the deepening interdependence of global care economies rooted in colonial relationships and neoliberal restructuring.

3.1.5. Economic and Social Implications of Transnational Care Work

The transnational migration of care workers has profound economic and social implications for both receiving and sending countries. These implications are multifaceted, encompassing contributions to economic growth, social reproduction, and the well-being of families as well as significant costs and challenges that underscore the uneven distribution of benefits and burdens in the global care economy.

Migrant care workers play a pivotal role in sustaining the economies and social infrastructures of receiving countries. In nations such as Canada, the United States, and those in Western Europe, the demand for care labour has surged due to ageing populations, declining birth rates, and the increased participation of women in the formal labour force (Parreñas, 2015; Williams, 2021). Migrant care workers fill critical gaps in care provision, enabling middle- and upper-class families to outsource domestic and care responsibilities, thereby facilitating the continued economic participation of women in these households. This dynamic is particularly evident in the care of children, the elderly, and individuals with disabilities, where migrant workers often provide essential services that would otherwise be unaffordable or unavailable (Hochschild, 2014).

However, as emphasized earlier, this reliance on migrant care labour is deeply intertwined with structural inequalities. Migrant care workers are often relegated to low-wage, precarious jobs with limited labour protections, reflecting the systemic devaluation of care work and the racialized and gendered hierarchies that underpin global labour markets (Anderson, 2000). While their labour is indispensable to the functioning of care

economies in receiving countries, the benefits they receive are disproportionately low, perpetuating cycles of exploitation and marginalization.

For sending countries, the economic contributions of migrant care workers are most visibly manifested in the form of remittances. Remittances—funds sent by migrant workers to their families back home—constitute a significant source of income for many households and a critical component of national economies in countries such as the Philippines, Sri Lanka, and Indonesia. In the Philippines, for instance, remittances reached \$38 billion in 2022, amounting to more than 9% of the country's GDP, making it one of the largest recipients of remittances globally (World Bank, 2023; World Bank, 2024). These funds are often used to support basic needs such as food, housing, and education, as well as to invest in small businesses, thereby contributing to local economic development. These dynamics are illustrated below (see Figure 5) through the UN-INSTRAW analytic framework for gender, remittances and development:

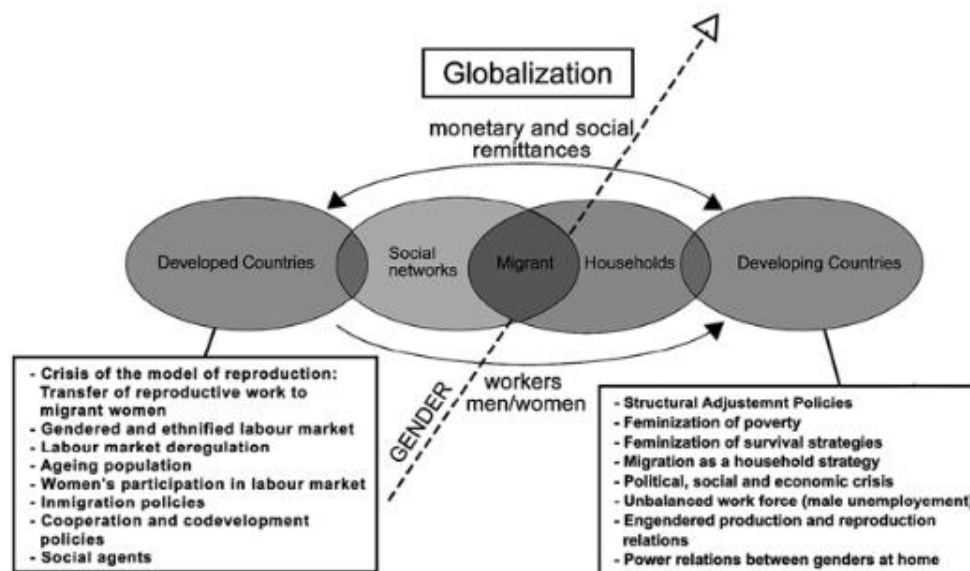


Figure 5. UN-INSTRAW analytic framework for gender, remittances, and development. Source: Ramirez et al. 2005, p. 23

Gender dynamics play a crucial role in shaping remittance patterns. Studies show that the average amount of money sent by women is less than the average sent by men, given that they generally earn less; however, this lower amount represents a greater percentage of their total earnings compared to men (Robert, 2015). Indeed, in

many cases, migrant women have been found to sacrifice their own well-being to send a greater proportion of their income. Sex-disaggregated data further reveal that women are more consistent in providing remittances, and a wider range of family members benefit from and sustain themselves with the remittances they send (Robert, 2015). For instance, Natalia Ribas-Mateo and colleagues (2008) examined the gendered dynamics of remittance practices among Filipino migrant workers in Italy, highlighting the central role of women in sustaining transnational families. Their research reveals that Filipino women working as domestic workers in Rome are more consistent in sending remittances compared to their male counterparts. Specifically, Specifically, Ribas-Mateos et al. (2008) found that 85.36% of women and 64.70% of men sent regular remittances to the Philippines each month, demonstrating women's greater reliability in fulfilling familial financial obligations. This gendered pattern of remittance behaviour underscores the disproportionate burden shouldered by migrant women, who often prioritize familial obligations over their own needs.

While there is limited research on such dynamics for migrants in Canada, a recent study of healthcare workers in Toronto sheds light on the relationship between remittances and care work in a high-income receiving country. Iffath Unissa Syed (2021) found that 48.9% of long-term care (LTC) workers in Toronto sent remittances: of these senders, 95.3% were immigrants, 86.0% were female, and 81.4% were racialized individuals. These remittances were primarily sent to older adults, ageing parents, siblings, and young children, often to cover essential needs such as medical expenses, education costs, and daily consumption. Notably, the study revealed that remittances frequently exceeded CAD \$500 annually, with some workers sending as much as \$15,000 per year despite their low wages and precarious employment conditions (Syed, 2021). This finding highlights the significant financial sacrifices made by migrant care workers, many of whom are racialized women from regions such as Africa, the Caribbean, and South Asia.

The study also raises critical questions about the sustainability of remittance practices, particularly in light of the challenging working conditions LTC workers face in Canada. Many of these workers are underpaid, lack basic benefits such as paid sick days, and experience high levels of job precarity (Syed, 2021). Despite these challenges, they continue to send substantial portions of their income to support transnational families, often at the expense of their own health and well-being. These

dynamics underscore the broader structural inequalities that characterize the global care economy, where the contributions of migrant care workers to receiving and sending countries are often rendered invisible.

Beyond their immediate economic impact, remittances also serve as a form of social insurance, providing a safety net for families in countries with weak social welfare systems (Rodriguez, 2010). However, this reliance on remittances highlights the broader structural inequalities that drive labour migration. As the case of the Philippines illustrates, sending countries often adopt policies that actively promote labour export as a development strategy, positioning migrant workers—particularly women—as key agents of national economic survival. This approach, while economically beneficial in the short term, raises questions about the long-term sustainability of relying on the migration of care workers as a primary development strategy.

3.1.6. Costs and Challenges

Despite the economic contributions of transnational care work, the costs and challenges associated with this phenomenon are significant and unevenly distributed. One of the most profound social costs is the impact on families, particularly in sending countries. The migration of care workers often results in the separation of parents from their children and the fragmentation of familial care networks. This "care drain" highlights the paradox of migrant care workers providing care to families in receiving countries while being unable to fulfil caregiving roles within their own households (Hochschild, 2002). As discussed earlier, while Hochschild's metaphor is not without its critics, it is an evocative way to highlight the acute emotional and psychological toll of family separation for children left behind while a primary caregiver has emigrated for better economic opportunities.

The profound personal toll of family separation is captured in testimonies from transnational families themselves. Mrs. Mendez, a Filipina domestic worker in Macau, described the recurring anguish of returning to work after brief family visits: "Here I go again (cries) ... You were only able to be with your family for 10 days. Then you will leave them again. It's really very hard, everyone really experiences that, I talk to other Filipinos, it's really very hard" (Garabiles et al., 2017, p. 9). Mr. Mendez, her husband, similarly reflected on the impact on their children: "It's sad that my wife isn't with us,

right? My eldest son said, 'Papa, if Mama is with us, we would be happier.' 'Yes, son,' I said" (Garabiles et al., 2017, p. 8). These testimonies reveal how family separation creates cyclical trauma that affects both migrating parents and the family members who remain behind.

These children often experience feelings of abandonment, disrupted educational trajectories, and strained relationships with absent parents (Parreñas, 2005). Similarly, elderly dependents in sending countries often face gaps in care provision, as the migration of younger family members leaves them without traditional sources of support. These challenges are compounded by the precarious working conditions faced by migrant care workers, who often have limited opportunities to visit their families or maintain meaningful connections across borders.

The burden of family separation extends beyond missing parents to encompass the additional responsibilities placed on children left behind. Grace, a 19-year-old whose mother migrated to Canada through the Live-in Caregiver Program, reflected on her lost childhood: "I didn't enjoy my childhood that much because I took care of my siblings. My mom made me grow up, like with being very responsible, especially when my father was having a hard time and we didn't have a nanny. Yeah, so I was helping my mom a lot" (Shaw, 2020, p. 14). Grace's experience illustrates how children, particularly daughters, are expected to fill the "care slot" left by migrating mothers, taking on adult responsibilities at young ages. Her story demonstrates the intergenerational transmission of care work, where children must "hold together" fractured families while their mothers provide care for other families abroad.

The concept of "tender labor" as articulated by Jennifer Shaw (2020) offers a poignant way to understand the emotional and relational toll of transnational care work on families, particularly young children and women. "Tender labor" underscores the uneven distribution of reproductive work on a global scale, a phenomenon driven by the capitalist demand for cheap, feminized labour. While migrant mothers are often celebrated for their sacrifices, the burdens placed on their children—those who must "hold together" fractured families—remain largely invisible. Shaw's research with Filipino youth in Vancouver reveals how children actively work to maintain family bonds across borders, often at significant personal cost. Angel, a 20-year-old participant in Shaw's study, recalled a pivotal moment when she witnessed her mother's desperation over

unpaid rent while they washed laundry together by hand. Seeing her mother tearfully explain to their angry landlord that she could not pay until her husband returned, Angel made a commitment: "That's why now I'm not going to let my mom suffer again. I don't want to see her cry again" (Shaw, 2020, p. 18). This promise shaped Angel's understanding of her role in supporting her family's migration project, illustrating how children internalize responsibility for their parents' emotional well-being.

The vulnerability of migrant domestic workers extends beyond family separation to encompass extreme forms of exploitation and abuse in destination countries. The case of Grace, a Filipina domestic helper in Hong Kong, illustrates the degrading living conditions many workers endure. Grace was allocated the toilet of her employer's home as her private room, where she was made to eat and sleep for nearly a month (South China Morning Post, 2024). She was the fifth and last helper to accept such conditions, ultimately deciding to pursue legal action and winning compensation. Her case highlights how the live-in requirement, ostensibly designed to meet employer needs, can become a mechanism for severe exploitation when adequate regulatory oversight is absent. The extreme vulnerability of migrant domestic workers is further illustrated by documented cases of control mechanisms that extend far beyond workplace conditions. Florence, a Filipino domestic worker in the United Kingdom, experienced the isolating effects of undocumented status: "Not having your paper is very hard, it makes your world small. You cannot go out, you cannot travel to visit your family" (Longboan, 2023). As an undocumented worker, she was unable to see her family for 14 years, demonstrating how immigration status becomes a mechanism of control that encompasses fundamental aspects of workers' personal and family lives.

This intergenerational cost is compounded by the structural inequities that shape migration systems. For instance, restrictive immigration policies in destination countries like Canada often prolong family separation, intensifying the emotional and material precarity experienced by transnational families. Even after reunification, the ripple effects of migration persist, as children continue to navigate the gaps in care and emotional well-being created by their mothers' absence. Grace's experience after reuniting with her mother in Vancouver illustrates these ongoing challenges: "To think of it now, seeing kids playing and having no responsibilities when they go home [...] I was a bit jealous because I didn't enjoy it that much, my childhood. Until now I'm taking care of the siblings. ... I felt how it is to be a mom" (Shaw, 2020, p. 20). Even in Canada, Grace

continued to send remittances to her grandparents in the Philippines—a responsibility that would conventionally belong to her mother—while also mediating between her siblings and their mother, who had become strangers after years of separation. These dynamics reflect what Judith Butler (2009) describes as the inherently social nature of precariousness: "One's life is always in some sense in the hands of another" (p. 14). In the context of migration, this precariousness is disproportionately borne by women and children, who must perform the "tender labor" of sustaining familial bonds across borders.

3.1.7. The Global Care Economy: Implications for Canada

The transnational migration of care workers is a defining feature of the globalized care economy, shaped by centuries of historical labour mobility and deeply entrenched structural inequalities. From the colonial era to contemporary articulations, the movement of workers across borders reflects both the commodification of care and the growing reliance on women from the Global South to sustain care systems in wealthier nations. Concepts introduced earlier, such as the "feminization of survival" (Sassen, 2000) and "global care chains" (Hochschild, 2014), highlight the gendered and racialized dimensions of this phenomenon, underscoring how care responsibilities are transferred across borders—reshaping labour markets, families, and communities worldwide.

The economic and social implications of transnational care work are profound, encompassing both significant contributions and substantial costs. Migrant care workers play an indispensable role in addressing care deficits in receiving countries, enabling the economic participation of women and supporting ageing populations. At the same time, their labour sustains families and communities in sending countries through remittances, which serve as a critical lifeline for many households. However, these contributions come at a high personal and social cost, including family separation, precarious working conditions, and the systemic devaluation of care work. These dynamics reveal the uneven distribution of benefits and burdens in the global care economy, where the contributions of migrant care workers are often rendered invisible.

As this literature review has demonstrated, the transnational care economy is both a product of and a driver of global inequalities. The case of the Philippines as an example of state-managed care migration illustrates how historical and structural forces

have shaped the feminization of labour flows and the commodification of care. Yet these dynamics are not unique to the Philippines; they are emblematic of broader global patterns that are deeply embedded in the care economies of receiving countries, including Canada.

Having established this overview of transnational care labour migration, the rest of this chapter provides an in-depth examination of the Canadian context. By focusing on Canada, this study will explore how these global dynamics manifest in a high-income receiving country, shedding light on the specific policies, practices, and lived experiences that define the Canadian care economy and our relationship to, and reliance on, the care labour of women from across the world. Moreover, receiving countries' reliance on migrant care labour perpetuates systemic inequalities by passing along the costs to migrant workers and their families. While receiving countries benefit from the affordability and flexibility of migrant care labour, they often fail to address the underlying structural issues—such as underfunded care infrastructure and gendered divisions of labour—that drive the demand for such workers in the first place (Williams, 2018). This underscores the need for more equitable and sustainable approaches to care provision that recognize the interdependence of global care economies.

3.2. The Racial Architecture of Canadian Immigration

Canada's approach to migrant care work should be understood within the broader racial hierarchy that has structured Canadian immigration policy since Confederation. As historian Henry Yu (2018) demonstrates, understanding Canada's migration history requires examining how political struggles to define and control migrant bodies shaped both the migrants themselves and their descendants, creating foundational categories of identity, including race, ethnicity, immigrant, and citizen. From its inception as a settler-colonial state, Canada deliberately constructed immigration policies designed to build what William Lyon Mackenzie King called a "white man's country" (Niergarth, 2010, p. 611), systematically privileging European settlers while excluding or exploiting racialized populations through what Yu identifies as the politics of white supremacy.

The administrative sophistication of this exclusionary project becomes evident through examining specific policy interventions. Price's (2007) detailed analysis of the

aftermath of the 1907 Vancouver race riots reveals how federal officials transformed street-level racial violence into systematic bureaucratic exclusion. The riots emerged from organized anti-Asian sentiment, beginning when the Vancouver Trades and Labour Council founded the Vancouver Asiatic Exclusion League (AEL) on August 12, 1907. On September 7, thousands marched from City Hall into Chinatown, where rioters threw rocks through Chinese business windows and burned effigies while holding signs demanding "a White Canada for us" (West, 2022). When they reached Powell Street's Japanese businesses, they encountered organized resistance that successfully repelled the attackers.

Embarrassed by this lawless violence and pressed by Japanese and British officials for remedial action, Prime Minister Wilfrid Laurier dispatched his Minister of Labour, Rodolphe Lemieux, and Deputy Minister William Lyon Mackenzie King on a diplomatic mission to Asia and Washington to address what officials termed the "Oriental problem" (Niergarth, 2010; Price, 2007). These meetings produced a trilateral Anglo-Saxon consensus on containing Asian immigration while developing what Price identifies as the British colonial office's preferred approach: implementing measures that were not openly discriminatory on the surface but achieved effective racial exclusion through administrative means.

Yu's (2018) periodization reveals how Canada's colonial racial logic operated across three distinct phases. The first third of Canada's history (1867–1920s) witnessed the increasingly successful use of white supremacy to organize territorial expansion, culminating in Oriental exclusion between 1908–1923. The 1885 Chinese Immigration Act exemplifies how this period operationalized racial exclusion through ostensibly neutral administrative mechanisms, with its \$50 head tax—equivalent to approximately 2 years' wages for Chinese workers—representing what Satzewich (1991) identifies as the institutionalization of barely legal racism through bureaucratic means.

This administrative racism built directly upon the state's prior exploitation of Chinese labour for nation-building. The construction of the Canadian Pacific Railway (CPR, 1880–1885) exemplifies how Canada's consolidation project depended on racialized labour while constructing the apparatus for exclusion. Despite repeated attempts by British Columbia politicians to exclude Chinese workers, the government relied on approximately 15,000 Chinese labourers to complete 338 miles of CPR line

across the province, particularly the treacherous 127-mile western section through the Fraser and Thompson River canyons (Chen, 2018). American contractor Andrew Onderdonk, operating with a budget 19% lower than his original tender and facing a critical shortage of white workers in a province with fewer than 20,000 Europeans among its 49,459 residents, turned to experienced Chinese labour contractors. These workers received significantly lower wages while facing deadly conditions that killed an estimated 600–1,000 labourers, yet proved essential to completing Canada's most challenging railway construction (Chen, 2018). The railway's completion in 1885 coincided precisely with the Chinese Immigration Act's implementation, revealing how the state instrumentalized Chinese labour for territorial consolidation while simultaneously establishing legal frameworks for exclusion. The head tax thus served dual functions: generating revenue from those whose labour had built national infrastructure while creating bureaucratic barriers to permanent settlement.

The second phase (1920s–1970s) consolidated these exclusionary measures through increasingly sophisticated administrative tools while formally barring most non-white immigration. The continuous journey regulation—mandating travel from countries of origin without stopping—appeared racially neutral while effectively excluding Indian immigrants, as no direct steamship service existed between India and Canada. The 1910 Immigration Act formalized this hierarchy through explicitly racial language, barring immigration by any race deemed unsuited to Canada's climate or requirements. These measures established what Yu describes as spatial bounds for governing mobile bodies, creating the conceptual category of "immigrant" as a tool for controlling human movement while privileging particular forms of belonging.

The gendered dimensions of this racial hierarchy became particularly apparent in domestic work, where the state's need for reproductive labour collided with its commitment to white supremacy. Early 20th-century recruitment of British domestic workers reflected what Barber (1991) identifies as the "daughters of empire" ideal—white women whose labour and reproductive capacity could simultaneously serve Canadian households and strengthen the settler population. These workers received landed immigrant status and pathways to citizenship, establishing domestic work as respectable labour when performed by the racially appropriate population.

The transformation in the last third of Canadian history (1970s–present)—marked by the removal of formal racial preferences and the shift to global post-colonial migration—fundamentally altered Canada's demographic composition while preserving many administrative mechanisms originally designed for racial exclusion. By 2016, nearly half of Canada's foreign-born population was from Asia, with the Philippines, India, and China accounting for over 38% of new migrants between 2011 and 2016. Yet the administrative template established through measures like the Lemieux-Hayashi Agreement provided the foundation for contemporary temporary migration programs that would prove central to managing care work.

This historical foundation demonstrates that the precarity experienced by contemporary migrant care workers reflects deliberate policy choices rooted in Canada's settler-colonial project. The administrative mechanisms first deployed to manage racialized populations—temporary work permits, employer-tied mobility restrictions, and complex pathways to permanence—evolved into the template for managing care labour. Current programs perpetuate racialized exclusion through administrative rather than explicitly racial means, maintaining the fundamental logic of temporary inclusion while adapting to contemporary political sensibilities. These administrative mechanisms did not emerge from neutral bureaucratic logic. They were produced by, and continue to serve, an interlocking set of ideological formations, among which Canadian nationalism plays a constitutive and undertheorized role.

3.2.1. Canadian Nationalism

The racial architecture documented above cannot be fully understood without attending to one of its constitutive ideological dimensions: Canadian nationalism. Nationalism operates alongside and through white supremacy, settler colonialism, liberal democracy, and racial capitalism, and does specific work that the other formations do not do alone. As Anderson (1983) establishes, nationalism is not a natural or primordial phenomenon but a constructed political form: an imagined community whose boundaries are drawn and redrawn through deliberate political and legal processes. In the Canadian context, those boundaries have been drawn consistently along racial, gendered, and colonial lines. Sharma's analysis across both *Home Economics* (2006) and *Home Rule* (2020) provides the most sustained account of how this operates in the migration context: nationalism functions as a technology of governance that naturalizes the

hierarchy of immigration statuses by constructing the nation as a bounded community of legitimate members whose interests the state exists to protect. In *Home Rule*, Sharma traces how claims to autochthony, the idea of being the native people of a place, have been mobilized across the postcolonial period to define true national belonging, with the effect of hardening nationalist exclusions, shrinking criteria for political membership, and intensifying immigration controls even as the explicit language of racial exclusion has receded. The "white man's country" project that Mackenzie King articulated was not simply a racial preference. It was a nationalist project that used immigration policy to define the boundaries of the nation itself, determining who could belong, who could build, and who could only serve. Contemporary programs no longer invoke racial language explicitly, but the nationalist logic persists: migrant care workers are constructed as temporary contributors to the national project, welcomed for their labour and excluded from its political community. This is what Sharma (2006) identifies as differential inclusion, and what Sharma (2020) theorizes more fully as the production of the native/migrant distinction through postcolonial nationalism: racialized workers are incorporated into the economy while being denied membership in the nation.

This nationalist logic performs a further function that has direct consequences for working-class solidarity: it divides workers along lines of citizenship status. As De Genova (2013) argues, the methodological nationalism that structures immigration regimes does not simply reflect pre-existing national communities; it actively produces the citizen/migrant distinction that organizes those communities. Bridget Anderson (2019) extends this, demonstrating that the migrant/citizen binary is blurred by race: those labelled migrants are not simply people who have crossed a border but rather are form a racialized category produced by the intersection of legal status, immigration controls, and racial hierarchies. Balibar and Wallerstein (1991) provide the foundational theoretical account of why this matters for class analysis: racism and nationalism together secure social stratification through the constitution of classes, and the capitalist world-system has consistently relied on the nation form and racial hierarchy to organize and discipline its labour force. Their analysis argues that nationalism is not external to capitalism but constitutive of it; the nation form organizes the division of labour, manages the surplus population, and fragments the working class along lines of citizenship and race in ways that serve capital accumulation. As Henaway (2023) argues in the Canadian context, the essential/disposable dialectic through which migrant workers are

simultaneously indispensable to the economy but denied rights such significance should confer is sustained by precisely this nationalist construction of a two-tier workforce. Citizens and non-citizens performing identical or comparable labour are positioned as categorically different kinds of workers, subject to different legal frameworks, different wage floors, different rights of organization, and different relationships to the state. This fragmentation of the working class is a structural function of immigration policy, not an accidental byproduct of it. Satzewich (1991) demonstrates that the recruitment of migrant workers under conditions of unfree labour has historically served to suppress wages and undermine collective bargaining for the broader workforce, while the racial and nationalist framing of that workforce division obscures its class dimensions. Race and gender in this analysis are not simply parallel categories to class, but must be positioned alongside it in an additive intersectional framework. Following Mies (1986) and the tradition of materialist, Marxist, and Black feminism, race and gender are constructions of capitalism, historically produced through the same processes of accumulation and dispossession that produce class, and co-constituted by the nationalist ideologies that give those constructions their social and legal force. The citizen/non-citizen boundary does not operate as a racial boundary or a class boundary in isolation. It operates as all three simultaneously, and nationalism is one of the ideological forms through which their co-constitution is naturalized and legitimized.

The nationalism that structures Canada's immigration regime operates in articulation with two additional ideological formations that this dissertation engages with: liberal democracy and settler colonialism. Sharma (2025) argues that postcolonial theory and migration studies have both failed to adequately theorize the connections between colonial mobility controls and national citizenship and immigration controls, treating the nation-state's authority over migration as a definitional aspect of sovereignty rather than as a historically produced and politically contested arrangement. This failure matters because it obscures the continuity between colonial population management and contemporary immigration regimes. As Perry (2012) argues in the Canadian context, multiculturalism functions as a discursive mechanism that perpetuates racial hierarchy while maintaining the veneer of liberal democracy. The liberal state claims universality, equal rights, equal dignity, equal standing before the law, while producing and maintaining the citizen/non-citizen boundary that makes differential exploitation possible. This is not a contradiction within liberalism but its operating logic: liberal rights are rights

of members, and membership is something the nationalist state controls, withholds, and makes contingent on racial, gendered, and class-based criteria. Membership within any nation is a contested political category whose boundaries are drawn and enforced through the same nationalist, colonial, and racial formations. Settler colonialism provides the historical ground on which this nationalist liberalism operates. As Coulthard (2014) argues, settler colonialism is constituted by interrelated discursive and non-discursive facets of economic, gendered, racial, and state power, a formation in which land dispossession, racial hierarchy, and the construction of the settler nation are mutually reinforcing processes. Canada's migrant labour programs are a contemporary expression of this formation: they recruit racialized workers from the Global South to sustain a settler-colonial economy while denying those workers the permanent membership that would allow them to claim the land, rights, and political standing that settler citizenship confers. White supremacy, the explicit ideological commitment that shaped the "white man's country" project, has been translated through successive generations of administrative reform into mechanisms that achieve racial exclusion through ostensibly neutral means. As Satzewich (1991) demonstrates, the racial logic embedded in early Canadian immigration policy did not disappear with the removal of explicitly racial language. It was translated into administrative mechanisms that achieve racial exclusion through ostensibly neutral processes. The programs examined in this dissertation are the contemporary iteration of that translation: nationalism operating without racial language, liberalism operating without universal membership, and settler colonialism operating without explicit dispossession, together producing a permanently temporary workforce that is essential to Canada's economy and excluded from its political community. Understanding this ideological formation is a necessary foundation for making sense of the specific programs, policies, and administrative mechanisms that the remainder of this chapter traces, and that subsequent chapters examine in empirical detail.

This chapter proceeds by situating Canada's approach to migrant care labour within the global political economy of care migration. It begins by examining how care work operates within contemporary globalized systems, tracing the emergence of transnational care networks and the feminization of migration. It then analyzes how Canada's reliance on migrant care workers reflects deepening global inequalities while building directly upon the racialized, gendered, and nationalist administrative

mechanisms established through its settler-colonial history — mechanisms whose ideological foundations this section has now established. The analysis that follows demonstrates how key instruments of control, including employer-tied permits, restricted mobility, and limited pathways to permanence, were not invented for the contemporary caregiver programs but adapted from earlier exclusionary frameworks whose logic this chapter traces from Confederation to the present.

3.3. From Fields to Care Work

Canada's reliance on migrant labour is deeply rooted in its colonial history, where the exploitation of racialized workers has been a consistent feature of nation-building. From the dispossession of Indigenous lands to the systemic exclusion and marginalization of racialized groups, Canada's labour policies have long been shaped by hierarchies of race, gender, and class. This section traces the historical evolution of Canada's migrant labour programs, beginning with early 20th-century policies that indentured women of colour to domestic service and extending to the modern-day frameworks of temporary foreign worker programs. By examining these historical patterns, this section highlights how Canada's approach to migrant labour has been characterized by control, precarity, and the reproduction of racial and gendered inequalities. These patterns are foundational to understanding Canada's labour market and for providing critical context for the emergence of migrant care worker programs, the focus of this dissertation.

Relying on migrant workers to support Canada's labour needs has long been a feature of colonial rule and order. Multiple scholars point to the history of Canada as a colonial nation-state built literally and figuratively on the dispossession of land, rights, and labour from racialized people. Whether the genocide of Indigenous people and their culture (Regan, 2010), the exploitation of Chinese railway labourers (Faustino-Santos, 1988), or modern immigration/labour regimes establishing a permanently temporary (Chowdhury, 2016) workforce of migrant workers, it is critical to establish that this is not a *new* state action.

3.3.1. From Domestic Service to Temporary Foreign Worker Programs

Dating back to at least the early 20th century, Canadian labour policies have systematically indentured women of colour to domestic service while denying them basic rights and freedoms. From the pre-war years through the 1950s, the Canadian government implemented restrictive immigration policies targeting specific groups of domestic workers—first German, then Italian and Greek, and finally Caribbean women. Bakan and Stasiulis (1994) note that the most exclusionary policies were reserved for Black women, who were barred from immigration based on their "supposed inability to adapt to the Canadian climate" and their "assumed sexual licentiousness" (p. 12). These exclusions persisted until 1955, when Prime Minister Louis St. Laurent's Liberal government removed the policy through the West Indian Domestic Scheme. Immigration Minister Jack Pickersgill recommended implementing an experimental domestic worker program in 1955, recognizing the challenges posed by existing exclusionary immigration policies. The Canadian government characterized this initial intake of 100 women as a trial project, with officials warning that the initiative would be cancelled if results proved unsatisfactory. Under the conditional terms of the arrangement, women deemed unsuitable for domestic employment faced deportation to their homeland, with repatriation costs borne by the sending nations rather than Canada. Even then, Jamaican and Barbadian women were subject to agreements stipulating that they could be deported if deemed "unsuitable for domestic work" and were forced to undergo degrading medical testing for venereal disease (Bakan & Stasiulis, 1994, p. 13). As W. D. Scott, Superintendent of Immigration, made clear in his correspondence, the government's position was that these women were "not likely to do well or to be an asset to this country" (Johnson, 2022, p. 285). These decisions reveal Canada's entrenched position within global systems of capitalism, migration, and white supremacy, where racialized labour is exploited under the guise of benevolence.

The systematic exclusion of Black Caribbean women was evident in the government's deliberate policy framework. As Johnson (2022) documents, Scott's response to inquiries about Caribbean domestic workers was unambiguous: "As you are aware, the Government does not encourage coloured immigration of any sort, and I think Mr. Sutton should be advised to secure white help if possible, as such help is likely to be a permanent asset to the country, whereas coloured immigration constitutes a problem for all time to come" (p. 285). This explicit racial hierarchy was further reinforced through

administrative mechanisms designed to appear race-neutral while maintaining exclusionary practices. Speaking for the immigration department, Scott confirmed that the government's position was deliberately ambiguous: "There was no legal barrier to Black immigration, but it was not encouraged. Thus, Canadian immigration laws managed to appear fair, transparent, and even-handed and, simultaneously, to imagine and portray Canada as the Great White North where Blackness was discouraged by entrenched—yet largely hidden—policies and the anti-Black attitudes that informed them" (Johnson, 2022, p. 290).

An interesting note about the West Indian Domestic Scheme, however, is that it provided migrating workers with landed immigration status upon their arrival in Canada. In 2025, at the time of writing, landed status upon arrival is a significant, if not the primary, demand of migrant rights activists. While contemporary temporary foreign worker programs explicitly embrace precarious, time-limited status as standard practice, 1950s policymakers found themselves constrained by their own settler–colonial anxieties about public legitimacy and international perception.

Initially, Canadian officials favoured a contract labour model that would have aligned with their exclusionary preferences. During negotiations with the Canadian government, the Jamaican and Barbadian states agreed to repatriate workers after their terms ended, and Ottawa found this arrangement "quite attractive", as it would "appear to afford a measure of control to ensure compliance with the undertaking to remain at domestic work" (Daenzer, 1993, p. 53). However, this preferred approach was ultimately rejected by Canadian lawmakers, not through progressive enlightenment but because officials recognized they lacked justifiable grounds for such differential treatment without inviting accusations of "forced labour" and discrimination. They were ultimately prescient of what, seven decades later, would be compared to systems of contemporary slavery (Amnesty International, 2025).

The decision to grant landed status emerged from practical calculations rather than egalitarian principles. Officials anticipated that domestic work's permanent nature would foster social bonds between workers and families, leading to extension requests that would prove "difficult to refuse" (Bolah, 2014). They also recognized that workers would adapt to Canadian living standards, making forced repatriation appear unjust and potentially generating public criticism (Bolah, 2014).

This pragmatic approach to managing racialized labour reflects broader systemic patterns of exclusion and control that extend far beyond Canada's borders. Canada is not alone in embedding racialized logics within its immigration system. Other settler–colonial and European nations, including Australia, Britain, the United States, Norway, and the Netherlands, have been critiqued for immigration policies that contain “unstated but powerful racialized logics meant to exclude certain individuals” (Satzewich, 2015). Kevin J. Johnson (1997) captures this dynamic in his seminal work *Race, the Immigration Laws, and Domestic Race Relations: A Magic Mirror into the Heart of Darkness*, arguing that immigration policies reflect evolving societal attitudes towards racism:

Because direct attacks on minorities on account of their race is nowadays taboo, frustration with domestic minorities is displaced to foreign minorities. A war on noncitizens of color focusing on their immigration status, not race, as conscious or unconscious cover, serves to vent social frustration and hatred. (p. 1116)

This racialized logic underpins Canada’s migrant worker programs, including the SAWP, TFWP, and migrant care worker initiatives. J. Adam Perry (2012) describes these programs as enacting “barely legal racism,” where policies like the SAWP constitute “epistemic and material violence conducted against racialized bodies” (Perry, 2012, p. 192). Vic Satzewich (1991) similarly frames Canadian immigration policy as an “ideology of racism,” (p. 179) exemplified by the admission of SAWP workers from Jamaica under conditions of unfree labour, rigidly demarcated along lines of Black-worker/foreigner and white-host/Canadian. Binford (2002) further illustrates this racial hierarchy, noting that the expansion of the SAWP to Mexico in the 1970s was a racially motivated response to employers’ complaints about Caribbean workers’ demands for time off, shorter hours, and slower work pace.

These programs, initially focused on agricultural and labour-intensive sectors, established the framework for the dynamics that would later define migrant care work. The historical patterns of temporary, precarious employment for racialized workers directly informed the structure of Canada’s migrant care economy. The exploitation of racialized labour is not an anomaly but a continuation of Canada’s settler–colonial practices, which rely on the dispossession of Indigenous lands and the systemic marginalization of racialized communities. As Glen Coulthard (2014) argues, settler colonialism is rooted in “interrelated discursive and nondiscursive facets of economic,

gendered, racial, and state power” (p. 6–7). Perry (2012) similarly critiques Canada’s multiculturalism as a “relic” of colonialism, a discursive mechanism that perpetuates cultural and physical superiority over racialized “others” while maintaining the veneer of liberal democracy.

Vic Satzewich’s (1991) historical analysis of migrant worker programs provides a compelling lens for examining how racialized labour has been systematically devalued and controlled. For my focus on migrant worker programs, Satzewich’s 1991 history offers persuasive examples of how migrant workers were first characterized as dangerous to Canadian society, unassimilable, and uncivilized. His book begins with a series of quotes from the Canadian government, summarizing how they effectively communicate “implicit assumptions about the nature of Canadian capitalism, capitalism’s apparent incompatibility with unfree labour, and the importance of the idea of ‘race’ in the initial recruitment and subsequent allocation of foreign-born persons to particular sites in production relations” (Satzewich, 1991, p. 2):

It may well be argued that implementation of such a law is an infringement of the freedom of the individual and abnegation of human rights which cannot be justified in a democratic country. It involves applying a control and regimentation to immigrants which would be unacceptable to Canadians, at the same time as we profess an earnest desire to make these immigrants into good Canadian citizens. ... The denial of opportunity of a man to better himself is difficult to defend for it may be argued that the sum of self improvement is a national benefit. (Draft memo from the deputy minister to the minister, department of citizenship and immigration, 23 Oct 2021 [see Satzewich, 1991, p. 1])

Clearly, even the Canadian colonial leaders of the mid-20th century understood the delicate liberal distaste they faced should they apply *too* egregious a program of “control and regimentation.”

Seventy years later, Canada’s migrant labour programs remain deeply rooted in the ideologies and practices of British colonialism, even as they have adapted to shifting demographics, labour demands, and socio-political contexts. Despite significant transformations, these programs continue to reflect the racialized and gendered hierarchies of their predecessors. Canada’s two-tiered culture and economy, with white Anglo-European Canadians at the top, perpetuate systems of precarity and marginalization within the labour market.

In particular, Canada’s social reproduction and caring needs have relied upon and been constructed around the international flows of migrant labour and the “cheap” labour provided by migrant workers from the Global South and East (Hanley et al., 2017). As will be explored in greater detail later in this chapter, in the early phases of Canadian history, the import of British nannies marked the beginning of a structured approach to domestic work, primarily viewed through a colonial lens. This segment of care labour not only reflected class and gender norms but also became a template for later policies and attitudes towards migrant domestic workers. The entry of British nannies laid the groundwork for a domestic work landscape that would gradually expand to include a diverse group of racialized individuals, particularly from the Global South.

Statistics Canada (2022), the most reliable source by which to track documented workers, makes explicit the degree to which non-Canadian workers are the bedrock of the economy and labour force over the last decade: “Immigration has been the driving force behind Canada’s labour supply for many years. During the 2010s, over four-fifths of the growth in Canada’s labour force came from immigration” (slide 4).

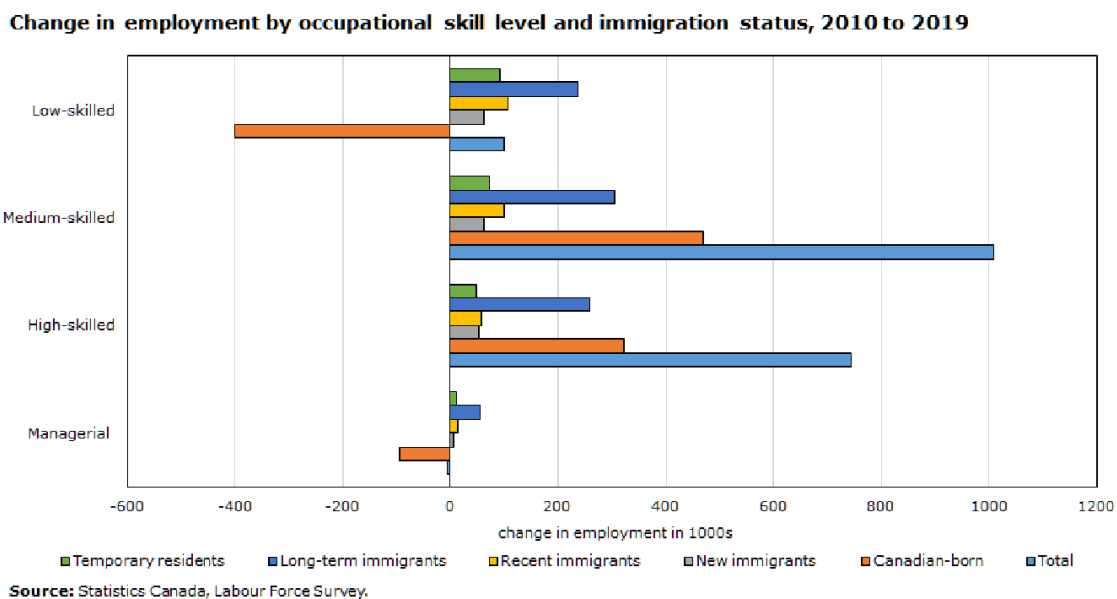


Figure 6. Change in employment by occupational skill level and immigration status (2010–2019)

This chart (see Figure 6) from the same report illustrates the extent to which the last decade of Canadian labour patterns has heavily relied on immigrant labour—a significant portion of which has been “temporary residents.” Canadians, on the other

hand, have all but fled from “low-skilled” occupations. As Statistics Canada details, employment for Canadian-born workers is concentrated in jobs that require a university education. Indeed, it seems Canadian-born workers are actually displacing immigrant workers in high-skilled occupations: “The percentage of university-educated immigrants in high-skill jobs decreased from 46% to 38% among recent immigrants with a degree” (Statistics Canada, 2022, slide 8). Articles detailing “Canadians stealing our jobs” must still be in the publishing pipeline.

However, while immigrants writ-large are a critical factor in Canada’s economy and labour force, TFWs who have not yet achieved “landed” status are themselves a significant and growing share of workers in Canada: “In 2019, TFWs accounted for 4.1% of the total T4 earners in Canada, a large increase from 1.9% in 2010” (Statistics Canada, 2022, slide 12). In 2016, the number of open work permit-holding TFWs in Canada was almost triple the number in 2001 (see Table 1):

Table 1. Number of Temporary Foreign Workers by Work Permit Type (2001–2016)

Table 1
Number of temporary foreign workers by work permit type, 2001 to 2016

	2001	2003	2005	2007	2009	2011	2013	2014	2015	2016
	number									
Total	232,600	255,400	294,300	375,300	496,700	560,600	649,700	644,500	602,800	613,200
OWP holders	87,000	124,700	145,700	176,900	244,200	309,500	363,600	358,000	342,400	377,700
Post-graduation work permit	2,400	3,400	7,400	11,500	24,300	43,600	69,000	82,500	91,700	117,700
International Experience Canada	19,200	26,000	39,400	49,000	69,400	90,500	93,800	86,700	85,600	90,800
For permanent residence purpose	16,900	18,600	16,800	14,300	14,500	21,500	17,600	19,400	27,500	35,000
For study purpose	3,900	4,900	8,400	28,100	36,300	54,200	75,600	68,000	56,200	57,600
Humanitarian and compassionate	40,500	60,400	56,600	51,700	71,200	65,900	55,300	46,100	30,200	25,700
Spouses of skilled workers/students	2,200	8,900	14,600	20,400	26,200	29,900	39,400	42,600	43,200	47,200
Other OWP programs	1,700	2,600	2,500	1,900	2,300	3,900	12,800	12,700	8,100	3,700
High-skill ESWP holders	106,700	86,600	93,700	112,400	130,800	137,100	158,300	157,400	146,500	135,900
Low-skill ESWP holders	34,400	39,800	49,000	74,800	105,000	86,900	92,000	99,300	90,700	77,800
Other types ¹	4,500	4,300	5,900	11,200	16,700	27,100	35,800	29,800	23,200	21,800

1. Multiple type work permit holders or holders of an employer-specific work permit without an identified skill level.

Notes: All numbers are rounded to the nearest 100. ESWP: employer-specific work permit; OWP: open work permit.

Sources: Statistics Canada, Temporary Residents File and Canadian Employer–Employee Dynamics Database.

Note: Table reproduced from Lu and Hou (2019)

This dissertation focuses on a particular slice of Canada’s reliance on and construction of “temporary” workers: those operating within the Canadian care economy. Like other sectors such as picking fruit and vegetables, package assembling, animal slaughtering, working in kitchens and other food service roles, caring for children and elderly are not aspects of the Canadian economy that are *temporarily* facing labour shortages; these are systematically devalued, underpaid, precarious jobs that over decades have been structurally dependent on flows of cheap migrant labour (Chowdhury, 2016).

The following section provides an overview of SAWP, which serves as a historical template for understanding Canada's approach to migrant labour. Although this dissertation focuses on care work, the SAWP—one of Canada's longest-standing migrant worker initiatives—has significantly influenced the framework and policies of subsequent temporary foreign worker and caregiving programs. By tracing the origins and development of the SAWP, this section establishes the foundational structures from which caregiving programs have evolved and provides crucial context for understanding how current care worker programs reproduce patterns of precarity, control, and racialized exclusion first institutionalized in agricultural and general labour programs.

3.3.2. The Seasonal Agricultural Workers Program

As this discussion will highlight, state statistics cannot be relied upon to reliably represent migrant workers' experiences. The SAWP has long been an important part of Canada's agricultural sector. Canada has been importing temporary migrant agricultural workers since at least 1966, when Prime Minister Lester Pearson's Liberal government, through Agriculture Minister John Greene, established of the SAWP would import 264 Jamaican workers to solve a domestic labour shortage and would lay the foundation for migrant worker programs across North America (Walia, 2010; Perry, 2012, United Food and Commercial Workers, 2009).

The SAWP established the agricultural workers as distinct from Canadian citizens, workers, and other immigrants. Brought into Canada via short-term 6–8-month contracts, migrant farm workers are classified as “low-skilled” and “temporary.” The state then uses such classifications as justification to limit workers' access to settlement services open to other newcomers to Canada. Farm work, similar to other forms of social reproduction, is dangerous, difficult, and notoriously undervalued. Data from the Association of Workers' Compensation Boards of Canada (AWCBC) shows that from 2019 to 2021, the agricultural industry is Canada's fourth most dangerous for fatalities. While SAWP workers must maintain family ties abroad to demonstrate their intention to ultimately leave Canada, they can face significant wage deductions for employer-provided housing and transportation costs that reduce the wages available for remittances to said family while working in Canada. Migrant farm workers contribute via wage deductions to Canadian social and employment programs such as Employment Insurance but are unable to access or use such programs. Moreover, migrant farm

workers do not have the freedom of mobility; they are bound to their importing employer and are unable to quit their position and seek employment elsewhere. Only with the employer's explicit written permission and endorsement can a transfer of employment be arranged. SAWP has also punished repatriation provisions, where workers who raise concerns or grievances against or to an employer risk being deported immediately.

These administrative mechanisms—the employer-tied permits, restricted mobility, and complex application processes—would become hallmarks of Canada's approach to managing migrant labour. As I will demonstrate in subsequent chapters outlining my analysis of the 2019 Caregiver Pilots, similar tools of administrative control persist, though in evolved forms. Where SAWP workers faced explicit mobility restrictions, contemporary care workers navigate what Schmidt et al. (2023) term "bureaucratic violence" through processing delays and complex application requirements that achieve similar ends of worker control and precarity.

In sum, migrant farm workers under the SAWP have no say in their working conditions, wages, or representation. The United Food and Commercial Workers (2009), Canada's leading labour union for agricultural workers, concludes, "A system where employers are essentially unchecked when it comes to the treatment of workers. ... The result is a competing population of migrant and temporary foreign workers who are vulnerable, powerless ... and the backbone of the Canadian agricultural sector" (p. 7).

The SAWP, despite its exploitative conditions, continued to expand beyond 1966, and the historical precedence set in 1966 continues to shape the present-day dynamics of the program. The SAWP is open only to workers from Mexico or from eleven participating Caribbean Commonwealth nations, including Jamaica, Barbados, Trinidad and Tobago, and members of the Organisation of Eastern Caribbean States, who have signed bilateral agreements with Canada that pre-determine contract conditions. A recent report from researchers at Statistics Canada shows that from 2005 to 2014, the percentage of migrant workers in the agricultural industry more than doubled (Zhang et al., 2021). For example, in 2017, there were over 50,000 migrant agricultural workers in Canada. That year, the top five countries sending migrant farm workers were, in descending order, Mexico, Jamaica, Guatemala, the Philippines, and Thailand. Of these, only Mexican and Caribbean workers participate through SAWP specifically; workers from Guatemala, the Philippines, and Thailand enter through other streams of the

broader Temporary Foreign Worker Program. Of all these workers, Zhang et al. (2021) note that over 90% were classified as “low-skilled” and were working under a temporary foreign worker program.

For much of its history, the SAWP restricted migrant workers from having representation or joining a union. The province of Ontario, where the majority of SAWP workers are employed, banned agricultural workers from joining a union through the ironically named Agricultural Employees Protection Act (AEPA). The AEPA established that workers could not collectively bargain without at least “three ordinary and continuous employees” (United Food and Commercial Workers, 2009, p. 19), effectively excluding temporary and “un-ordinary” migrant workers. The AEPA was established by Premier Mike Harris's Progressive Conservative government in response to the landmark 2001 Supreme Court ruling under Chief Justice Beverley McLachlin in *Dunmore v Ontario* that forced the provincial government to establish a minimum standard of “the statutory freedom to organize” (Dunmore, 2001 para. 67). A further legal challenge would set the new precedent of the Fraser decision, instrumental in expanding the constitutional understanding of freedom of association to include *process*, such as collective bargaining. Judy Fudge (2018) described this as a “tipping point” that would ultimately lead to the incremental expansion of labour rights under Charter protection. This would culminate in the momentous 2015 Supreme Court of Canada decision, *Saskatchewan Federation of Labour v Saskatchewan (SFL)*, that would establish the right to strike as protected by the Canadian Charter of Rights and Freedoms (Fudge & Jensen, 2016). Justice Abella offered the majority decision, detailing:

The conclusion that the right to strike is an essential part of a meaningful collective bargaining process in our system of labour relations is supported by history, by jurisprudence, and by Canada's international obligations ... The right to strike is not merely derivative of collective bargaining, it is an indispensable component of that right. It seems to me to be the time to give this conclusion constitutional benediction. (SFL, 2015, para 23)

In this way, SAWP workers are instrumentally tied to the understanding of Charter rights in Canada. However, it is through their explicit exclusion from fundamental rights and their collective resistance that many other workers in Canada can now benefit from the rigorous legal precedence and broad understanding of the right to freedom of association. Therefore, despite such an important role, the SAWP remains a core

element of Canadian immigration and agricultural policy; the program's "success" has served as the foundation upon which a suite of temporary migrant worker programs have been established. Additionally, despite continued attempts at unionization and resistance against disenfranchisement, under the current economic system it remains extremely difficult to organize SAWP workers, and the vast majority do not have access to union representation. Arthur Leigh Binford (2019) describes the options available to SAWP workers as "toothless associations" with no real power to enter into and enforce binding agreements with employers. Thus, the situation of "transient servitude" remains, with migrant workers forced to accept precarious and exploitative conditions and ultimately be discarded by the Canadian state and their employers.

The powerlessness of these associations becomes starkly evident in documented cases of worker retaliation. Victor Robles, a Mexican SAWP worker who worked seasonally at Sidhu & Sons Nursery in British Columbia from 2006 to 2010, exemplifies the risks faced by workers who attempt to organize. After successfully unionizing alongside his colleagues through United Food and Commercial Workers (UFCW) Local 1518 in 2010, Robles was blocked from returning to Canada the following season. A leaked Mexican government document revealed that the Vancouver consulate had contacted Mexican officials specifically because "this worker will not be able to go to Canada because he is involved in union activities" (Certain Employees of Sidhu & Sons Nursery Ltd., 2014, para. 16).

The BC Labour Relations Board found that Mexican officials had instructed consulate staff "to inform him of any workers who had contacted the Union," with officials explaining that "if there were workers who they did not want to continue in the program, they would say the worker was denied entry into Canada" (Certain Employees of Sidhu & Sons Nursery Ltd., 2014, para. 25). The Board concluded that this systematic blacklisting created "a dramatic chilling effect on the Union's members," as other workers understood "that if they were perceived as a supporter of the Union, they could be blocked from returning to work the following year" (Certain Employees of Sidhu & Sons Nursery Ltd., 2014, para. 80). The tribunal also found that Mexico had "altered documents in an attempt to cover up its union-busting activities" (United Food and Commercial Workers, 2014). Despite this legal victory establishing systematic government interference, Robles and other workers faced years of legal battles and lost employment opportunities, demonstrating how employer-tied permits create a climate

where even successful organizing efforts can result in severe consequences for individual workers.

The SAWP established a core dynamic that defines migrant work programs: industries (a) claim a domestic worker shortage, (b) establish a “temporary” migrant worker program to solve the crisis, and (c) reinforce and expand these programs until the industry becomes structurally dependent on cheap migrant labour. This pattern, operating as a “temporary-to-permanent dependency cycle,” fundamentally shapes how we must understand the role of migrant labour in Canada's economy. Fudge (2012) succinctly summarizes this ouroboros/snake-eating-its-own-tail dynamic of “structural necessity” (Basok, 2002):

While the undesirability of work may have created the demand for migrant workers, the fact that migrant workers have significant mobility restrictions compared to workers who have permanent resident status perpetuates the poor terms and conditions of employment that resident workers will not accept. (Fudge, 2012, p. 103)

I argue the industries reliant upon temporary migrant labour should ask themselves—could you survive without exploited cheap foreign labour? For many, after decades of reliance on these programs, the answer appears to be “no”.

The prevailing narrative of temporary migrant worker programs as neutral solutions to labour shortages obscures how these programs institutionalize exploitation and create a self-perpetuating cycle of dependency, undermining the possibility of fair wages, decent working conditions, and equitable labour practices for all workers. This pattern extends beyond agriculture to sectors like care work, where similar dynamics reflect both systemic underfunding and racialized, gendered labour exploitation.

The structural dependence on temporary migrant labour reveals a fundamental contradiction within advanced capitalist economies like Canada's. Critical examination suggests that key sectors—particularly agriculture, service, and care work—would face severe operational constraints, if not systemic collapse, if required to compete in an open labour market with standardized wages and working conditions for workers. This raises significant questions about the conventional rhetoric of market competitiveness. When entire industries, especially those providing essential social services like food along with elder care and childcare, require a continuous supply of precarious migrant

labour to remain viable, it becomes evident that what is often framed as a "labour shortage" is, in fact, a structural feature of the contemporary political economy.

The fragility of this system becomes particularly apparent during periods of disruption. The COVID-19 pandemic of 2020 provided a stark illustration: the Okanagan Valley's agricultural sector witnessed significant crop losses when mobility restrictions interrupted the flow of migrant workers, leaving fruit to rot unharvested (Knox, 2020; Tritschler, 2020). This episode exemplifies how external shocks—whether pandemic-related, geopolitical, or environmental—can rapidly expose the vulnerabilities inherent in an economic system built upon precarious migrant labour. Such vulnerabilities challenge us to reconsider not just individual labour policies but the fundamental architecture of sectors that have become dependent on what is effectively a two-tiered labour market.

The SAWP in the 2020s

In many ways, the SAWP exemplifies Canada's reliance on a "permanently temporary" migrant workforce, a concept introduced earlier in this section. Established nearly six decades ago and continuously active since, the program highlights the Canadian agricultural sector's deep dependence on an annual influx of "temporary" workers—a reliance so entrenched that the sector would struggle to function without it. Data from Statistics Canada (2024) demonstrates the critical role of the SAWP in Canada's agricultural sector, though reporting delays mean current statistics typically lag by several years. Only in April 2024 were summary statistics for 2022 available. Statistics for 2023 and 2024 remain unavailable as of the time of writing. In this sense, the SAWP lays the groundwork for a broader pattern of labour policy in Canada, one that uses temporary migration programs to address permanent labour needs and offers summary reporting to researchers and policy analysts years later, if at all.

Despite this lag in reported statistics, it is relevant to consider those which are available; in 2022, TFWs constituted nearly one-quarter (23.2%) of all agricultural employees, with 64,660 workers marking the third consecutive annual increase. The majority of these workers come from the Global South, with Mexico (44.3%), Guatemala (25.1%), and Jamaica (13.3%) being the primary source countries. Mexican participation notably grew by 1,718 workers in 2022, the largest increase among all countries. The geographical distribution of agricultural TFWs within Canada is concentrated in Ontario, which employs 41.9% of all workers.

Table 2. Total Employees in Agricultural Sector and Select Industries (2018–2023)

In Canada, with industries 1112, 1113, 1114 broken down by total, seasonal, and temporary foreign worker categories

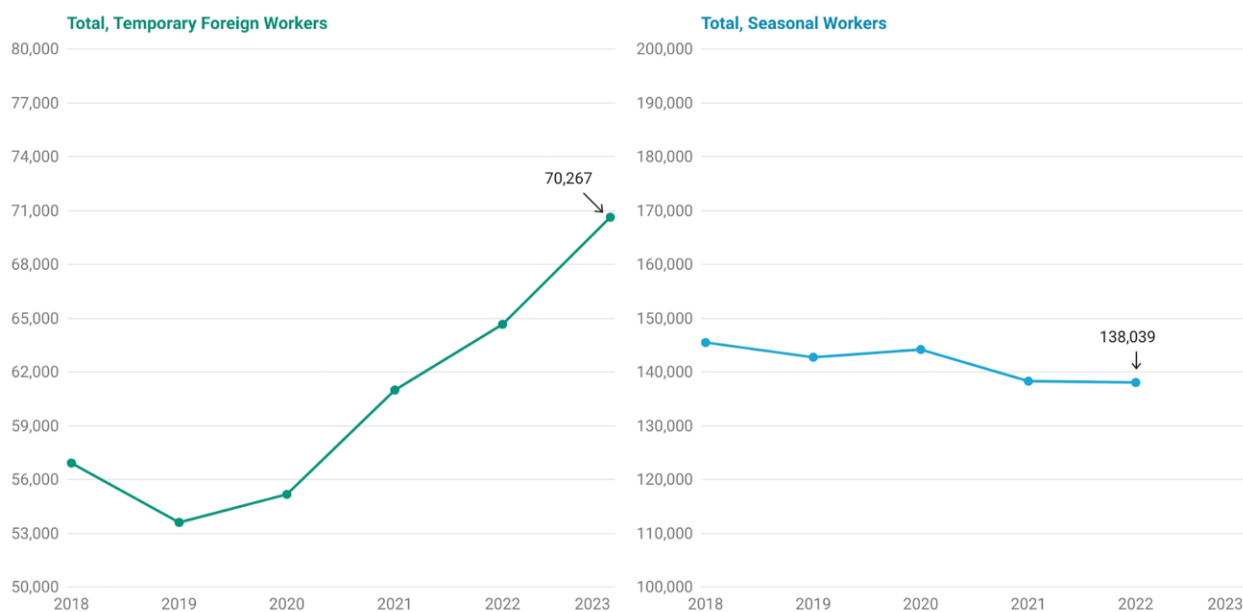
Statistics	Year	Agricultural industries, total	Vegetable and melon farming [1112]	Fruit and tree nut farming [1113]	Greenhouse, nursery and floriculture production [1114]
Temporary foreign workers	2018	56,919	13,147	14,085	19,301
	2019	53,605	11,906	12,777	19,234
	2020	55,171	11,749	11,716	21,360
	2021	60,992	12,880	13,119	22,406
	2022	64,660	14,702	12,249	24,701
	2023	70,267	16,095	12,385	26,355
Total number of employees	2018	282,411	34,331	33,191	58,229
	2019	279,640	34,962	32,625	57,885
	2020	278,762	36,140	30,820	59,737
	2021	276,977	35,028	31,037	61,015
	2022	278,373	34,423	30,263	62,047
	2023	282,411	34,331	33,191	58,229
Seasonal employees	2018	145,484	24,639	27,282	31,447
	2019	142,727	25,435	26,500	31,192
	2020	144,170	26,192	24,993	31,220
	2021	138,291	25,883	24,809	30,340
	2022	138,039	24,859	24,341	30,119
	2023	138,039	24,859	24,341	30,119

Values for 2023 are preliminary only

Table: Alicia Massie, 02-2025 • Source: Statistics Canada, Table: 32-10-0215-01 • Created with Datawrapper

Seasonal and Temporary Foreign Workers, 2018-2023

Totals for Canada, all Agricultural Industries



2023 total is preliminary only

Chart: Alicia Massie • Source: Statistics Canada, Table: 32-10-0218-01 • Created with Datawrapper

Greenhouse, nursery, and floriculture production stand out as particularly alarming cases within Canada's agricultural sector. This sub-sector relies on seasonal workers for 50% of its workforce with TFWs accounting for 74% of those seasonal workers in 2021 and 84% in 2022. Similarly, in fruit and tree nut farming, 80% of workers are seasonal, and TFWs made up nearly half of all workers in that sub-sector in the same year. While, at the time of writing, detailed statistics for 2023 are not yet available, preliminary data from Statistics Canada (2023) indicates that the number of TFWs in agriculture continues to rise (see Table 1).

These extraordinary levels of dependency—with entire agricultural sub-sectors relying on migrant workers for the vast majority of their labour force—create conditions ripe for exploitation. When industries become structurally dependent on workers who lack mobility, bargaining power, and permanent status, the human cost is tragically evident. This reality was painfully illustrated during the COVID-19 pandemic through the case of Bonifacio Eugenio Romero, a 31-year-old Mexican worker who died of COVID-19 on May 30, 2020, while working at Woodside Greenhouses in Ontario. Romero had been sharing "a large bunkhouse with 21 others" before being moved to isolation, highlighting the overcrowded living conditions that made workers vulnerable during the pandemic (Baum & Grant, 2020). Coming from an "economically humble town" in Puebla, Mexico, Romero represented the millions of workers whose economic desperation makes them vulnerable to exploitation within Canada's agricultural system (Clementson, 2020). Health experts concluded that "Bonifacio's death was avoidable" and called for governments to "address the larger barriers faced by this population" (Migrant Worker Health Project, 2020). Such a preventable death, occurring nearly six decades after SAWP's establishment, illustrates how deeply entrenched worker powerlessness remains within the program's structure—a powerlessness that becomes lethal when industries achieve near-total dependency on vulnerable migrant labour.

The vulnerability of SAWP workers extends beyond pandemic conditions to include climate-related hazards that are intensifying with global warming. During the unprecedented 2021 Pacific Northwest heat dome—the deadliest disaster in British Columbia's recorded history with 619 heat-related deaths—SAWP workers found themselves trapped in inadequate housing with no institutional recourse for relief. Alvita, a 37-year-old mother from Jamaica who had worked in SAWP since 2014, described the life-threatening conditions in her overcrowded bunkhouse: "I'm telling you, if it is

summer, you are going to die because you can't sleep in it ... all of that heat piercing in from the sun ... It is so hot. Like naturally, just walking in the heat makes you feel dizzy. It's like you're in a furnace. And there is no fan, there is nothing. No windows you can open up, no nothing" (Kostuchuk & Weiler, 2024). Despite having worked in the program for over a decade, Alvita and her colleagues lacked any meaningful channels through which to demand basic safety measures like fans or ventilation during record-breaking temperatures. The program's structure systematically excludes workers from decision-making processes that affect their safety, leaving them without recourse even when facing potentially lethal environmental conditions. Such testimonies illustrate how SAWP's institutional framework constrains workers' ability to advocate for their own protection, rendering them vulnerable to both economic exploitation and environmental hazards—vulnerabilities that will only intensify as climate change accelerates.

Recent research confirms that these individual cases of worker vulnerability reflect systemic patterns that persist across multiple domains of SAWP workers' experiences. A 2022 study of over 50 migrant agricultural workers across Ontario and British Columbia found that employer-provided housing serves as "not only a key determinant of health, but also a key determinant of death" (Caxaj & Weiler, 2022, p. 1). Workers described a system designed to conceal exploitation, reporting that "housing inspections by Canadian officials were ineffective because employers were notified beforehand of the visit," thus allowing employers to "conceal substandard housing conditions, and even stage or misrepresent the housing units that workers were living in" (Caxaj & Weiler, 2022, p. 4). The structural constraints on worker voice become evident in their testimony that "reporting concerns related to their housing posed a great deal of risk to their employment and permission to work in Canada," with workers understanding that voicing concerns could jeopardize their employer's decision to "nominate them to return to the program the next year" (Caxaj & Weiler, 2022, p. 4). However, even within these constraints, workers demonstrated agency by providing "unique insight into the causes of substandard living conditions, and to potential solutions," including recommendations for open work permits, unannounced inspections, and permanent residency rights (Caxaj & Weiler, 2022, p. 3). These testimonies reveal how SAWP's structure systematically undermines workers' ability to advocate for basic safety while simultaneously demonstrating their capacity for critical analysis and solution-generation when given the opportunity to speak.

These individual testimonies reveal the human cost of how temporary labour has become entrenched within Canada's economy while systematically constraining workers' ability to advocate for their own protection. What began as a short-term solution to seasonal labour shortages has evolved into a foundational component of the agricultural sector that depends on worker powerlessness for its continued operation. The program's persistence and growth underscore a reliance that extends far beyond addressing "labour shortages" or filling seasonal gaps; it has become a systemic feature of Canada's workforce that institutionalizes vulnerability as an economic strategy.

The SAWP's trajectory illustrates the broader trend in Canadian labour policy that prioritizes capital flexibility over worker security. The program's "success" in meeting the demands of agricultural capital while denying workers meaningful channels for advocacy laid the groundwork for an expanded vision of temporary migration management. This sets the stage for understanding Canada's broader TFWP, which shares the SAWP's underlying framework: providing temporary solutions to labour shortages that are, in reality, structural characteristics of certain industries, while ensuring workers remain unable to effectively challenge exploitative conditions.

As this temporary labour model expands from fields and greenhouses to the homes and care facilities of Canada, the patterns of worker constraint and systemic dependency continue to unfold. The next section traces the genesis and growth of the TFWP, examining how what was initially a stopgap measure has become a staple of the Canadian labour landscape. I explore how the TFWP not only replicated the SAWP's model of constrained worker voice but extended it to a wider array of industries, casting a larger net of "permanently temporary" workers across the nation. This systematic approach to labour—characterized by precariousness, marginalization, and economic expediency—extends the SAWP's legacy and sets the stage for the deeper analysis of migrant care worker programs at the heart of this dissertation.

3.3.3. A Brief History of the Temporary Foreign Worker Program

The TFWP has its roots in Canada's first migrant worker program, including the SAWP and the 1973 Non-Immigrant Employment Authorization Program (NIEAP). Both the SAWP and the NIEAP marked a significant shift in Canadian immigration policy and implemented a series of restrictions that became the core of the TFWP, including work

permits tied to employment status, labour mobility restrictions, and prohibition on changing immigration status or applying for work permits within the country. These restrictions essentially blocked the path to permanent residency for migrant workers, re-subordinating many non-white entrants as temporary foreign workers without many residents' rights.

Throughout the subsequent decades, Canada's migrant worker programs evolved into multiple streams targeting the specific needs of various industries and occupations. Each stream has its own particular restrictions and obligations. By the 1990s, the TFWP mainly served high-skill occupations, with two additional “low-wage” streams for agricultural workers (via the SAWP) and live-in caregivers (LCP). The latter will be discussed in greater detail in the next section.

In 2000, under pressure to offer greater options to employers for low-wage low-skilled workers, Prime Minister Jean Chrétien's Liberal government, with Immigration Minister Elinor Caplan, established the Low Skill Pilot Project (LKPP) (Fudge & MacPhail, 2009). The first of many pilots I will discuss in this history, the LKPP relied on the classification of workers as “low-skilled” in occupations that needed no more than a high school education or 2 years of on-the-job training. The LKPP would dramatically expand the industries and occupations eligible under the TFWP. The TFWP would evolve again in 2002–2003 with the implementation of the Immigration and Refugee Protection Act (IRPA) in 2002 (Vosko, 2022). IRPA would enshrine the characteristics first outlined in the SAWP, where host employers could hire temporary migrants to work in positions where they could demonstrate they were unable to find domestic workers.

In 2006, Prime Minister Stephen Harper's newly elected Conservative government would extend the LKPP and implement changes to the TFWP designed to speed up processing times and “fast track” certain employers in Alberta and British Columbia (Carlaw, 2021; Fudge & MacPhail, 2009). Under these changes, the number of workers entering the country via the TFWP would steadily increase through to 2008, when, for the first time, the number of migrant workers would surpass the number of permanent immigrants coming to the country (Nakache & Kinoshita, 2010).

As of 2025, the TFWP co-exists alongside a second international migrant employment program, the International Mobility Program (IMP). The IMP was introduced

in 2014 under the Harper government, with Jason Kenney as Minister of Employment and Social Development to (ironically) reduce the expansive size and scope of the TFWP (Vosko, 2022). Distinct from the TFWP, the IMP is designed to facilitate Canadian competitiveness and targets “high-skilled” or professional workers (Chartrand & Vosko, 2021). In many ways, the IMP follows the development of other international agreements such as the North American Free Trade Agreement.

Recent analyses by Vosko (2022) demonstrate that the IMP has now outpaced the TFWP in terms of work permit holders. On the surface, this could appear to be a positive shift. The shrinking of the TFWP and the introduction of stricter administrative and regulatory conditions was largely understood as a response to consistent criticism and negative public opinion of the program (Vosko, 2022). These changes included relatively high employer application fees, stringent demonstration of need requirements, and the introduction of inspection systems for workplaces (Tucker et al., 2020).

However, as Vosko (2022) points out, these changes may not have yielded actual improvement to the exploitative terms and conditions of migrant employment. The persistence of employer-tied permits across both programs continues to create profound vulnerability for workers. This vulnerability extends across multiple sectors, from financial services to the food service industry, revealing the systematic nature of worker constraint within the TFWP structure.

The 2013 Royal Bank of Canada (RBC) case demonstrates how employer-tied permits also operate in white-collar sectors. Dave Moreau and dozens of his colleagues at RBC discovered they were losing their jobs to temporary foreign workers brought in by outsourcing firm iGATE Corporation. Moreau, who worked in IT systems support, was required to train his own replacement—a worker from India who “asked a lot of questions and doesn't know a major portion of the type of systems that we are working with” (Tomlinson, 2013). When questioned about the visa process, employees were told this was “almost like a pilot project” that might expand to affect more of RBC's 57,500 Canadian employees (Tomlinson, 2013).

The food service sector has produced even more documented cases of extreme exploitation. In 2014, McDonald's locations in Victoria, British Columbia, came under federal investigation when employee Kalen Christ revealed a systematic pattern where

"temporary foreign workers are getting more shifts and that the Canadians are getting less" despite up to 50 locals applying for work (Tomlinson, 2014a). Foreign workers at these locations were sometimes paid up to 20 percent more than Canadian employees, creating divisions that served employer interests while constraining both groups of workers. When the scandal expanded to Edmonton, temporary foreign workers from Belize described conditions they characterized as "slavery," forced to live in company-designated expensive apartments with rent deducted from nearly half their take-home pay (Tomlinson, 2014b). As one worker explained: "When we arrived at the airport, they said, 'We already have an apartment for you,' so at that point we already know we don't have a choice of where to live" (Tomlinson, 2014b).

Similarly, extreme conditions emerged at Tim Hortons franchises in Fernie, British Columbia, where Filipino workers alleged that owner Pierre Pelletier systematically stole their overtime pay by driving them to banks, waiting while they cashed their paycheques, and demanding the overtime portion in cash (CBC, 2013a). Workers described constant threats of deportation, with one employee, Jenie Orense, recounting, "I was shocked ... I was so scared, I was crying. Nobody ever treated me that way. And especially, since I'm not in my own country, of course I feel afraid that all of a sudden I will be sent home" (CBC, 2013b). When workers attempted to resist, their hours were reduced from 40 to 15 per week, forcing them into multiple part-time jobs while maintaining their tied status to the abusive employer.

These cases reflect a broader pattern of systematic exploitation revealed in recent Amnesty International research based on interviews with 44 migrant workers from 14 countries. The 2025 report, "Canada Has Destroyed Me," demonstrates that tied visa systems enable what workers describe as "modern slavery," encompassing wage theft affecting most workers, excessive 70–80 hour work weeks with zero rest days, racist psychological and sexual abuse, passport confiscation, surveillance through installed cameras, and housing exploitation where workers are forced into overcrowded accommodations with rent deducted from up to half their wages (Amnesty International, 2025). The report documents how employers systematically use deportation threats to maintain control, with workers terminated and repatriated when they fall sick, suffer injuries, or attempt to resist exploitative conditions. Recruitment itself becomes a site of exploitation, with workers charged illegal fees ranging from \$600 to \$45,000 despite

federal prohibitions, creating debt bondage that further constrains their ability to challenge abuse (Amnesty International, 2025).

Amnesty International's analysis concludes that these abuses cannot be attributed to "a few unscrupulous employers" but represent systematic violations inherent to the tied visa structure, which the organization identifies as violating Canada's international obligations regarding workers' rights, effective remedies, and racial non-discrimination (Amnesty International, 2025). The research reveals that the TFWP was expressly designed using "skills and nationality as a proxy for class and race," with 70% of workers coming from five Global South countries (Mexico, India, Philippines, Guatemala, and Jamaica), creating what the report terms "racialization of exploitation" where predominantly racialized workers are systematically channelled into precarious, exploitative employment while being excluded from pathways to permanent residence (Amnesty International, 2025). This systematic constraint operates across sectors—from the RBC IT workers forced to train their replacements, to McDonald's workers housed in company-controlled apartments, to Tim Hortons employees having overtime wages stolen through coordinated bank visits—demonstrating that the "opaque system" Vosko (2022) identifies functions not as an administrative failure but as a deliberate mechanism for maintaining employer control over constrained workers while obscuring the systematic nature of that constraint from public scrutiny.

The evolution of these programs reveals a sophisticated approach to managing public criticism while maintaining exploitative structures. Rather than addressing root causes, this reshaping of programs echoes a long-standing practice of Canadian "management" of race through immigration and employment policies (Elrick, 2022), where reshuffling programs, pilots, and subprograms under the TFWP/IMP serves more to ease public anxiety than to provide meaningful redress of exploitative labour and discriminatory immigration practices. In many ways, the lack of clear public information, the growing number of programs, subprograms, pilots, pathways, and other "governmentese" terms has led to an increasingly opaque system, difficult to parse for researchers, advocates, and migrant workers. The historical evolution of Canada's migrant care worker programs demonstrates this pattern well, as they have shifted from the TFWP to the IMP through several series of government revisions and pilot programs.

This proliferation of programs and pilots serves a dual function: providing employers with access to constrained workers while obscuring the systematic nature of that constraint from public view. The opaque system, then, is not an unintended consequence but a feature that prevents workers from understanding their rights across different streams and prevents advocates from mounting coordinated challenges to the overall structure. Through this historical lens, the evolution from LKPP to IMP represents not reform but refinement—a more sophisticated approach to maintaining what are essentially the same power relations that have characterized Canada's temporary migration programs since their inception.

3.4. An Overview of Migrant Domestic Work in Canada

3.4.1. Linking Agricultural and Domestic Labour: A Continuum of Migrant Work in Canada

This chapter now shifts to the specific realm of migrant domestic work in Canada, a sector that encapsulates a distinct yet interconnected facet of the broader migrant labour narrative. The historical backdrop of the SAWP and the TFWP reveals a pattern of systemic reliance on migrant labour shaped by economic needs, racialized hierarchies, and evolving policy frameworks. These programs, while primarily addressing labour needs in sectors like agriculture and general labour, have laid the groundwork for the development of specialized migrant care worker programs: The emergence and dynamics of migrant domestic work in Canada must be understood in this context. These programs are not isolated developments but deeply rooted in Canada's historical labour practices, reflecting longstanding trends of racial and gender discrimination. As I discuss the complexities of migrant care worker programs, it becomes evident how these historical forces have influenced the federal and provincial governance as well as the lived experiences of migrant care workers. This exploration is crucial for comprehending the nuanced challenges these workers face and the socio-political circumstances that shape their roles within the Canadian labour market

In examining the landscape of care work within Canada, a social reproduction feminist analysis points us to the persistent undervaluing of this essential yet demanding sector. Historically, care work has been marginalized in the broader economic narrative, seen as an extension of women's “natural” roles rather than a vital professional service.

Maria Mies (2014) articulates the concept of *superexploitation*, which she describes as the intensified exploitation of women's unpaid reproductive labour, as well as the non-wage labour of peasants and colonized peoples (p. 48). Superexploitation, she argues, extends beyond the capitalist appropriation of surplus labour—time and effort beyond what is necessary for the workers' own subsistence. Instead, it encompasses the appropriation of the essential labour time required for individuals' survival and subsistence production. This form of exploitation underscores a deeper level of economic and social inequity, where the fundamental labour sustaining daily life is systematically undervalued and extracted. Mies, alongside other Marxist feminists such as Silvia Federici and Heidi Hartmann, argues that this (super)exploitation of women's reproductive labour is an inherent part of capitalism and capital accumulation.

These tensions have resulted in what Fraser (2016) terms a “crisis of care” in a number of countries across the globe—a situation from which Canada is not exempt. Fraser succinctly summarizes this crisis as “a more or less acute expression of the *social-reproductive contradictions of financialized capitalism*” (p. 22). Fraser's (2016) work points out how these tensions, inherent to capitalist economies, are increasingly pushed onto the shoulders of low-paid racialized immigrant women and men.

In the context of widening wealth disparities and the redistribution of wealth among global working populations, many dual-earner middle-class families increasingly depend on low-paid domestic workers for childcare, eldercare, and housework. This reliance is a direct consequence of the vast development gaps between and within nations in the capitalist world economy, coupled with the persistent sexual division of labour and the degradation and privatization of domestic work. As neoliberal globalization progresses, US-led Western countries reinforce their political and economic dominance through military force and financial debt (Fraser 2016; Harvey 2007). In response, newly industrialized and developing nations implement neoliberal reforms aimed at economic growth, often at the cost of reduced public services and growing wealth inequalities (Ong, 2006). For countries like the Philippines, Indonesia, Bangladesh, and Malaysia, exporting gendered migrant labour as domestic workers to developed regions has become a vital source of remittance income. These nations have established national policies and government agencies dedicated to facilitating the export of their citizens and their labour (O'Neil, 2004; Piper & Yamanaka, 2005).

Many transnational female migrants are confined to feminized, low-income roles, such as domestic care, within the global economy. As previously mentioned, Hochschild's (2014) term "global care chain" explains how capitalism in the Post-Industrial Age increasingly depends on the care work provided by migrant workers, mainly women. These workers migrate from poorer to wealthier nations or move from rural to urban regions within impoverished countries, forming the critical backbone of contemporary economic systems. Canada is a significant player in this global and transitional superexploitation, particularly when considering migrant care work.

In Canada, the public system continues to fall short of providing adequate childcare and other family care programs—particularly as informal family networks become increasingly strained, more women enter the labour market full-time, Canada's population ages, and the cost of living steadily increases. Despite significant growth in the formal childcare sector from the 1970s through the 1990s (Tuominen, 1994), it still heavily relies on informal, often familial, arrangements to bridge the gaps. Social policies across various sectors shape a specific care regime that influences how a country addresses the care needs of children, seniors, and individuals with disabilities. For example, the Canadian government offers cash transfers to families instead of providing comprehensive national public childcare services. These policies promote the development of home-based, often low-paid, commodified care or domestic assistance, typically accessed privately through the market (Williams, 2011).

One response to this crisis has been the implementation of migrant caregiver programs. These programs offer pathways for Canadian employers to hire caregivers from abroad while providing a route to permanent residency for qualified migrant care workers. A persistent issue in the care sector, especially for direct care roles, is the ongoing shortage of workers for paid care positions, particularly live-in roles. This shortage has led to a significant increase in recruiting caregivers from overseas to meet the demand for care work in Canada, especially in childcare and eldercare. As the need for care work continues to grow, countries with market-based care regimes, like Canada, have continued to rely on and expand their migrant care work programs to ensure a steady supply of affordable migrant labour to fulfil this demand.

The remainder of this chapter examines the history of migrant care worker programs in Canada through to 2014, offering a classic example of how the

intersectionality of gender, race, and immigration status disproportionately channels migrant women into undervalued and undesirable care work. Despite the introduction of several revised and purportedly “improved” programs, the fundamental conditions of these workers have seen little improvement as the structural and institutional forces underpinning their exploitation remain largely unchanged. The global care chain—as a product of neoliberal reforms, capitalist globalization, national labour export policies, and the international sexual division of labour—continues to position migrant women as the ideal labour force in advanced economies. The essential yet undervalued nature of care work, heavily relied upon for Canada’s societal functioning, exposes the paradox and perpetuation of marginalization and exploitation within the global and national frameworks.

However, this institutionalized racism and precarity is not uncritically accepted by migrant care workers. The history of migrant care work policy and state power is also the history of care activism (Tungohan, 2023) and the consistent, relentless, and caring organized and individual resistance on the part of migrant workers and their activist organizations.

3.4.2. The Early Landscape of Migrant Domestic Work

British Nannies and Early European Domestic Workers (19th century–1960s)

In Canada’s early 20th century, European domestics, primarily from the United Kingdom, were recruited with fewer restrictions and granted landed immigrant status. These “white British” domestics were seen as suitable future Canadian wives and mothers, playing a significant role in nation-building (see Table 3).

Table 3. Female Domestic Servant Arrivals at Ocean Ports (1904–1961)

Total	1904-14	117,568;	1919-30	123,982;	1951-61	82,937		
	TOTAL	ENGLISH	SCOTTISH	UNITED KINGDOM IRISH		WELSH		
1904-14	90,028 (76.6)	54,396	25,692	8,983		957		
1919-30	74,427 (60.0)	27,556	22,909	9,985		970		
1951-61	7,479 (6.0)	3,363	2,840	1,163		113		
	TOTAL	SWEDISH	NORWEGIAN	WESTERN EUROPE DANISH		FINNISH	OTHERS	
1904-14	8,094 (6.9)	1,907	1,613	429		2,094	2,051	
1919-30	14,179 (11.4)	1,779	1,744	1,483		7,086	1,562	
1951-61	10,487 (12.6)	161	423	991		1,150	7,762	
	TOTAL	GERMAN	AUSTRIAN	CENTRAL AND EASTERN EUROPE HUNGARIAN		UKRAINIAN	POLISH	OTHERS
1904-14	15,387 (13.1)	1,342	1,108	442		↔ 8,047 ↔	8,294	4,448
1919-30	30,814 (24.9)	5,271	120	1,131		5,249	8,294	10,803
1951-61	35,116 (42.3)	24,840	2,028	2,239		289	1,423	4,297
	TOTAL	ITALIAN	GREEK	SOUTHERN EUROPE SPANISH		OTHER		
1904-14	1,110 (.9)	1,029	62	16		3		
1919-30	1,989 (1.6)	1,448	497	9		35		
1951-61	27,160 (32.7)	18,402	7,642	410		706		

Compiled from *Annual Reports*, Department of the Interior, 1904-14; Department of Immigration and Colonization, 1919-30; Department of Citizenship and Immigration, 1951-61.

The statistics are by nationality for the years 1904-14, 1919-26 and by ethnic group for the years 1927-30, 1951-61.

No breakdown is available for the 13,007 British domestics who arrived in the years 1925-26 so the totals for English, Scottish, Irish and Welsh in the years 1919-30 are not complete.

Note: Table reproduced from Barber, 1991

As discussed earlier, a crucial element of understanding Canadian state ideology and action towards migrant care work is the foundation of Canada as a colonial nation.

As Bakan and Stasilius (1997, p. 32) explain,

Canada's vision of its place in the world, until at least World War Two, coincided with the global dimensions of the British Empire. This was reflected in Canada's citizenship laws, which, prior to 1947, defined Canadian nationals not as "Canadian citizens" but as "British subjects."

As a result, state policy (notably immigration policy) was written with the explicit and implicit goals of aligning as closely as possible to a white British subjectivity. In some ways, this resulted in a willingness to put aside the strict class British class hierarchies governing certain forms of identity and work such as in-home domestic work. Indentured servitude and paid and unpaid domestic work have a long-storied history in Europe and in Britain. Britain itself long relied on and exploited women of colour, such as colonized women from India, to uphold colonial rule through indentured service and outright slavery (Faruquee, 1996). Britain itself had domestic service as an important job available to middle-class women throughout the 19th century, with only the global upheaval of the

World Wars shaking concepts of gender, labour, and economy sufficiently to see domestic servitude fall out of common practice (Cox, 2006).

Following the wars, Britain underwent a significant period of cultural and ideological restructuring and a strong turn to a preoccupation with the escalating tensions of race, empire, gender, and family. As Noble (2015) explains,

Whereas prior to the war, domestic work had been the main source of employment for working-class women, the postwar decline of domestic service had threatened the ideological and class distinctions between the work of the middle-class, professional working woman and that of the working-class, "unskilled" working woman. (p. 60)

One result of post-war, racially gendered class politics was the ideological project of reasserting who, and what, could be deemed the ultimate "English" family. Noble (2015) argues both "white-ness" and "Englishness" were used to symbolize the virtuousness of the liberal nation. Consequently, such a positioning also served to establish a strong racial and class hierarchy among the type of work performed by "English" women and the colonial empire's non-white subjects.

As a colonial subject of Britain that still considered itself and its population as British citizens, the Canadian state can be understood to have undergone a similar process of ideological restructuring. Pre-war, white British women were already an important source of immigrant domestic labour for Canada (see Table 3 above; following the war, the Canadian state began to structure a hierarchy where these white English women were seen as the pinnacle of immigrating workers (Barber, 1991). Not only were such white women valued for their labour, but they were also admitted to the colony for their value as future wives and mothers. These women were nation-builders, civilizers, the "daughters of the Empire" and "mother of the race" (Arat-Koc, 1997).

Following the ideological shifts in Britain, World War II catalyzed further changes in Canada's approach to domestic labour, particularly in its racial and ethnic hierarchies. With a severe shortage of domestic workers during the war, Canadian immigration policies turned towards East European refugees. This marked a significant shift from the established norm of predominantly British domestics. While these refugees from Baltic origins, of Protestant faith, were ostensibly less "desirable" than their British counterparts in the eyes of Canadian authorities, they were nonetheless seen as a necessary solution

to Canada's perceived domestic labour crisis. Barber's (1991) excellent history of this period reveals the horrifying and revealing attitudes of Canadian state officials towards such a selection, pointing to the powerful control of Arthur MacNamara, the Canadian Deputy Minister of Labour who personally coordinated the domestic contract program:

Employers as well as government officials preferred younger women whom they believed were "quicker to pick up the language, more obedient to instructions, not as definitely set in their opinions as older women". Experience in domestic work could not be required of young women who had spent most of their adult years as refugees but alternative skills, such as higher education, could be grounds for rejection ... officials believed educated women were more likely to become discontented. (Barber, 1991, p. 19)

Barber (1991) also makes the incisive point that in this post-war period, following a global upheaval and reckoning with the genocide and ethnic cleansing of Hitler's Nazis, "neither the war nor the Nazi death camps made Canadians query the ranking of immigrants by ethnicity" (p. 19).

In the aftermath of World War II, Canadian immigration policy continued to evolve, reflecting a complex interplay of race, gender, and class. This period highlights a transitional phase in Canadian policy, where the pragmatic needs of labour began to challenge and reshape the earlier racial preferences. The post-war years saw the introduction of special immigration movements, inviting German, Italian, and Greek domestics under conditions that were more stringent than those applied to British domestics (see Barber, 1991). This distinction in policy application underscores the deep-rooted racial and ethnic biases within the Canadian immigration system. However, it was "Third World" women of colour who faced the most restrictive and coercive policies. Non-British women immigrating through the program were often indentured to Canadian families for a year, reflecting a departure from the unconditional residency rights previously afforded to European domestics.

Faced with an ongoing demand for domestic labour and a reluctance to fully embrace non-European workers, in the 1950s the Canadian state cautiously initiated programs to incorporate domestic workers from the British West Indies. Initially, these policies were marked by apprehension and racial prejudices, evident in the medical examinations uniquely imposed on these Black women workers. Despite formal rights to landed status, these women faced medical testing for venereal disease, a practice

steeped in racial and sexual stereotypes. The initial “test” group of 100 women from Jamaica and Barbados, scrutinized under these discriminatory practices, represented a tentative step towards diversifying the domestic labour force (Barber, 1991).

This cautious approach soon transformed into a more structured system with the implementation of quotas. By 1965, the quota had expanded significantly, allowing for the immigration of 2,960 women from the Caribbean, surpassing the total number of West Indian immigrants before 1945. These quotas, while ostensibly a response to labour demands, were deeply entrenched in a colonial mindset, reinforcing racial hierarchies and perpetuating the marginalization of non-white workers. They served both as a mechanism to manage labour shortages as well as a tool to maintain the societal order that privileged whiteness and positioned others as marginal.

This period of Canadian immigration history reveals a complex interplay of racial, gender, and class biases. The structuring of domestic workers based on ethnicity and race, underpinned by colonial ideologies, had profound implications on the Canadian labour market and societal fabric. It underscored a persistent colonialist worldview within Canadian policies, where managing labour needs is intrinsically linked to maintaining racial and gender hierarchies. These historical changes in Canadian immigration policy, marked by increasing restrictions and racial hierarchies, also set a critical backdrop for the next phase of migrant care worker policies. The 1970s and 1980s introduced significant shifts, notably with TEAP and the Foreign Domestic Movement (FDM) reshaping the landscape of migrant care work in Canada.

3.4.3. The Institutionalization of Temporary Status: TEAP and NIEAP (1973–1992)

The 1973 introduction of the TEAP and NIEAP marked a crucial shift in Canada's approach to migrant care work, institutionalizing temporary status and precarity in ways that would shape policy for decades to come. These programs, emerging during a period of significant economic restructuring in Canada, established new mechanisms through which Canadian employers could employ migrant workers, primarily from Global South countries, to work in low-paid sectors. This shift occurred against the backdrop of increasing labour demands in Canada's care sector, coupled with growing resistance to

the previous immigration pathways that had allowed domestic workers, particularly from the Caribbean, to achieve permanent residency.

Nandita Sharma's (2006) historical account of NIEAP's establishment reveals how nationalism served to naturalize both the labour exploitation and racialized othering of foreign migrant workers. The programs introduced unprecedented restrictions: workers were forbidden from changing employers, excluded from collective bargaining rights, and subjected to stringent living and working conditions. These restrictions represented what Chowdhury (2016) terms "the hyper-regulation and marginalization of migrant communities" (p. 143), creating a framework of control that extended beyond mere labour management into the intimate details of workers' lives.

The impact on Caribbean domestic workers was particularly severe, marking a dramatic reversal from previous policies. Where earlier programs had provided at least theoretical pathways to permanent residency, the new system explicitly entrenched workers' temporary status. State documentation from this period reveals the coercive nature of this arrangement, exemplified in official communications warning workers that they "must follow the terms of your employment authorization while in Canada. If you do not, you may be asked to leave the country" (Citizenship, 1994). This language, seemingly a neutral "responsibility-oriented" instruction, masked a system of state-sanctioned precarity that would become increasingly sophisticated in subsequent decades and continues into the present.

Theorizing Liminality and Labour Unfreedom

The theoretical framework of *liminality*, developed by anthropologist Victor Turner (1967), provides a powerful means for understanding the existential condition created by these programs. Turner's concept of liminality—describing a state of being "betwixt and between" established social categories—nicely captures the position of migrant care workers under TEAP and NIEAP. However, where Turner's original theorization focused on temporary ritual states, I argue that the liminality experienced by migrant care workers becomes a permanent condition—what I believe we could call a *persistent liminality*. Other migration scholars discuss similar dynamics in migration policy, including Orrenius's (2025) analysis of how temporary fixes to immigration policy in the United States have enabled migrants to remain "for years and even indefinitely without

lawful permanent resident status" (p. 1), creating a state where the supposedly transitional becomes entrenched and enduring.

This institutionalized liminality operated on multiple levels. Legally, workers existed in a grey zone between temporary and permanent status, their presence in Canada contingent on maintaining specific employment relationships. Socially, they occupied an ambiguous position—essential to Canada's social reproduction yet deliberately excluded from its social fabric. Economically, their labour was simultaneously vital and devalued, creating what Roxana Ng (1990) has identified as a paradox of essential yet marginal labour.

By 1992, when the Live-in Caregiver Program would replace these earlier schemes, the fundamental architecture of temporary migration and controlled precarity was firmly established. The TEAP and NIEAP period (1973–1992) thus represents more than a historical episode; it marks the institutionalization of temporary status as a tool of labour control, establishing patterns that would persist through subsequent policy iterations. Understanding this period is crucial for analyzing contemporary care worker programs, as it reveals how current practices of temporary labour migration are rooted in deliberate policy choices rather than natural or inevitable developments.

In their 2005 study, Stasiulis and Bakan highlight that the non-citizen or partial-citizen status of temporary workers in Canada hinders their ability to safeguard their basic human rights. This challenge is particularly acute for migrant caregivers due to the unregulated nature of their workplaces and their dependence on various state and non-state gatekeepers. Migrant care workers occupy fraught positions on what Satzewich (1991) argues is a spectrum of freedom and unfreedom that characterizes contemporary labour systems under neoliberal globalization. While immigrants are typically perceived as future integrated members of society, migrant workers occupy a precarious space marked by temporality and exclusion from the social and political life of the host nation.

Fudge (2019) argues that there is now some consensus around the idea of a “continuum of labour unfreedom” (p. 112). The ILO adopts such an idea, explaining,

It may be useful to consider a range of possible situations with, at one end, slavery and slavery-like practices and, at the other end, situations of freely chosen employment. In between the two extremes, there are a variety of employment relationships in which the element of free choice by the worker

begins at least to be mitigated or constrained, and can eventually be cast into doubt. (2009, pp. 8–9)

Thus, for the ILO, free choice is the knife's edge dividing freedom and unfreedom. However, this approach has been criticized, as the question of choice is not a straightforward one. Klara Skrivakova (2010), in her critique of the ILO's definition and discussion of forced labour, explains that a common misunderstanding is that many individuals may "freely" enter into an employment relationship they did not realize they would be "unfree" to leave. She positions freedom of choice relative to labour within a frame that considers power:

From the perspective of decent work, freedom of choice means that the worker possesses bargaining power and is able to negotiate with the employer about terms and conditions of employment without facing any punishment. In a situation of forced labour, the power of the employer to impose conditions and rules is absolute and the worker is unable to refuse without facing some kind of penalty. (Skrivakova, 2010, p. 7)

Skrivakova (2010) argues for a much broader understanding of the conditions and criteria that can contribute to the unfreeness of labour, including "legal framework, labour market functions and failures, crime, migration, individual agency and status" (p. 16). Such an approach returns our gaze to state power and the ideological and political process of racialization, a process Satzewich (1991) sees as inherent to unfree labour: "Unfree labour under capitalism is inherently linked to racism and the creation of certain subjects who are outside the pale of freedom" (p. 187).

From Policy to Practice: Control, Racialization, and Lived Experience

The theoretical frameworks of liminality and labour unfreedom found their concrete expression in the daily experiences of migrant care workers under TEAP/NIEAP. Beyond their administrative functions, these programs create profound social and psychological disorientation. Migrant care workers navigated an intricate web of regulations and expectations while remaining subject to the often-arbitrary power of both state actors and individual employers. Their experience exemplified what Banerjee et al. (2018) describe as "precarity by design," where institutional structures deliberately create and maintain workers' vulnerability.

This institutionalized precarity operated through multiple, interconnected mechanisms of control. First, the program granted unprecedented authority to employers

over both the working and living conditions of migrant care workers. Unlike previous immigration streams, NIEAP created what Goffman (1961, p. 11) would identify as a “total institution” of control; a characterization that Sharma's (2006) detailed account of employer authority over workers' living arrangements, mobility, and social connections empirically documents. Second, state mechanisms of surveillance and regulation created what Citizenship and Immigration Canada internally termed “positive control points” (Citizenship, 1994), effectively transforming basic administrative procedures into tools of compliance.

The racialized nature of this control system became particularly evident in its impact on Caribbean domestic workers. Their positioning at the lowest rung of the domestic labour market reflected more than simple labour market dynamics. Caribbean workers, despite their long history of contribution to Canadian society, found themselves subject to increasingly restrictive conditions that limited their mobility, rights, and opportunities for permanent settlement, explained here by Satzewich (1991, p. 191):

“Black” migrants were defined as potential problems, or as individuals who might disrupt the social order. This was not because of the political beliefs they may or may not have possessed, nor because of any apparent trade union militancy which they may have possessed, but rather because of the racist belief that as a “race”, they were unable to “assimilate” to the ‘Canadian way of life’.

The implications of TEAP extended far beyond its immediate policy framework, establishing patterns that would shape Canadian immigration policy for decades to come. These patterns include:

- The normalization of temporary status as a tool of labour control
- The use of administrative mechanisms to create and maintain worker precarity
- The embedding of racialized hierarchies within ostensibly neutral policy frameworks
- The expansion of employer control beyond traditional workplace boundaries

As I transition towards examining the 2019 Caregiver Pilots, these historical patterns provide helpful context. While contemporary programs may appear more progressive in their framing, they build upon foundations established during the TEAP/NIEAP era. The persistence of these structural elements—from employer-tied permits to restricted pathways to permanence—suggests not policy failure but rather the

deliberate maintenance of institutionalized precarity. This historical continuity helps me to analyze current programs, not as isolated policy initiatives but as evolving manifestations of long-established approaches to managing migrant labour in Canada.

3.4.4. The Foreign Domestic Movement (1981–1992): A Contradictory Path to Permanence

The FDM, introduced in late 1981 under Immigration Minister Lloyd Axworthy's tenure in Prime Minister Pierre Trudeau's government, represented a shift in Canada's approach to migrant care work, though one that maintained tensions between labour needs and immigration control. Axworthy, who served as Minister of Employment and Immigration from 1980-83, oversaw this policy change following activist pressure. For the first time, domestic workers could apply for permanent residency from within Canada after completing 2 years of live-in domestic work. However, as Jeanne Mikita (1994) notes in her history of the program, this liberalization came with caveats: "the initial status of domestics remained unchanged as unfree migrant labour" (p. 56).

The FDM's creation emerged from mobilization around a precedent—the 1978 deportation proceedings against seven Jamaican women who became known as "the Seven Jamaican Mothers." These women—Lola Anderson, Eliza Cox, Carmen Hyde, Elaine Peart, Gloria Lawrence, Elizabeth Lodge, and Rubina White—faced deportation for failing to declare dependent children on their immigration forms, even though these children did not accompany them to Canada. As Elaine Peart, one of the seven mothers, articulated, the contradiction is at the heart of Canada's migrant care work policy: "We were brought here to clean rich folks' home and now we're not cleaning rich folks' homes, so you want to throw us out" (Tibbits-Lamirande, 2024).

The case sparked resistance. The Committee Against the Deportation of Immigrant Women (CADIW), formed in December 1977 with spokesperson Sherona Hall, mobilized under the rallying cry, "Good enough to work, good enough to stay" (Macklin, 1992, p. 681). In 1982, activists delivered thousands of protest letters to Immigration Minister Lloyd Axworthy, denouncing the government's policies against caregivers (Raska, n.d.). This pressure culminated in a demonstration: on November 22, 1981, care workers from the Philippines, Caribbean and the United Kingdom gathered in

a protest of thousands in downtown Toronto (Migrant Workers Alliance for Change, 2021).

The program's structure reflected a contradiction that would become characteristic of Canada's approach to migrant care work. While creating a pathway to permanent residence, it also reinforced precarity through a dual screening process. As Mikita (1994) explains, entrants were evaluated not only on their caregiving qualifications but also on their potential to become landed immigrants. This meant that "women who might be desirable caregivers could fail to meet immigration criteria and be refused a work permit—even if they had no intention of eventually applying for landing" (p. 56).

The impact of these policies emerged in individual cases. In the case of Delia, a primary school teacher with 7 years of experience who was told by visa officers that "being a primary school teacher had nothing to do with childcare," the nature of qualification assessments became clear (Macklin, 1992, p. 681). She qualified only because she had previously worked as a domestic worker in Singapore for almost a year and a half. Another worker captured the toll of the system's constraints: "It's really hard you know, working for somebody and looking after their children because every day it's a reminder of your own children. I know a lot of people say that we shouldn't come here and leave our children back home, but what else can we do? Our children have to eat" (Macklin, 1992, p. 681).

This dual screening process exemplified Canada's evolving approach to institutionalized precarity, where administrative mechanisms serve as tools of control and exclusion. The state's power operated through what appeared to be neutral criteria, reinforcing institutionalized liminality—a state of perpetual evaluation and contingency. Notably, this structure presages contemporary approaches to migrant care worker programs, particularly the "two-step" immigration process central to the 2019 Caregiver Pilots.

The FDM's specific requirements illuminate how state control operated through seemingly neutral administrative criteria. Applicants needed

- One year's prior experience or formal training in domestic work
- English or French language proficiency

- Compliance with immigration health and character requirements

(Mikita, 1994)

Where the FDM required workers to prove their capacity for care work and their potential for integration, contemporary programs similarly subject workers to multiple evaluations and prescribed periods of temporary status before considering permanent residency. This historical continuity suggests not policy failure but rather the deliberate maintenance of state control mechanisms over migrant labour flows, operating through what Sharma (2006) identifies as the strategic use of temporary status to manage both labour needs and immigration outcomes.

The FDM's promise of permanent residency after 2 years of work proved more complex in practice, foreshadowing issues that would persist through to the 2019 Caregiver Pilots. While the program advertised a straightforward pathway, Mikita (1994) details how the actual process involved multiple layers of evaluation and potential delays. Immigration officers assessed not only work performance but also language skills, financial situation, "adjustment to Canadian life," and even participation in volunteer work—criteria extending far beyond caregiving competency. This comprehensive evaluation meant that the "two-year pathway" often stretched much longer, with some workers receiving 1-year extensions and requirements for additional training. The program's statistics are revealing: in its first 4 years, while 62.6% of permanent residency applications were accepted, many workers faced delays or denials, particularly due to financial requirements (Mikita, 1994). Paradoxically, workers faced an impossible contradiction: to prove financial stability, they often needed to leave care work for better-paying jobs, yet this contradicted the program's purported aim of recruiting career caregivers. This tension between temporary labour needs and permanent immigration criteria would become a defining feature of Canadian care worker programs, persisting through to the 2019 pilots where similar patterns of delayed processing and shifting requirements continue to extend workers' periods of precarity well beyond the promised timeline.

The demographics of the FDM program shifted significantly over its duration (see Table 4). While European and British workers initially dominated the program (48% combined in 1983), by 1990, Filipino workers represented 61% of entrants. This

dramatic shift reflects broader patterns in the racialization of care work in Canada, as the program increasingly drew from Global South nations.

Table 4. New Entrants to the FDM Program by Region of Origin (1982–1991)

Year	Phil.	U. K.	Europe	Carib.	Other	Total
1982	2,779	3,058	2,060	2,071	1,359	11,327
1983	526	660	1,026	546	753	3,511
1984	772	578	1,286	934	1,000	4,370
1985	1,536	745	1,442	859	899	5,479
1986	2,564	846	1,681	770	1,077	6,938
1987	3,212	926	1,914	629	1,209	7,889
1988	3,703	754	1,851	549	1,199	8,056
1989	4,388	736	1,683	544	1,491	8,842
1990	6,564	718	~1,700	~500	~1,600	10,731
1991	5,477	476	1,097	n/a	n/a	8,593
Total:	31,521	9,497	14,040	6,902	8,987	75,736

(Compiled from EIC 1990a, 1993a)

- a. 1982 figures include those applicants already in Canada with employment authorizations.

Note: Table reproduced from Mikita (1994).

This shift in demographics under the FDM marks Canada's deepening integration into the global care chain (Hochschild, 2014). This internationalization of care work occurred within broader transformations in the global political economy, where structural adjustment programs and economic liberalization in the Global South coincided with growing care demands in the Global North. For the Philippines in particular, the state-sponsored export of care workers became a crucial economic strategy, with remittances serving as a vital source of foreign exchange. Thus, Canada's FDM operated not in isolation but as part of an emerging international division of reproductive labour that would become increasingly sophisticated through the 1990s and beyond.

This international context helps explain both the changing demographics of care work in Canada as well as the evolving mechanisms of state control over migrant labour. As Canada shifted from relying primarily on European domestic workers to recruiting from the Global South, its immigration policies and programs adapted to manage this

new labour flow. The transition from the FDM to the Live-in Caregiver Program would reflect these changing dynamics, with implications that continue to shape contemporary approaches to migrant care work.

Canada in the Global Care Chain: Reproducing Global Inequalities

Canada's position in the global care chain reflects broader patterns of what Parreñas (2000) terms the "international transfer of caretaking" (p. 561). As a receiving country in the Global North, Canada has constructed policy frameworks to manage and control the flow of care workers from the Global South, particularly the Philippines.

These connections between workers and employers are not direct but rather mediated through a complex web of institutional actors. As Yeates (2009) demonstrates, the provision of care services involves multiple intermediaries: recruitment agencies, immigration consultants, placement services, and government bodies, all operating within frameworks of state control. These intermediaries serve dual roles—facilitating labour movement while simultaneously acting as gatekeepers and enforcement mechanisms for state immigration control.

The proliferation of these intermediary actors creates a bureaucratic maze that reinforces state power while obscuring direct lines of accountability. The Canadian state's approach to managing care work illustrates how global inequalities are reproduced through seemingly neutral administrative processes. While programs like the FDM and its successors purport to offer opportunities for permanent migration, they simultaneously create what Bakan and Stasiulis (1994) term "negotiated citizenship"—a condition where access to rights and permanent status is continuously conditional and under evaluation. This conditional status operates within a broader context where, as Fudge (2012) notes, receiving countries structure their immigration policies to maximize labour extraction while minimizing obligations to migrant workers.

The Philippines' role as the world's largest exporter of care workers is particularly relevant to the Canadian context. By 1990, as previously noted, Filipino workers represented 61% of FDM entrants, a dramatic shift that reflects both the Philippines' state-sponsored labour export strategy and Canada's increasing reliance on Global South workers. This relationship exemplifies what feminist scholars identify as the gendered nature of globalization, where gender inequalities are not merely incidental but

constitutive of contemporary patterns of global labour movement. The POEA, established in 1982, facilitates this movement, operating as what we might understand as a state-sponsored broker in the global care chain.

Yet this international movement of care workers is not simply a matter of labour market supply and demand. Rather, it represents what Grace Chang (2016) terms "disposable domestics"—workers who are simultaneously essential to social reproduction in the Global North while rendered perpetually “temporary” through immigration policies. In the Canadian context, this disposability is structured through what my research reveals as deliberately complex and often opaque administrative processes, from temporary permits to extended evaluation periods—processes that persist in contemporary programs like the 2019 Caregiver Pilots.

3.4.5. Live-in Caregiver Program (1992–2014)

In 1991, the FDM was replaced by the LCP. Under the LCP, families could apply to employ qualified foreign-born women, predominantly from the Philippines, to provide in-home childcare or eldercare. A key feature of the LCP, as with its predecessors, is that caregivers were required to live in their employer's home. As underscored by Citizenship and Immigration Canada (CIC), “The Live-In Caregiver Program exists only because there is a shortage of Canadians to fill the need for live-in care work. There is no shortage of Canadian workers available for caregiving positions where there is no live-in requirement” (Citizenship, 1999).

Canadian families who wished to hire a live-in caregiver were required to first obtain approval from Human Resources and Development Canada (HRSDC). This involved proving that they have made every effort to hire a Canadian citizen or permanent resident, offered wages consistent with prevailing rates, and that working conditions met provincial labour standards. Once HRSDC approval was secured, the family could offer the position to a potential caregiver, who would then apply to CIC for a temporary work permit tying them to that specific employer/family.

For caregivers, the most appealing aspect of the program was the opportunity to apply for permanent residency after legally working for 24 months or 3,900 hours of registered service within four consecutive years. The hope of settling permanently in

Canada with their immediate family members served as a strong incentive for the program and was often a reason cited by caregivers for why they would endure terrible living and work conditions.

Activism and Resistance: Shaping the LCP

The transition from the FDM to the LCP in 1992 reflected not merely administrative reform but the culmination of sustained activist pressure from migrant care workers themselves. As Ethel Tungohan's (2023) work documents, it is important to contextualize and understand the program's modified permanent residency requirements within a broader analysis of care workers' collective organizing and political advocacy across Canada. This period saw the emergence of crucial grassroots organizations that would transform the landscape of migrant care worker advocacy in Canada. For example, the Vancouver CDWCR, a major community partner for my research, was established in 1992 by five temporary foreign domestic workers and their community allies. CDWCR, alongside many other groups, exemplifies how care workers are not simply passive objects of policy nor universally downtrodden and oppressed women but rather active agents of change, community organizers and activists, and relentless communities of care and resistance. As Tungohan's (2023) demonstrates, migrant caregivers were, and are, at the forefront of migrant justice movements.

Operating entirely through volunteer efforts, CDWCR (alongside other groups such as Toronto's INTERCEDE Migrante-Canada) would go on to play a pivotal role in advocating for care workers' rights over the next three decades. Their success in eliminating certain PR requirements demonstrates what Tungohan (2023), Lindio-McGovern (2007), and Sharma (2006) identify as the potential for collective action to challenge institutionalized precarity, even within highly controlled immigration programs.

The timing of CDWCR's formation and the LCP's implementation is not coincidental. Rather, it reflects a moment when care workers' collective resistance began to effectively challenge state mechanisms of control, though without fundamentally altering the underlying power dynamics of Canada's approach to temporary labour migration. This tension between incremental policy victories and persistent structural inequalities would continue to characterize the relationship between care worker activism and state policy through subsequent decades. As Tungohan (2023) explains,

Care activism for migrant care worker activists involved winning policy victories that would improve the lives of migrant care workers and their families. Given that migrant care workers know, through their own experiences, how restrictive policies can be, seeking policy improvements was [and is] vital. (p. 20)

In shifting to the LCP, the elimination of previously mandatory requirements for volunteering and additional coursework marked a significant victory for migrant care worker rights, demonstrating how organized resistance could challenge and reshape state policy.

Program Requirements and State Control

The LCP was ostensibly designed with restrictions and requirements to maintain employment standards for migrant care workers. Employers were supposed to limit the caregivers' duties to childcare, eldercare, or caring for the disabled, with only light household tasks directly related to the provision of care. Caregivers were not to be used as general house cleaners or cooks. Canadian families participating in the LCP were also required to adhere to specific procedures such as signing a contract with the caregiver, providing a paycheque that includes salary deductions (like contributions to the national unemployment program), and ensuring appropriate, private living accommodations.

However, the LCP immediately faced a sharp distinction between what the program required on paper and what was experienced by those actually living and working as migrant care workers—a theme that continues today. The risk of being denied permanent residency or facing deportation for those who struggle to fulfil their required service acts as a tool to enforce compliance with employer demands and discourages caregivers from voicing complaints. Valiani (2009) describes this as the “carrot and stick” dimension of such programs, opening the door to exploitation of migrant care workers.

The exploitation of workers under the LCP was well documented over the 22 years of its existence. In particular, the “live-in” requirement was seen as the root of many difficulties the workers faced, including isolation, separation from their families, unpaid overtime, lack of privacy, harassment and abuse, and widespread employment standards violations (Grande & Kerr, 1998; Kofman, 2004; Oxman-Martinez et al. 2004; Pratt 2004; Pratt & Philippine Women Centre 2003; Spitzer, 2008; Spitzer et al., 2007;

Stasiulis & Bakan, 2003; Stiell & England, 1997; Zaman, 2006). Their immediate availability to their employer, lack of personal space, and the work permit's restricted status left many care workers in highly stressful and precarious situations where they felt obligated to endure mistreatment in order to access permanent residency:

I think because of the kind of working visa that we have, we have a closed work permit. So the tendency is that we try to just, you know, we try to overlook the things that we are not happy about. Like taking advantage of or being overworked and underpaid, and, you know, being asked to do things that were not included in the contract just so we can finish the program and we can apply for permanent residency as soon as possible. (Filipino former live-in child caregiver, Study 3, Participant 37). (Atanackovic & Bourgeault, 2014)

Administrative Violence and Family Separation

The LCP, despite offering on its face the promise of permanent residency for care workers and their families, would ultimately serve only as a difficult pathway of expensive and lengthy bureaucratic processing. As with TEAP, workers were faced with an onerous web of regulations and expectations with little formal support or guidance.

Atanackovic and Bourgeault's (2014) study of LCP migrant care workers illustrates the challenges live-in caregivers faced with the procedures for obtaining PR and ultimately family reunification. For much of the LCP's existence, workers were separated from their families an average of 6 years minimum: 2 years of work under the LCP and 4 years for processing for the permanent residency application (Hanley et al., 2017). Along with detrimental, multiple years-long separations from families, the paperwork required for the applications was extremely demanding on care workers. Documents to be gathered prior to the application included birth certificates, police clearances, medical records, and marriage certificates for themselves and their family members. Atanackovic and Bourgeault (2014) also highlight the high application fees to the Canadian state as well as additional costs for the required documentation and for renewals over the years-long wait.

Schmidt et al. (2023) offer a conceptual framework of administrative burden and bureaucratic violence to explain such procedures under migrant care work programs like the LCP. They explain how in liberal democracies such as Canada, where outright state-sanctioned violence is not common, structural violence can be enacted via institutional systems in much less visible ways. They argue that alongside Canada's huge growth of

temporary migrant workers has been a shift to a new system of “two-step” immigration, wherein a person with temporary status is expected to spend a certain amount of time in Canada to gain Canadian employment experience or education before qualifying for permanent residency. The LCP is a prominent and early example of such two-step immigration programs (Lightman, 2021). It easily illustrates Schmidt et al.’s (2023) analysis of how such programs create state bureaucratic processes that couple administrative burden with legal violence to “exacerbate the harms experienced by migrants with precarious status as they attempt to transition to permanent residence” (p. 4889).

The Live-in Caregiver Program established fundamental patterns of control, precarity, and administrative burden that would shape all subsequent care worker programs. Its legacy is evident in both policy structure and worker experience: the two-step immigration process, employer-tied permits, extended family separation, and what Schmidt et al. (2023) identify as bureaucratic violence through administrative complexity. When the program was finally terminated in 2014, its replacement with the Caregiver Pilots marked not a decisive break from these patterns but rather their evolution into new forms. As I turn to examining the 2014 and 2019 Caregiver Pilots, we see how the fundamental tensions of the LCP persist and transform: between temporary status and permanent residence, between labour market demands and immigration control, and between policy promises and lived realities. The pilots, particularly the 2019 iteration that forms the empirical focus of this dissertation, must be understood not as innovative new programs but as contemporary manifestations of long-established state approaches to managing migrant care work. Understanding this continuity is crucial for analyzing how modern programs, despite their apparent reforms, continue to reproduce patterns of precarity and control first institutionalized under the LCP.

3.5. Chapter Conclusion

This chapter has traced the historical and theoretical foundations of transnational care migration, situating Canada’s reliance on migrant care workers within the broader global care economy. By examining the evolution of Canada’s migrant labour policies—from the SAWP, to the TFWP, and the LCP—I have revealed how the state has systematically institutionalized precarity and control over racialized and gendered migrant labour. These programs, while framed as solutions to labour shortages, have

perpetuated a “permanently temporary” workforce, embedding systemic inequalities into the very fabric of Canada’s care economy.

The chapter has also highlighted how Canada’s care crisis, driven by an ageing population, underfunded care infrastructure, and the commodification of care labour, has deepened our dependence on migrant workers, particularly women from the Global South. This reliance is not new but rather a continuation of historical patterns rooted in colonial practices, racial hierarchies, and gendered divisions of labour. The analysis of global care chains and the feminization of migration underscores how care responsibilities are transferred across borders, reshaping labour markets, families, and communities worldwide. Yet this transfer comes at significant personal and social costs, including family separation, precarious working conditions, and the systemic devaluation of care work.

The historical trajectory of Canada’s migrant care worker programs reveals a consistent tension between the promise of permanence and the reality of precarity. Programs like the LCP, while offering pathways to permanent residency, have been characterized by administrative burdens, bureaucratic violence, and extended periods of family separation. These mechanisms of control, first established in agricultural labour programs, have been adapted to manage migrant care labour, reinforcing patterns of racialized and gendered exploitation.

This chapter also demonstrates that contemporary programs are not isolated innovations but the evolution of long-established state approaches to managing migrant labour. By situating Canada’s care economy within this broader historical and global context, this chapter has laid the groundwork for understanding how current care worker programs reproduce patterns of precarity, control, and exclusion while also highlighting the resilience and resistance of migrant care workers who navigate and challenge these systems.

The following chapter shifts focus to the 2019 Caregiver Pilots, examining how these programs reflect and adapt the historical patterns of control and precarity while offering new insights into the ongoing challenges and possibilities for migrant care workers in Canada. Through this analysis, the dissertation contributes to understanding

the structural forces shaping migrant care labour and to advocate for policies that prioritize equity, dignity, and justice for all workers.

Chapter 4.

The 2019–2024 Caregiver Pilots: Continuities in Precarity and the Administrative Management of Migrant Care Workers

4.1. Introduction

Canada's care worker programs have long been characterized by a tension between state control and worker demands for rights and permanent status. As demonstrated in Chapter 3, successive programs from the NIEAP through the Live-in Caregiver Program established patterns of administrative control that persist in contemporary initiatives. This chapter examines how these patterns manifest in Canada's most recent care worker programs, with a focus on the 2019–2024 Caregiver Pilots.

Drawing on ATIP requests, policy documents, and interviews with care workers and immigration officials, this chapter reveals how contemporary programs reproduce historical patterns of precarity through administrative mechanisms. Despite government promises of "clear pathways" to permanent residence, processing delays, application caps, and complex requirements create what Schmidt et al. (2023) term "bureaucratic violence"—a sophisticated form of state control operating through seemingly neutral administrative processes.

To provide context for analyzing the 2019 pilots, which form the empirical focus of this chapter, I begin with a brief discussion of the 2014 reforms that replaced the Live-in Caregiver Program. These changes marked a significant shift in policy approach, responding to sustained criticism of the LCP's mandatory live-in requirement while introducing new mechanisms of control through application caps and processing requirements.

The 2014 reforms represented a crucial victory for migrant worker activism, particularly after decades of organizing by groups like the Vancouver Committee for

Domestic Workers and Caregivers Rights (CDWCR) and sustained pressure from care worker communities, migrant worker activists, and allied advocates and academics. The elimination of the mandatory live-in requirement challenged Canada's institutionalized forms of unfree labour, emerging directly from what Tungohan (2023) documents as persistent grassroots mobilization that effectively exposed how the live-in requirement facilitated exploitation and abuse.

However, the state's response to worker resistance reflected patterns established throughout the history of Canada's migrant labour programs. While conceding to specific demands around living conditions, the 2014 reforms introduced new forms of administrative control through program streaming and permanent residency caps. This dual movement—of concrete victories won through worker organizing alongside evolving mechanisms of state control—exemplifies the ongoing tension between worker agency and administrative power in Canadian immigration policy, as identified in Chapter 3.

Recent data obtained from IRCC in September 2024 reveals the true scale of what has become known as the “backlog crisis” in Canada's care worker programs. Over 37,000 individuals—care workers and their family dependents—remain caught in various stages of processing limbo, with the vast majority trapped in preliminary assessment phases. This crisis, I argue, represents not a temporary administrative failure but the logical outcome of what scholars have identified as “two-step immigration”—a system designed to maintain worker precarity through bureaucratic mechanisms. The persistence and growth of these processing delays, despite consistent annual application volumes, reveals how administrative processes serve as sophisticated tools of state control. I argue these delays reflect deeper patterns of institutionalized precarity operating through seemingly neutral bureaucratic practices.

Drawing on my theoretical framework of institutionalized precarity and administrative burden, this chapter analyzes how contemporary care worker programs simultaneously reflect both the achievements of worker activism and the persistence of state control through bureaucratic mechanisms. Beginning with the 2014 reforms that created the Caring for Children and Caring for People with High Medical Needs streams, I trace how administrative processes continue to disadvantage migrant care workers despite formal policy changes.

4.2. The 2014 Caregiver Pilots: Reform, Control, and Evolving Administrative Precarity

In November 2014, following sustained activism from migrant care workers and their advocates, IRCC announced significant changes to Canada's care worker immigration framework. The Live-in Caregiver Program was closed to new applicants and replaced with a 5-year pilot program that created two distinct streams: the Caring for Children Pathway and the Caring for People with High Medical Needs Pathway.

The 2014 reforms exemplify what Chapter 3 identified as the state's capacity to adapt mechanisms of control while appearing to respond to worker demands. The lens of institutionalized precarity (Sharma, 2006) and administrative burden and bureaucratic violence (Schmidt et al., 2023) offers an approach through which to analyze how these reforms maintained fundamental power relations while introducing new forms of control.

The 2014 Caregiver Program maintained several fundamental elements of its predecessor while introducing significant structural changes. Under the new framework, care workers still needed to complete 2 years of authorized work before becoming eligible for permanent residency, a requirement carried over from the LCP. The program continued to issue employer-specific work permits, maintaining the tie between workers and individual employers that had characterized previous programs. Additionally, employers remained obligated to obtain Labour Market Impact Assessments (LMIA) before hiring care workers, and the restriction on family reunification until after permanent residency approval remained in place.

However, the 2014 reforms introduced substantial changes to program requirements and structure. Most significantly, the elimination of the mandatory live-in requirement marked a major victory for care worker activists who had long advocated against the exploitative potential of live-in arrangements. The reforms also implemented new language proficiency requirements in either English or French, and introduced stricter educational criteria, requiring the equivalent of either 1 year of post-secondary education in Canada or 4 years overseas.

Perhaps most consequentially, the program established annual caps of 2,750 permanent residency applications per stream, or 5,500 applicants per year to the pilots. This would significantly restrict the pathway to permanent status, and I will further discuss it in my analysis of the 2019 pilots. This limitation was coupled with the division of the program into two distinct streams—childcare and medical care—each with its own qualification requirements and application processes (Hanley, Larios, & Koo, 2017). The implementation of application caps represents what Chapter 3 identified as the evolution of state control mechanisms from explicit restrictions to administrative barriers. While previous programs used direct restrictions like the live-in requirement, the 2014 reforms introduced more sophisticated forms of control through numerical limits and processing systems.

The cap system immediately raised concerns among care workers and activists (Tungohan et al. 2016), with Hanley, Larios and Koo (2017) noting that the number 5,500 was "out of sync with the number of workers entering Canada each year" (p. 127). Their analysis revealed a growing disparity between incoming workers and those achieving permanent status, as evidenced by program data showing significantly fewer PR approvals than initial entries in preceding years.

Table 5. Live-in caregivers in Canada: Initial entries and permanent residency applicants accepted (2003–2012)

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Initial entries with temporary work under LCP	5028	6651	7133	9079	12955	11867	8756	7545	5884	6242
Permanent residency given to principal applicants under LCP	2230	2496	3063	3547	3433	6157	6273	7664	5033	3691

Source: CIC 2012.

From Hanley, Larios and Koo (2017)

These structural changes, implemented with "very little meaningful consultation" (Hanley, Larios & Koo, 2017, p. 126), would quickly manifest in what would become known as the "backlog crisis"—a persistent and growing accumulation of unprocessed applications that would come to characterize Canada's care worker programs. While the

removal of the live-in requirement appeared as a victory, the administrative mechanisms introduced through these reforms would create new forms of precarity through processing delays and application backlogs.

4.2.1. Administrative Burden: Processing Delays and Application Backlogs Under the 2014 Reforms

The 2014 reforms marked the beginning of what would become a persistent crisis in application processing for care worker programs, a crisis that continues to unfold as of this writing in 2025. As Bhuyan et al. (2018) document, by December 2017, approximately 23,000 caregivers with open work permits were caught in what became widely known as the "backlog," awaiting decisions on their permanent residence applications (Keung, 2017). While this number represented a reduction from the 62,000 cases reported in 2014, it highlighted a systemic failure in program administration—one that would persist and intensify under the 2019 Caregiver Pilots.

The backlog was a symptom of deeper structural inefficiencies and policy mismanagement, which have continued to plague the system for over a decade. Despite periodic reforms and promises of improvement, the crisis has endured, with processing delays, administrative barriers, and shifting policy requirements creating ongoing precarity for migrant care workers. This persistence underscores the inadequacy of piecemeal solutions and the entrenched inequities within Canada's immigration system, which have yet to be meaningfully addressed. As such, the crisis that began in 2014 remains a defining feature of caregiver programs, shaping the lived experiences of care workers and the policy landscape well into 2025.

The processing delays exemplify what Chapter 3 identified as administrative mechanisms of control, manifesting in what Schmidt et al. (2023) term "bureaucratic violence" and what Bhuyan et al. (2018) identify as "symbolic violence." These concepts provide critical frameworks for understanding how state power operates through seemingly neutral administrative processes, perpetuating patterns of control first established in agricultural programs. Bureaucratic violence, as defined by Schmidt et al. (2023), refers to the systemic harm inflicted on marginalized groups through the everyday functioning of bureaucratic systems. This violence is not overt or physical but is embedded in the delays, inefficiencies, and opaque decision-making processes that

disproportionately affect vulnerable populations, such as migrant care workers. Similarly, symbolic violence, a concept rooted in Bourdieu's (1977) work and expanded by Bhuyan et al. (2018), describes the subtle ways in which state policies and practices legitimize and naturalize inequalities. In the context of caregiver programs, symbolic violence manifests in both the normalization of prolonged waiting times and the creation of hierarchies among workers, which obscure the structural inequities underpinning these disparities.

Under the old LCP, workers faced average waiting times of 56 months for permanent residency processing, while those in the new 2014 pilots theoretically benefited from shorter 8-month processing times—provided they met enhanced language and education requirements. This disparity created what Bhuyan et al. (2018) describe as a "two-tier system," where workers under different programs experienced dramatically different processing timelines despite performing similar work. While the new program offered faster processing for some, it did little to address the backlog of applications under the LCP, leaving thousands of workers in prolonged states of uncertainty.

This tension between applicants already in the pipeline and new applicants remains unresolved, even as of March 2025, with the introduction of the latest iteration of Caregiver Pilots. Although the newest reforms promise improvements, such as permanent residency upon arrival for eligible workers, these changes may not directly benefit those who have already applied under previous programs. Instead, they risk perpetuating the same inequities observed in 2014, where new applicants are prioritized while earlier cohorts continue to face delays and precarity. This ongoing divide underscores the systemic nature of the problem: reforms that fail to address existing backlogs and inequities risk creating new hierarchies within the care worker labour force, reinforcing the two-tier system that Bhuyan et al. (2018) identified. As such, the tension between old and new applicants remains a persistent challenge, highlighting the need for policies that address both historical inequities and future improvements.

The apparent solution—having workers reapply under the newer program with its expedited processing—proved largely impractical. Time accumulated under the LCP would not transfer to the new pilots, and workers would need to meet more stringent language and education requirements, effectively forcing them to start their journey to

permanent residency from the beginning. This requirement not only disregarded the years of labour and contributions these workers had already made but also placed an undue burden on those least equipped to navigate the additional hurdles. The result was a system that, while ostensibly progressive, continued to marginalize the very workers it claimed to support.

The emergence of this “two-tier system” reflects the broader patterns of stratification and control documented in Chapter 3, where administrative mechanisms create hierarchies among workers while maintaining overall precarity. This system exemplifies what Sharma (2006) identifies as the state's capacity to adapt control mechanisms while appearing to liberalize policy. Sharma critiques the state's ability to present reforms as progressive while simultaneously reinforcing structures of exclusion and inequality. In the context of caregiver programs, this critique is particularly salient: while the 2014 pilots and subsequent reforms were framed as advancements, they ultimately entrenched divisions between workers, privileging new applicants over those already in the system. Sharma's analysis highlights how such policies, despite their claims of inclusivity, serve to perpetuate the “permanent temporariness” of migrant workers, ensuring their continued vulnerability and dependence on state-controlled pathways to permanence. By adapting its mechanisms of control under the guise of reform, the state effectively maintains its authority over migrant labour while obscuring the systemic inequities that sustain it.

The administrative burden extended far beyond simple waiting times. Workers caught in the backlog faced multiple layers of bureaucratic requirements, creating what Bhuyan et al. (2018) document as a cycle of perpetual documentation. These workers, some waiting up to 5 years for processing, had to manage annual work permit renewals, repeated medical examinations for themselves and all family members, and continuous documentation submissions. As one worker in their research expressed:

So much trouble working with my permanent residency and my open work permit especially if you don't have any idea about it. Ay! Just makes me crazy.... My paper came back to me [were denied], I'm not sure, I think three times. (Bhuyan et al., 2018)

These recurring submissions carried significant financial burdens through annual renewal fees. More critically, the complex administrative requirements created risks of workers falling out of status and becoming undocumented, sometimes through no fault

of their own, for instance, when IRCC misplaced their paperwork. The issue of care workers becoming undocumented due to program requirement changes or extreme processing delays persists today and remains central to care worker and migrant worker activists' demands for justice from the Federal Government.

This observation of a "two-tier system" would prove prescient, though in ways that would evolve beyond their initial analysis. While their research documented a division between LCP and 2014 pilot applicants, this bifurcation would become formally institutionalized in the 2019 pilots through the explicit creation of "Direct to PR" and "Gaining Experience" streams. Moreover, their documentation of the initial processing backlog captured only the beginning of what would become a systemic crisis in Canada's care worker programs. The relatively efficient 8-month processing times they observed in 2017 would prove to be an anomaly rather than a sustained improvement. By the shift to the 2019 pilots, processing times would expand dramatically, with workers across all programs—whether from the LCP, 2014 pilots, or 2019 pilots—facing average wait times exceeding 3 years. This deterioration in processing efficiency suggests that rather than resolving the administrative burdens documented by Bhuyan et al., subsequent reforms actually expanded and institutionalized them, creating what our research reveals as a complex web of delays affecting workers regardless of their program of entry. The "two-tier" system thus evolved from one distinguished primarily by processing times to one characterized by formal administrative categorizations, while paradoxically subjecting all workers to extended periods of precarity through processing delays.

4.3. The 2019–2024 Caregiver Pilots

In the 2019 news release, "Canada Caring for Caregivers," IRCC would once again introduce new pilot programs aimed at attracting care workers to the country, promising improved access to permanent residency. The Home Child Care Provider Pilot and the Home Support Worker Pilot were launched with much optimism, presented as a response to the extensive activism by care workers and advocacy by migrant and labour rights organizations fighting the exploitative nature of previous programs (Tungohan, 2023). These pilots marked the second set of significant changes since the long-standing Live-in Caregiver Program was revamped in 2014. The main feature of the

2019 care worker pilots was the promise of quick permanent residency for migrant care workers.

The demand for permanent residency has been central to care worker activism since the mid-20th century, when migrant workers protested their temporary status under the NIEAP (Bakan & Stasiulis, 1994; Sharma 2006; Tungohan, 2023). As Ethel Tungohan (2023, p. 20) notes, "Migrant care worker activists have been at the forefront of lobbying Canadian policy-makers to improve policy on migrant care work." As detailed in Chapter 3, significant victories were achieved in 1981 with the FDM and in 1992 with the Live-in Caregiver Program, which offered the possibility of permanent residency for care workers. However, as this chapter demonstrates, the wins of care worker activists over the decades are in a constant "arms race" with the Canadian state, wherein detailed analysis reveals a "one step forward, two steps back" dynamic as well as the "carrot and stick" (Valiani, 2009) dynamic. This aligns particularly well with Sharma's (2006) analysis of the state's capacity to adapt control mechanisms while appearing to liberalize policy.

Building on the historical context outlined in Chapter 3, which traced the evolution of control mechanisms from agricultural programs to care work and the consistent patterns of racialization in Canadian immigration policy, this chapter analyzes how the 2019 Caregiver Pilots continue to shape the experiences of migrant care workers. By examining the disconnect between the state's discursive promises and the actual administrative practices and outcomes, I expose the tensions between government rhetoric and the lived realities of care workers navigating the complex and often opaque pathways to permanent residency.

Engaging with broader theoretical conversations on state power, racialization, and migrant labour control, this chapter reveals how Canada's approach to managing care labour perpetuates institutionalized precarity and administrative burden. Feminist political economists including Bannerji (2000) and Fraser (2016) have highlighted the gendered and racialized nature of care work and its systematic devaluation within capitalist economies. By examining the specific mechanisms through which the Canadian state maintains precarity for migrant care workers, this chapter extends these theoretical insights and demonstrates their practical implications for immigration policy and labour control. Despite IRCC's documented awareness of the barriers faced by care

workers in their permanent residence applications, the failure to implement effective solutions raises fundamental questions about the federal government's commitment to supporting this essential workforce. The constant erosion of care workers' hard-won gains through bureaucratic mechanisms of control aligns far more with what Banerjee et al. (2018) term "precarity by design" than with mere oversight or resourcing constraints.

Precarity by design helps us recognize that while individual inefficiencies, bureaucratic errors, and external factors such as the COVID-19 pandemic certainly contribute to the challenges faced by migrant care workers, they cannot alone explain the systemic and repeated harms perpetuated by these programs. These factors often serve as convenient scapegoats, diverting attention from deeper structural mechanisms. Precarity by design points instead to the deliberate embedding of systemic inefficiencies and administrative barriers within policy frameworks — prolonged processing times, shifting eligibility criteria, and opaque decision-making processes that are not bureaucratic oversights but features of a system designed to maintain a flexible, exploitable labour force. By keeping workers in perpetual uncertainty, the state ensures their availability for low-wage, high-demand care work while minimizing their capacity to advocate for better conditions or pathways to permanence. This manufactured precarity obscures the state's active role in perpetuating these inequities, framing them as inevitable outcomes of complex administrative systems rather than the result of deliberate policy choices.

My analysis of processing times and approval rates for care worker PR applications reveals how administrative mechanisms serve as sophisticated tools of state control, extending the patterns of bureaucratic violence and institutionalized precarity documented in Chapter 3. Building on Sharma's (2006) framework of state power in immigration policy and Schmidt et al.'s (2023) concept of bureaucratic violence, I demonstrate how seemingly technical processing delays reflect systematic patterns of exclusion that disproportionately affect care workers compared to other immigration streams. These patterns continue historical practices of racialization and devaluation of care work, now operating through administrative rather than explicit mechanisms of control.

Through extensive analysis of ATIP data, I identify three key patterns that characterize IRCC's approach to care worker applications.

1. Care worker applications face processing times dramatically longer than other immigration streams, particularly when compared to the Canadian Experience Class—a disparity that cannot be explained by general administrative inefficiencies.
2. Actual processing times vastly exceed IRCC's own targets, with some programs showing processing times more than 500% above stated goals.
3. Approval rates have declined significantly since 2019, with my data revealing that only 3% of applications have been fully processed. According to IRCC's current processing times webpage, care workers face average wait times of 31 to 34 months for permanent residency applications—nearly triple the processing time for comparable immigration streams. This disparity, I argue, represents a contemporary manifestation of what Chapter 3 identified as the state's evolving mechanisms for managing migrant labour through administrative control.

4.3.1. Fluctuating Permanent Resident Application Caps

The introduction of permanent residency caps and sub-caps in Canada's caregiver programs has created significant barriers and uncertainty for migrant care workers seeking to establish a stable life in the country. As discussed earlier in Section 4.2, the elimination of the federal government's live-in requirement was accompanied by a new cap of 5,500 on the number of care workers who could apply for permanent residency each year. In conversations with IRCC directors in February 2024, I learned that these caps were intended to serve as “sample sizes” to test and improve the new programs (IRCC personal communication, Feb 20, 2024). However, for care workers, the addition of caps would become a prohibitive barrier to attaining permanency in Canada.

In May 2021, IRCC further divided the 5,500 cap between the two pilot programs introduced in 2019, allotting a maximum of 2,750 applications each to the Home Child Care Provider Pilot and the Home Support Worker Pilot (Canada Gazette, 2021). The internal rationale provided by IRCC was limited, stating only that “the implementation of this intake cap allows the Department to better manage intake under the caregiver pilots” (IRCC, Dec 2, 2022). However, for care workers navigating the already complex and

often opaque pathways to permanent residency, these arbitrary and fluctuating limits have added another layer of uncertainty and stress.

The instability and unpredictability of the caps are particularly evident in the sub-caps introduced in 2022. Migrant care workers could apply for permanent residency under two categories: "Gaining Experience," for those outside Canada seeking to gain work experience, and "Direct to Permanent Residency," for those already in Canada who have completed their work requirements. A memorandum dated December 2, 2022, revealed that IRCC aimed to re-align the caps for these categories to a 60/40 split, with 1,650 spots for "Gaining Experience" and 1,100 for "Direct to PR" (IRCC, Dec 2, 2022).

A memorandum dated April 9, 2021, to the Minister of Immigration, Refugees, and Citizenship entitled "Managing Applications under the 2019 Caregiver Pilots" details the struggle IRCC was experiencing with applications received under the new pilots. It explained how "there have been significant delays in processing applications" and the department now had a substantial, and seemingly unmanageable, backlog:

In 2020, unprecedented challenges associated with COVID-19 impacted processing efforts of applications for permanent residents under the 2019 Caregiver Pilots. In combination with higher than anticipated demand for the Home Child Care Provider Pilot, approximately 3,570 applications were received under this class in 2020, however only approximately 380 applications were entered into processing in the same calendar year. Furthermore, approximately 1,400 applications were received under the Home Support Worker Pilot in 2020, but only about 120 were entered into processing. (IRCC, Dec 2, 2022)

On November 30, 2022, a second memorandum was issued, again detailing concerns with permanent residency application processing under the care worker pilots. This memorandum explained that many applicants "are not ready to become permanent residents" due to the two-year Canadian work experience requirement." This memorandum explains how as of November 14, 2022, of the approximately 12,500 applications representing 31,000 people (including principal applicants and eligible family members), 90% were in the Gaining Experience category; possibly meaning the majority of applicants are abroad waiting to be issued a work permit.

Rather than addressing the underlying issues of processing delays and capacity, the government has responded by imposing further restrictions and subdivisions on care workers' access to permanent residency. The IRCC proposed to the Minister two routes

forward, both of which would ultimately be accepted. The first recommendation followed care worker demands to reduce the work experience requirement under the care worker pilot programs from 24 to 12 months, and this change was eventually implemented in November 2023.

The second recommendation, detailed in yet another memorandum dated Dec 2, 2022, addressed the overwhelming majority of applications received through the "Gaining Experience" category. The memorandum spoke to re-aligning the caps for the "Gaining Experience" and "Direct to PR" categories to follow more closely what IRCC wanted from the care worker pilots—a 60/40 split (see Figure 11) whereby the "Gaining Experience" category would now have 1,650 maximum applications, and the "Direct to PR" category would have 1,100 maximum applications. IRCC also established sub-caps for online and paper applications, which, according to IRCC directors, was seen as an inclusive measure for those unable to submit electronic applications (IRCC personal communication, Feb 20, 2024). However, these subdivisions have created a convoluted and confusing system that places additional administrative burdens on care workers seeking permanent status.

Care workers often express exasperation at encountering cap limits within the short window of time the application portal remains open. In the following interview, one care worker expressed her frustration and recommended increasing the opportunities or windows to submit PR applications:

Well, I don't have any options. My only option is to wait because every January you apply for the PR for caregivers, unless they have another program to fasten [the processing times] or to add [to the caps]. Let's say they just make it every six months. Like every six months they open a pathway for caregivers, you know. Right? Because it's like in a year it's only every January for the caregiver applications. So, maybe if they do that twice a year like every six months because there's lots for caregivers. Also, there's full slots this year [in] January. So, when they opened January 1 [to] January 3, you have to apply fast. Because there's slots. Because that happened to me with the TR [temporary resident] to PR [permanent resident] when they opened the TR to PR pathway. They had like 20,000 [applications] for my category. So, by the time I was able to apply, it was gone. It was filled. (Bagon et al., 2024)

These fluctuating caps and sub-caps, I argue, function as a form of state control that exacerbates the institutionalized precarity experienced by migrant care workers. The

arbitrary and unpredictable nature of the caps, combined with the lack of clear justification for their implementation, perpetuates a system in which care workers are kept in a state of uncertainty and vulnerability. The ever-shifting limits on permanent residency applications, along with the complex and burdensome administrative requirements, create significant barriers for those seeking to build a stable life in Canada. As such, the fluctuating caps and sub-caps exemplify the broader patterns of state control and the perpetuation of precarity that characterize Canada's temporary labour migration programs.

4.3.2. A Systemic Pattern of Disparity: Comparing Processing Times Across Immigration Streams

My comparative analysis of processing times across immigration streams reveals how care workers face disproportionate administrative burdens within Canada's immigration system. Through analysis of ATIP data and IRCC documentation, I demonstrate that while Canadian Experience Class applications maintain relatively consistent and shorter processing times, care worker applications face significantly longer delays that have increased over time. This disparity cannot be explained by general administrative inefficiencies at IRCC, as other immigration streams do not face similar delays. Rather, it reflects bureaucratic violence within a system of racial capitalism - systematic administrative barriers that particularly impact racialized and feminized labour sectors.

According to current IRCC data, care worker PR applications face average wait times of 31 to 34 months (see Figure 8). This timeline mirrors, and in some cases exceeds, the processing delays that characterized the Live-in Caregiver Program, contradicting IRCC's promises of improved efficiency under the new pilots.

As shown in Figure 11, the disparity between care worker programs and other immigration streams has widened since 2021, with care worker processing times continuing to increase while other streams remain stable. This pattern is particularly striking given that both streams process applications for workers already in Canada with Canadian work experience, suggesting that the delays cannot be attributed to technical verification requirements.

The scope of this disparity becomes even more apparent when examining IRCC's own processing targets versus actual times (see Figure 8). I find that care worker programs consistently show processing times at least double their target times, with some programs exceeding targets by more than 500%. Both of the 2014 pilot programs, including the Caring for Children Stream and High Medical Needs Stream, now also closed to applicants for more than 4 years, also have PR processing rates of more than 500 percent over their target times:

- The Live-in Caregiver Program: 588% over target (70.57 months vs. 12-month target)
- 2014 Caring for Children Pilot: 556% over target (33.35 months vs. 6-month target)
- 2014 High Medical Needs Pilot: 575% over target (34.43 months vs. 6-month target)
- Current Home Child Care Provider Pilot: 202% over target (24.28 months vs. 12-month target)

Migrant Care Worker Permanent Residency Processing Times, 2019-2021

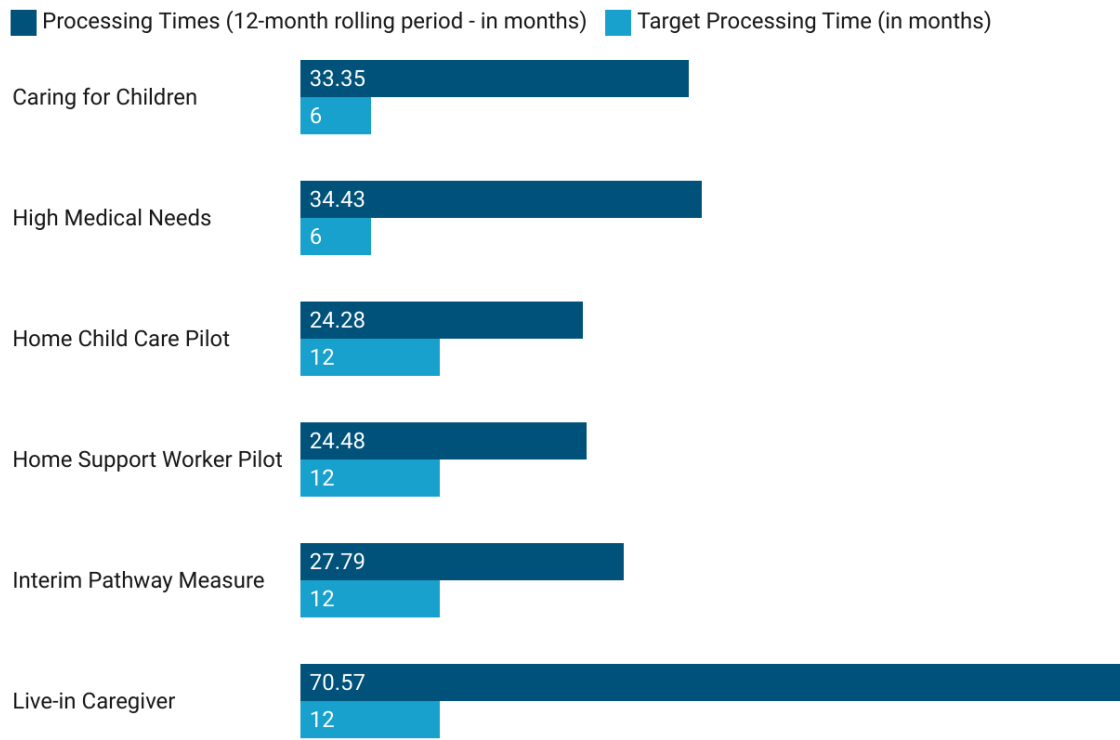


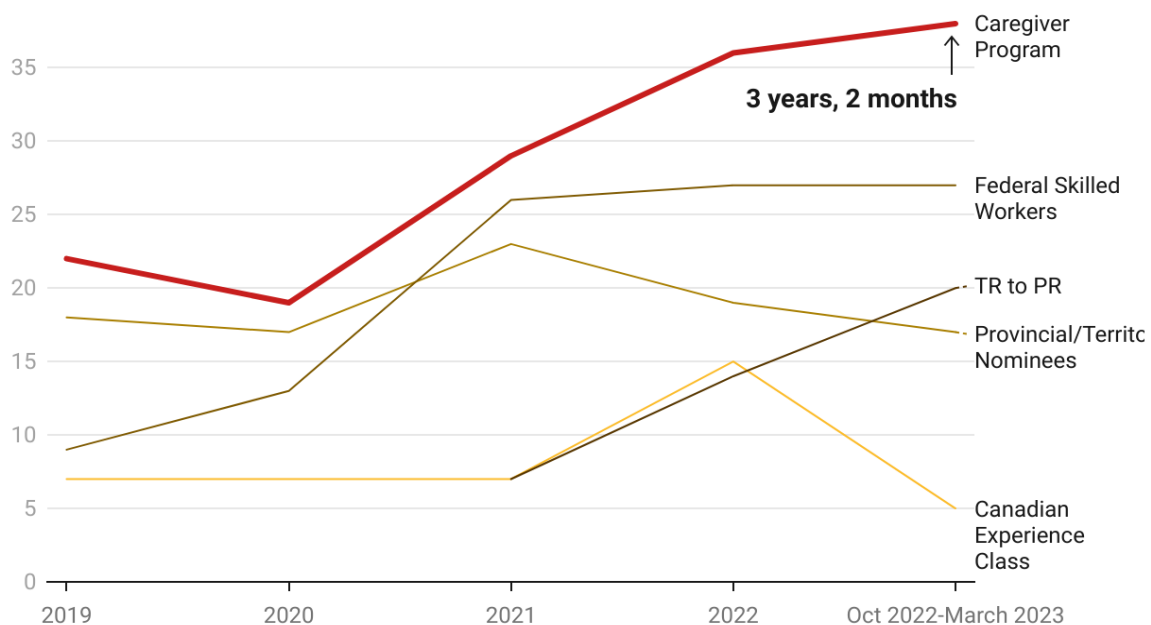
Chart: Alicia Massie • Source: IRCC ATIP request 2021-64016 • Created with Datawrapper

Figure 8. Grouped bar chart showing migrant care worker permanent residence application processing times (2019–2021)

I believe this systematic pattern of delay reflects the devaluation of care work within Canada's immigration system. While IRCC presents these processing times as neutral administrative outcomes, my analysis reveals how they function as mechanisms of control that particularly impact racialized women workers. The disparity between care worker and Canadian Experience Class processing times (see Figure 9) demonstrates how administrative processes reproduce historical patterns of discrimination, now operating through what appears to be technical rather than explicitly discriminatory means.

Processing Times of Permanent Residence Applications Processed by Immigration Category

Selected Economic Immigration Categories from Jan 1, 2019 to Dec 31, 2022 (in months)



Processing Times refer to the time in which 80% of applications were finalized by IRCC. A minimum of 10 cases are required to calculate processing times.

Chart: Alicia Massie • Source: ATIP Request 1A-2023-18363 Response from IRCC, source: COGNOS (MBR) extracted as of March 14, 2023 • Created with Datawrapper

Figure 9. Line chart indicating processing times for PR applications (January 2019–March 2023)

Data source: ATIP requests from IRCC.

These delays have particular impact on workers under the “Gaining Experience” category, who cannot enter Canada while their applications process. While IRCC officials characterize extended processing times as a result of “complex cases” [personal

communication, Feb 20, 2024], my data shows that processing delays affect all care worker streams regardless of complexity, suggesting a more systemic issue of deprioritization and administrative burden.

The PR application processing times are often the most uncertain part of the journey towards permanency for the care workers. Ongoing research has documented numerous stories about years passing without a word on the outcome of the application as of yet (Bagon et al, 2024):

[It's] very hard because I applied during 2020, and I had an acknowledgement of receipt during 2021. I had my medical [exam and paperwork required for the PR application] in 2022, and so they asked for additional documents, and I had an open work permit in December 2020. And, in August 2023, my eligibility [was established]. So, I'm like confused [about] when I will get PR. It took three years. And they said processing is sometimes 12 months and then it became 24 [months] and then it became 36 [months] and now it's the three anniversary during August of the application. Today is the 37th month of my [submitted] PR [application] and now it's difficult because of course you want to be PR. You want a new career because there's many opportunities that are open here if you get the PR, but it's very limited what you're able to do here if you're just a caregiver.

Perhaps most alarming is the continued presence of Live-in Caregiver Program applicants in IRCC's processing inventory, revealing their "permanent temporariness" that extends well beyond program timelines. My ATIP data shows that as of March 2021, some 1,303 LCP workers remained in processing limbo, despite the program having closed nearly a decade ago. These workers, who entered Canada under a program that promised permanent residency after 2 years of service, have instead faced what amounts to bureaucratic detention; they are caught in processing stages that have extended five times longer than their original period of required work. With processing times of 70.57 months (nearly six years) for LCP applicants, these workers' experiences demonstrate that gendered and racialized hierarchies are maintained through seemingly neutral bureaucratic processes. The state's administrative apparatus has effectively trapped these workers in a prolonged state of uncertainty, creating what Bannerji (2020) identifies as a form of gendered violence where women's labour is simultaneously essential yet rendered permanently precarious through state mechanisms. IRCC officials' characterization of these cases as "complex" [personal communication, Feb 20, 2024] obscures a more troubling reality: the state's administrative apparatus has

effectively trapped these workers in a prolonged state of uncertainty, despite their having fulfilled program requirements under policies that no longer even exist.

For the migrant care workers, the process is also immensely stressful and exhausting:

But until now, I applied [in] January last year. So [this] January is coming. So, two years [since my] application still — now, even my open work permit is not with me yet. So, I'm still waiting [and] hoping even though I'm sick and tired waiting, waiting. But, I need to be strong for myself, for my family. You know, mentally sometimes it's so hard.

Further, the lack of permanent residency also means prolonged family separation and the inability to establish a life in Canada despite contributing meaningfully to our care economy. Family separation was tied to a lack of established permanency in Canada and economic instability as care workers are often stuck in low-paying jobs that undervalue their skills and care work in general. Care workers expressed how time was passing in irrevocable ways:

Yeah, for my children here. Still, okay, [I hope] that I can get them. I'm hoping that next year, 2025, my children will be 16 at that time. So, there's still a chance that they can still enter here [as sponsored dependent family members]. So 16 and 14. So, I'm hoping you know. There's others [other care workers] that how many years here, [and] they're still not yet permanent.

These profound processing delays constitute a form of bureaucratic violence that fundamentally disrupts care workers' life trajectories and family structures. The temporal dimension of this administrative precarity extends far beyond mere inefficiency, functioning instead as what Bannerji (2020) might characterize as a mechanism of racialized and gendered control. Workers' testimonies reveal the lived experience of what Goldring and Landolt (2013) term "institutionalized uncertainty"—a perpetual state of limbo where personal and professional development becomes subordinated to the rhythms of administrative processing. This temporal violence—the systematic appropriation of migrant workers' time through bureaucratic delay—operates as a form of what Sharma (2006) identifies as differential inclusion, where racialized care workers who have fulfilled their labour obligations remain trapped in cycles of "permanent temporariness". Such administrative barriers function as subtle yet powerful technologies of governance that reproduce historical patterns of exclusion without requiring explicit discriminatory language. The disproportionate impact of these delays on care workers

reveals how administrative processes become sites where racial capitalism and gendered exploitation are reproduced through seemingly neutral bureaucratic procedures. As Nixon (2011) argues, such administrative processes function as a form of “slow violence”—violence that is “incremental and accretive” and dispersed across temporal scales, rendering precarity invisible through bureaucratic temporalities.

4.3.3. A Mismatch Between Application Caps and Applications Received

The data received from IRCC reveals a persistent and significant mismatch between the high volume of permanent residency applications received under the caregiver pilot programs and the significantly lower cap limits set by the department. This discrepancy, which first emerged with the introduction of caps in the 2014 reforms and was noted by Hanley, Larios and Koo (2017, p. 127) as “out of sync,” has only intensified under the 2019 Caregiver Pilots.

Hanley, Larios and Koo (2017), in work that serves as an important precursor to the present analysis, provide a critical assessment of Canada's 2014 Caregiver Program (CP) reforms and conclude that despite removing the live-in requirement, the reforms fundamentally fail to address the systemic exploitation and precarity faced by migrant caregivers. The authors demonstrate that the CP actually deepens existing problems through several mechanisms: it divides caregiving into two rigid pathways where workers cannot transfer accumulated work time between caring for children versus high medical needs patients, potentially forcing workers to restart their 24-month requirement if circumstances change; more critically, it introduces annual caps on permanent residency applications (2,750 per pathway, totalling 5,500) that are deliberately out of sync with the much larger number of workers entering Canada each year, creating a structural bottleneck that ensures many workers who complete their service requirements will be denied permanent residency simply due to artificial quotas. Using the global care chain framework, their study reveals how this reformed program perpetuates racialized and gendered inequalities by maintaining closed work permits tied to specific employers, preserving the threat of deportation as a mechanism of control, and systematically denying the promise of permanent residency that serves as the primary incentive for workers to endure exploitative conditions. Their prescient analysis anticipated many of the structural problems that have materialized under the subsequent 2019 pilot

programs, particularly regarding the growing mountain of application backlogs and the weaponization of artificial scarcity to maintain worker vulnerability. While their methods differ somewhat from my approach taken here, our empirical findings strongly corroborate each other's conclusion that the caps function as a deliberate policy tool to maintain precarity rather than genuinely provide pathways to permanent residency.

IRCC statistics show that from 2020 to 2022, the number of PR applications received consistently exceeded the stated maximum cap of 5,500 (see Figure 10. Screenshot of a statistical table received from IRCC).

Number of Permanent Residence Applications Received* under the Caregiver Pilot Programs: as of October 18, 2021

Caregiver Program	2019			2020			2021 (as of Oct 18)			Total		
	PA	Related Dependant	Total	PA	Related Dependant	Total	PA	Related Dependant	Total	PA	Related Dependant	Total
Home Child Care Pilot	978	1,276	2,254	3,475	4,332	7,807	2,773	3,751	6,524	7,226	9,359	16,585
Home Support Worker Pilot	357	386	743	1,413	1,615	3,028	1,449	1,754	3,203	3,219	3,755	6,974
Grand Total	1,335	1,662	2,997	4,888	5,947	10,835	4,222	5,505	9,727	10,445	13,114	23,559

**Please note that the intake also includes prospective applications.

Figure 10. Screenshot of statistical table received from IRCC demonstrating the number of permanent residence applications received under the care worker pilots as of October 18, 2021

Note: In the table, "PA" indicates "primary applicant." Data source: ATIP request 1A-2023-18363 from IRCC.

According to IRCC (2023a, 1A-2023-17841), a total of 37,568 applications were received under the care worker pilots from January 2019 to January 2023 (see Figure 10). It is important to note that these numbers in Figure 11 are "in persons," meaning they include both Primary Applicants (workers) and their dependents. Based on the data in Figure 9, we can estimate that Primary Applicants constitute approximately 43% of all applications counted "in persons."



Number of Permanent Resident Applications Received* between January 1, 2019 and January 31, 2023 under the Caregiver Pilot Programs, broken down by Program Type, Year of Received Date and Current Status: as of March 21, 2023 (in Persons)

Caregiver Pilot Program and Year of Received Date	On Inventory**	Processed				Total Received
		Approved	Refused	Withdrawn	Total	
Home Child Care Pilot	20,602	2,075	1,335	1,005	4,415	25,017
2019	1,149	753	299	91	1,143	2,292
2020	6,330	607	732	496	1,835	8,165
2021	5,281	584	254	351	1,189	6,470
2022	5,976	131	50	62	243	6,219
2023 (January)	1,866			5	5	1,871
Home Support Worker Pilot	10,841	506	636	568	1,710	12,551
2019	326	209	167	47	423	749
2020	2,212	179	364	339	882	3,094
2021	3,524	118	103	145	366	3,890
2022	4,652		2	31	33	4,685
2023 (January)	127			6	6	133
Grand Total	31,443	2,581	1,971	1,573	6,125	37,568

*Excludes Cancelled and Prospective applications.

** Inventory includes Processing and Landing Inventories.

Figure 11. Screenshot of statistical table received from IRCC demonstrating the number of permanent residence applications received (January 1, 2019–January 31, 2023) under the care worker pilots, broken down by program type, year of the received date, and current status as of March 21, 2023 (in persons)

Note: The table Data source: ATIP request 1A-2023-17841 from IRCC

The 2021 "Managing Applications under the 2019 Caregiver Pilots" memorandum provides some context for the PR application numbers, although it does not fully explain the consistently high volume of applications recorded in the IRCC statistical tables. The memorandum states that before 2020, "where the volume of applications received was considerably lower, the Department managed this cap flexibly because there was no risk of exceeding 2,750 applications processed in any given year" (IRCC 2021a, 1A-2022-86882). However, the department quickly became overwhelmed in 2020, with more than 3,500 applications received under the Home Child Care Pilot alone and only 380 entered into processing that same year (see Figure 12).

BACKGROUND:

- In June 2019, the Government launched the Home Child Care Provider Pilot and the Home Support Worker Pilot, economic class pilot programs, pursuant to Ministerial Instruction authorities under section 14.1 of the *Immigration and Refugee Protection Act* (the Act).
- These authorities provide the Minister discretion to create pathways to meet economic immigration goals and priorities, with limits on volumes and duration. Subsection 14.1(2) limits the number of applications that may be processed in a year to no more than 2,750

Canada

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Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
Information document / Document d'information
s. 23
Information divulguée en vertu de la loi sur l'accès à l'information
s. 21(1)(a)

-2-

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applications in a pilot class. In previous Ministerial Instruction pilots created under section 14.1, where the volume of applications received was considerably lower, the Department managed this cap flexibly because there was no risk of exceeding 2,750 applications processed in any given year.

- In 2020, unprecedented challenges associated with COVID-19 impacted processing efforts of applications for permanent residence under the 2019 Caregiver Pilots. In combination with higher than anticipated demand for the Home Child Care Provider Pilot, approximately 3,570 applications were received under this class in 2020, however, only approximately 380 applications were entered into processing in the same calendar year. Furthermore, approximately 1,400 applications were received under the Home Support Worker Pilot in 2020, but only about 120 were entered into processing.

•

In order to be considered processed, an application must have been entered into processing, at a minimum. The Department's position has, and continues to be that an application is not "entered into processing" until it has gone through a completeness check. For this reason, we are proposing other avenues to process the 2020 cases outside this year's processing limit of 2,750 applications per pilot.

- Furthermore, interest in the Home Child Care Provider Pilot continues to be high, with the Department having received just over 2,000 applications for the pilot as of mid-March 2021. It is anticipated that a sufficient number of applications will have been received by the end of April to fill the pilot's legislative processing limit for 2021.

Figure 12. Subsection of pages 1 and 2 of the "Managing Applications under the 2019 Caregiver Pilots" received via ATIP release 1A-2022-86882 as received (and redacted) from IRCC

The memorandum suggests that the caps limit the number of applications that may be processed annually to no more than 2,750 per pilot class (IRCC 2021a, 1A-2022-86882). This implies that the caps do not apply to the number of applications received (which is higher) or approved (which is lower), but only to those processed. The

same memorandum also highlights the serious delays IRCC has been experiencing in entering applications into processing. One possible explanation for the continued influx of applications is that the extremely low number of applications being entered into processing created the impression that there was still "room" for more applications, without considering the high number of applications already awaiting processing.

However, this hypothesis does not withstand scrutiny. In 2022, the application website indicated that as of January 17, IRCC had "received at least 2,750 applications" for the Home Child Care Pilot and was closed to new applications (see Figure 13). In 2023 and 2024, IRCC managed its application intake by immediately closing the online portal and displaying a small banner on the webpage that read "Cap reached" (see Figure 14).

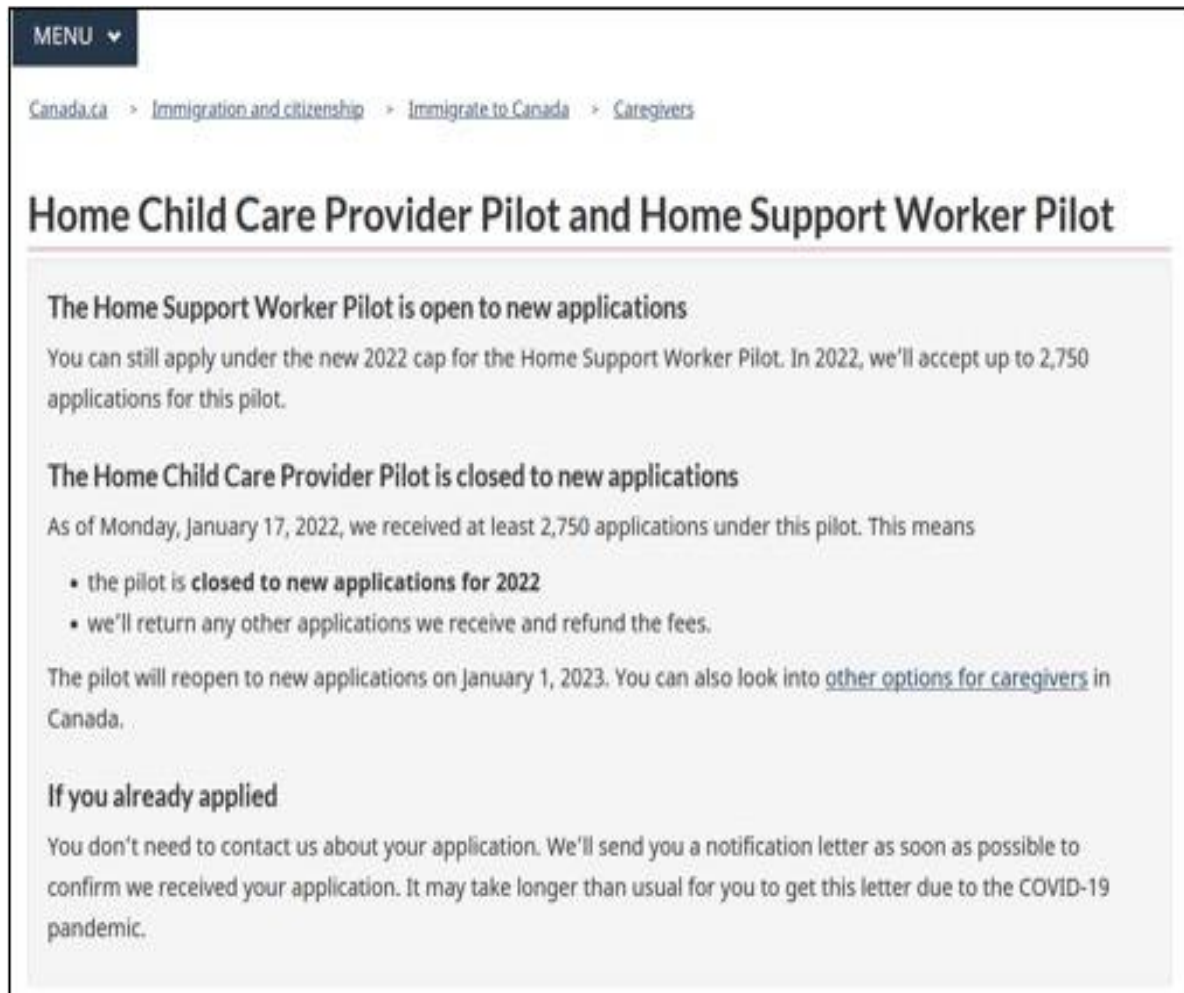


Figure 13. Screenshot of the 2022 Home Child Care Provider Pilot PR application portal closure on the official website of the Government of Canada, taken April 11, 2023 via the Internet Archive Wayback Machine

Home Child Care Provider Pilot and Home Support Worker Pilot: Gaining experience category

You can apply to the Gaining experience category through the Home Child Care Provider Pilot and Home Support Worker Pilot if

- you've never worked full-time as a caregiver in Canada or
- you have **less than 12 months** of work experience

You'll submit a work permit application with your permanent residence (PR) application. If you meet the requirements, you'll get a work permit that lets you work as a caregiver for any employer. After you get at least 12 months of qualifying work experience, you'll send us proof and we'll make a final decision on your PR application.

Sections

- [Who can apply](#)
Find out the eligibility requirements
- [Take a language test](#)
Submit proof of language skills in English or French

Processing times
[Check processing times](#)

Fees
Starting from: \$CAN 1,340

Status

Home Child Care Provider Pilot:

- Online **Cap reached**
- Alternate format **Cap reached**

Home Support Worker Pilot

Open

Figure 14. Screenshot showing the 2024 care worker pilots application status including the small “Cap reached” banner under the Home Child Care Provider Pilot PR application portal status via the official website of the Government of Canada, taken April 4, 2024.

Despite the evident high interest and consistent influx of applications, the introduction of sub-caps for permanent residency applications has further narrowed the submission window, creating an exceedingly brief opportunity for applicants to submit their documents. While the sub-caps have been beneficial in some regards, such as helping care workers with work experience apply for PR through the "Direct to PR" sub-cap, the window for those applying under the "gaining experience" class has been rapidly shrinking. In both 2023 and 2024, IRCC's application portal opened and closed in rapid succession on January 1st—a statutory holiday—making it difficult for migrant care workers to receive assistance from advocates when submitting their applications (see Figures Figure 15Figure 16).

The Home Child Care Provider Pilot

Gaining experience category



All caps have been reached for the Gaining experience category

This means the Gaining experience category is **closed to new applications for 2023**.

- You won't be able to start or submit an application for this category in our portal, and any paper applications will be returned.
- Online applications that weren't submitted will [expire](#) from the portal after about 30 days.

Applications for this category will reopen in 2024. You can also explore other [immigration programs](#).

Direct to permanent residence category



The online application cap has been reached for the Direct to permanent residence category

- You won't be able to start or submit an application for this category in our portal.
- Online applications that weren't submitted will [expire](#) from the portal after about 30 days.

Online applications for this category will reopen in 2024. You can also explore other [immigration programs](#).

The alternate format cap for this category remains open to new applications.

2023 caps

In 2023, we'll accept up to the following number of applications in each category:

- Gaining experience category: 1,650 applications, including
 - 1,500 online applications | Closed as of January 1, 2023
 - 150 alternate format applications | Closed as of February 1, 2023
- Direct to permanent residence category: 1,100 applications, including
 - 1,000 online applications | Closed as of April 19, 2023
 - 100 alternate format applications

Figure 15. Screenshot of webpage from the official website of the Government of Canada, taken June 21, 2023 via the Internet Archive Wayback Machine. Shows 2023 "Gaining Experience" and "Direct to DR" application closure dates

Home Child Care Provider Pilot and Home Support Worker Pilot: Gaining experience category

You can apply to the Gaining experience category through the Home Child Care Provider Pilot and Home Support Worker Pilot if

- you've never worked full-time as a caregiver in Canada or
- you have **less than 12 months** of work experience

You'll submit a work permit application with your permanent residence (PR) application. If you meet the requirements, you'll get a work permit that lets you work as a caregiver for any employer. After you get at least 12 months of qualifying work experience, you'll send us proof and we'll make a final decision on your PR application.

Sections

[Who can apply](#)

Find out the eligibility requirements

[Take a language test](#)

Submit proof of language skills in English or French



Processing times

[Check processing times](#)



Fees

Starting from: \$CAN 1,340



Status

Home Child Care Provider Pilot:

- Online | **Cap reached**
- Alternate format | **Cap reached**

Home Support Worker Pilot

Open

Figure 16. Screenshot of webpage from the official website of the Government of Canada, taken April 18, 2024. Shows 2024 "Gaining Experience" online application closure already in place on the date of the screenshot, although this is less explicit than Figure 14 of the precise date of this closure, which was January 1, 2024

Because of these application caps and quick closures of the application portals as the caps are reached, we found that migrant care workers tried to apply for permanent residence through other streams such as the short-lived temporary resident to permanent resident (commonly referred to as "TR to PR") pathways, which also emerged in response to care worker activism and calls for alternative routes to PR. However, these pathways were also extremely time-limited. One care worker explains,

I was about to submit my TR to PR [application] but it was only hours after...and it closed on me. I had complete documents for IRCC. Suddenly—it was so fast that the IRCC [application portal] closed. I was so frustrated. I've already gathered my documents completely and suddenly [it] closed. When I woke up in the morning I was so weak. I felt so weak. I felt exhausted because it's like all year, after the money—your expenses for the requirements—and then it's back to zero. The CENOMAR [A Certificate of No Marriage Record issued by the Philippines government], the NBI [a police certificate issued upon request by the National Bureau of Investigation]. It's only [valid for] one year...So, we voice out that they bring back the TR to PR pathway because there's more benefits [that come with permanency], especially for caregivers. (care worker quote from interviews conducted in late 2023)

Despite the implementation of sub-caps, data from IRCC and insights from department directors reveal an enduring and substantial demand for these care worker programs. A glaring disconnect persists between the high volume of applications received and the significantly lower cap limits—an issue that has not been adequately addressed by the department. This considerable gap provokes concerns regarding the logic underlying these limitations. Moreover, the frequent adjustments to the number of allowable applications, discrepancies between announced figures and actual departmental statistics, and the opaque correlation between the number of applications received and the conferral of permanent residency statuses contribute to a pervasive atmosphere of confusion. This situation leaves care workers and researchers alike grappling with what appears to be an uncoordinated approach to policy implementation.

The current opacity and thin explanatory justification for the sub-caps underscore a misalignment in how IRCC manages application volumes relative to the real demands and obstacles faced by the program. Going forward, the government must adopt a more transparent and evidence-driven methodology for setting and revising caps for immigration programs such as the care worker pilots. Such an approach should more accurately mirror the intense demand for care provision by employers and the aspirations for permanency by care workers. Additionally, it must promote a fairer and more transparent processing system that aligns with federal government commitments to provide a clear and effective pathway to permanent residency. Only by addressing these persistent mismatches and administrative burdens can Canada truly claim to be "caring for caregivers" and living up to its promises of clear pathways to permanent residency.

The analysis of processing times and approval rates for care worker PR applications reveals how administrative mechanisms serve as sophisticated tools of state control. While IRCC presents these delays as technical issues, IRCC data demonstrates systematic patterns that disproportionately affect care workers compared to other immigration streams, reflecting historical patterns of racialization and devaluation of care work documented in Chapter 3.

To restate my findings from Section 4.3, my analysis of ATIP data reveals three key patterns: first, care worker applications face processing times dramatically longer than other immigration streams; second, actual processing times vastly exceed IRCC's own targets; and third, approval rates have declined significantly since 2019. According to IRCC's current processing times webpage, care workers face average wait times of 31 to 34 months for permanent residency applications (see Figure 17), nearly triple the processing time for Canadian Experience Class applications.

Check processing times

 Our processing times show how long it took us to process most applications in the past for each application type. As we process more applications and clear our inventories, the numbers will change. The numbers shown may not reflect how long it will take us to process an application you submit today. [Find out how we calculate processing times.](#)

If you've already applied, learn how to [check your application status](#).

Select an application type: **(required)**

Economic immigration

Which economic class application? **(required)**

Caregivers

Which caregiver program? **(required)**

Home Child Care Provider Pilot

When did you apply? **(required)**

On or after April 30, 2023

How much work experience did you have? **(required)**

12 months or more

Home Child Care Provider Pilot: Direct to permanent residence category

🕒 31 months 

Figure 17. Screenshot of webpage from IRCC website taken on January 24, 2024.
This is one example of the 31 to 34-month wait times for PR application processing illustrated on IRCC website

This 3-year wait remains relatively the same as the time it took under the Live-in Caregiver Program (Mas, 2014) and far from the optimistic 8 months of the 2014 pilots.

4.4. Two-Step Immigration and Bureaucratic Violence: Understanding the Backlog Crisis

The systematic delays in care worker permanent residency processing reflect what Schmidt et al. (2023) identify as "bureaucratic violence" within Canada's two-step immigration system. As they argue, administrative problems within Canada's immigration bureaucracy have become "ubiquitous," creating what amounts to systematic barriers for migrants attempting to transition from temporary to permanent status. Their framework of bureaucratic violence helps us understand how seemingly neutral administrative processes can produce significant harm, particularly for precarious workers repeatedly engaging with immigration bureaucracy.

Schmidt et al. (2023) conceptualize bureaucratic violence as operating through three distinct but interrelated forms of "administrative burden." First, they identify "learning costs"—the substantial effort required to understand complex program requirements, eligibility criteria, and application processes. Second, they point to "compliance costs," which include not just direct financial expenses but the time and resources needed to gather documentation, complete forms, and maintain status while waiting. Third, they emphasize the "psychological costs," including the stress, anxiety, and trauma of navigating opaque bureaucratic systems while living in perpetual uncertainty. For care workers, these burdens are extensively documented in both recent policy analysis (Bagon et al., 2024) and academic research (Bhuyan et al. 2018). Care workers consistently report all three forms of burden: struggling to understand shifting program requirements and processing stages, bearing significant financial costs for repeated documentation and permit renewals, and experiencing profound psychological stress from prolonged uncertainty. These impacts are particularly acute for workers caught in what Bhuyan et al. (2018) term "cycles of perpetual documentation," where applications remain in inventory for years, sometimes requiring constant renewal of medical exams, language tests, police certificates, and other time-sensitive documents—each carrying its own financial and emotional cost.

Schmidt et al.'s (2023) analysis illuminates how Canada's transition towards what scholars term a "two-step immigration system" creates specific forms of bureaucratic violence. As Schmidt et al. (2023) explain, the expectation that migrants will spend extended periods in temporary status before qualifying for permanent residency subjects them to repeated encounters with immigration bureaucracy, each carrying its own administrative burdens. This system of "probationary immigration" (Ellermann & Gorokhovskaia, 2019) legitimizes prolonged periods of precarity through seemingly neutral administrative mechanisms. For care workers, this manifests in what Schmidt et al. (2023) identify as a "complex labyrinth of programmes and multi-step processes" that effectively prolongs temporary status while maintaining the appearance of offering pathways to permanence.

Recent IRCC data from September 2024 reveals the scale of this bureaucratic violence within care worker programs. Of 37,673 total applications in inventory, an overwhelming 35,590—representing 13,802 primary applicants and 21,788 dependents—remain trapped in preliminary processing stages. Only 1,881 applications have progressed to 'completed overall eligibility,' with another 202 still classified as 'prospective.' These numbers reveal how the two-step process creates what amounts to administrative detention, where workers and their families remain in prolonged states of uncertainty despite fulfilling program requirements (see Figure 19, Figure 19Figure 20).

Caregiver Pilots, 2019-2024 Intake versus Processed Totals

By sub-program as of September 16, 2024 including both primary applicants and dependents

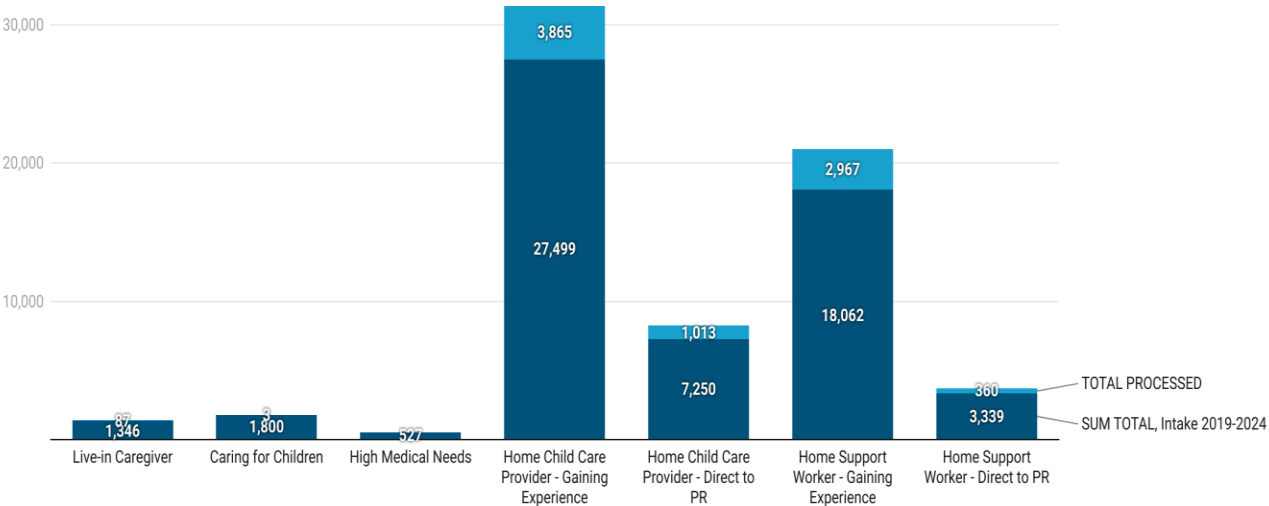


Chart: Alicia Massie • Source: IRCC ATIP Release 2A-2024-19025 • Created with Datawrapper

Figure 18. Stacked bar chart indicating the number of applications of intake and processed for each migrant caregiver programs (2019–2024). Data source: 2A-2024-19025, from IRCC. Data table is included below as Figure 18

Table 1A: Inventory Summary for Caregiver Programs: as of September 16, 2024

	Prospective			Pending Overall Eligibility			Completed Overall Eligibility			Total		
	PA	Dependants	Total	PA	Dependants	Total	PA	Dependants	Total	PA	Dependants	Total
Live-in Caregiver				4	2	6	50	158	208	54	160	214
Caring for Children							5	7	12	5	7	12
Interim Pathway Measure							14	39	53	14	39	53
Home Child Care Provider - Gaining Experience	10	9	19	7,033	11,809	18,842	159	263	422	7,202	12,081	19,283
Home Child Care Provider - Direct to PR	8	10	18	996	1,348	2,344	301	519	820	1,305	1,877	3,182
Home Child Care Provider - Category Unspecified	4		4	8	16	24				12	16	28
Home Support Worker - Gaining Experience	16	34	50	4,942	7,673	12,615	46	66	112	5,004	7,773	12,777
Home Support Worker - Direct to PR	45	64	109	817	938	1,755	111	143	254	973	1,145	2,118
Home Support Worker - Category Unspecified	2		2	2	2	4				4	2	6
Total	85	117	202	13,802	21,788	35,590	686	1,195	1,881	14,573	23,100	37,673

*Please note Overall Eligibility refers to all sets of eligibility stages for applications where multiple eligibility stages exist.

Table 1B: Intake* Summary for Caregiver Programs: as of September 16, 2024

	Received in 2024			Received in 2023			Received in 2022			Received in 2021		
	PA	Dependants	Total	PA	Dependants	Total	PA	Dependants	Total	PA	Dependants	Total
Live-in Caregiver				2		2	13	16	29	69	51	120
Caring for Children							11	6	17	1	2	3
High Medical Needs												
Interim Pathway Measure												
Home Child Care Provider - Gaining Experience	1,458	2,228	3,686	1,552	2,449	4,001	2,060	3,249	5,309	2,187	3,364	5,551
Home Child Care Provider - Direct to PR	874	1,186	2,060	810	1,089	1,899	407	556	963	386	511	897
Home Child Care Provider - Category Unspecified	8	14	22	3	2	5	2	2	4	35	57	92
Home Support Worker - Gaining Experience	1,350	2,084	3,434	1,261	2,008	3,269	1,763	2,698	4,461	1,481	2,151	3,632
Home Support Worker - Direct to PR	661	765	1,426	425	509	934	125	130	255	145	123	268
Home Support Worker - Category Unspecified	1		1	1	1	2	2	5	7	27	28	55
Total	4,352	6,277	10,629	4,054	6,058	10,112	4,383	6,662	11,045	4,331	6,287	10,618

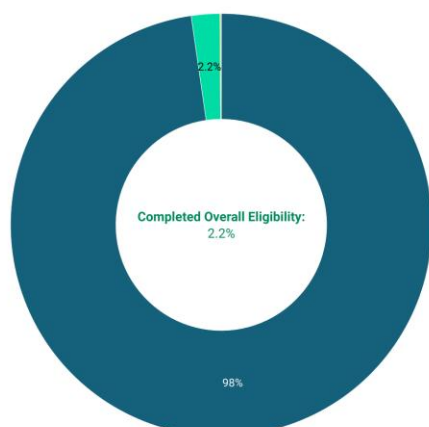
*Please note the intake data includes Prospective Applications and excludes Cancelled Applications.

Figure 19. Screenshot of two data tables received from IRCC indicating the inventory and intake summaries for caregiver programs, broken down by program type, year, and status as of September 16, 2024. Data source: ATIP request 2A-2024-19025

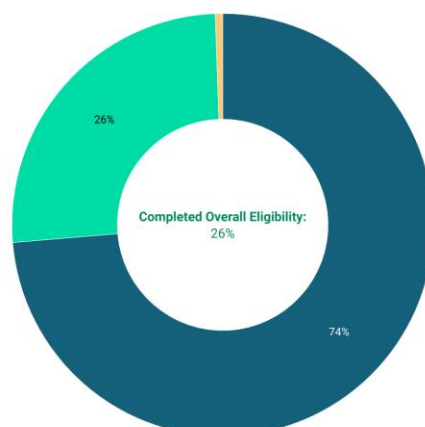
Home Childcare Provider Pilot Inventory Summary

By processing status, including primary applicants and dependants, as of September 16, 2024

■ Pending Overall Eligibility ■ Completed Overall Eligibility ■ Prospective



Home Child Care Provider - Gaining Experience



Home Child Care Provider - Direct to PR

Please note Overall Eligibility refers to all sets of eligibility stages for applications where multiple eligibility stages exist

Chart: Alicia Massie • Source: IRCC ATIP Release 2A-2024-19025 • Created with Datawrapper

Figure 20. Donut chart showing the processing status of applicants under the Home Childcare Provider Pilots of September 16, 2024, broken down by status category. Data source: ATIP request 2A-2024-19025

Analysis of IRCC's inventory summary for the Home Childcare Provider Pilot—the most utilized stream within the 2019 pilots—reveals particularly stark processing patterns in the "gaining experience" category. Prior to IRCC's restructuring of application caps, this category received approximately 90% of all applications. Yet as of September 2024, three months after the pilots' June 2024 end date, only 2.2% of applications in this category have completed the overall eligibility assessment. This extraordinarily low completion rate is especially concerning given that the pilot programs have already concluded, raising urgent questions about how IRCC intends to process the remaining applications. The concentration of so many applications in preliminary processing stages, despite consistent annual intake volumes, suggests a systematic pattern of delay that particularly impacts those in the "gaining experience" stream.

This pattern of delay cannot be attributed to fluctuating application volumes. IRCC data shows remarkably consistent annual intake: 10,629 applications in 2024, 10,112 in 2023, 11,045 in 2022, and 10,618 in 2021 (see Figure 18 & Figure 19). Rather, these delays reflect what scholars identify as the inherent violence of bureaucratic systems that "turn humans into files" (Schmidt et al., 2023, p. 4891), creating administrative mechanisms that maintain precarity while limiting accountability.

Caregiver Pilots, Intake Summary by Subcategory and Year

As of Sept 16 2024, including both primary applicants and dependents

Received in 2019 Received in 2020 Received in 2021 Received in 2022 Received in 2023 Received in 2024

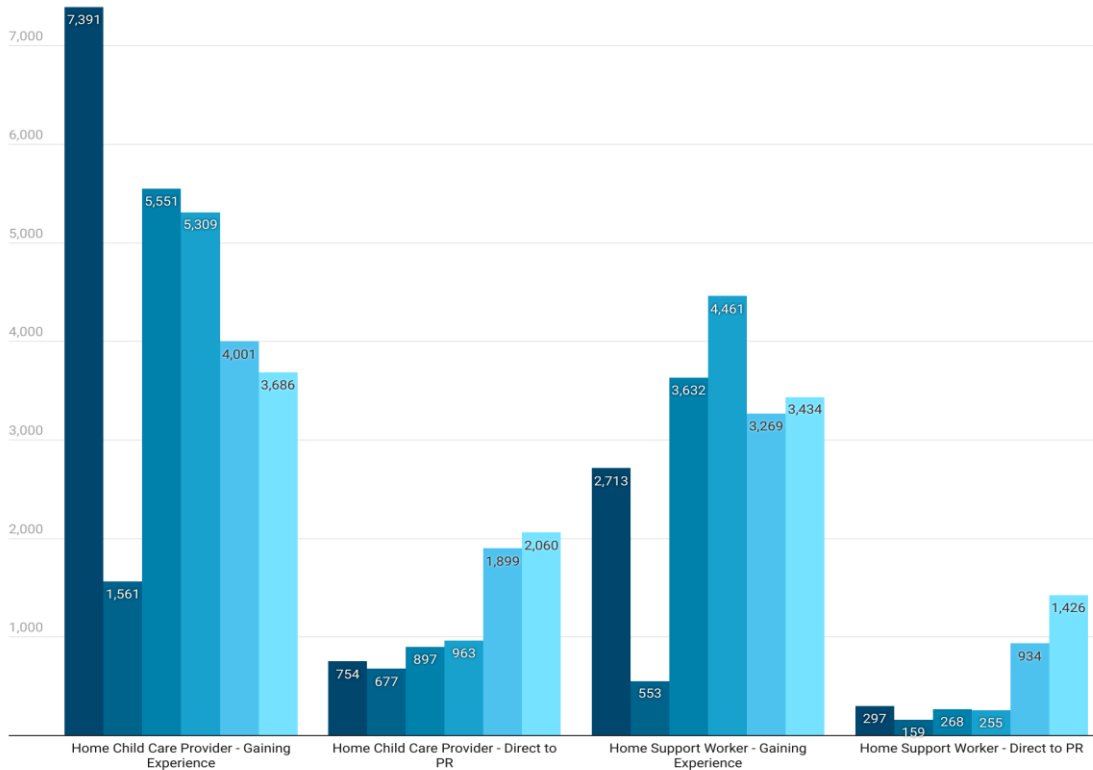


Chart: Alicia Massie • Source: IRCC ATIP Release 2A-2024-19025 • Created with Datawrapper

Figure 21. Grouped bar chart showing applications received by year to the Caregiver Pilots, from 2019–2024. Data source: ATIP request 2A-2024-19025

The 94% concentration of applications in the “pending overall eligibility” stage (35,590 out of 37,673), at the end of the pilot's life cycle, reveals how the two-step immigration system creates what amounts to administrative limbo. This stage, ostensibly a preliminary assessment phase, exemplifies what Chowdhury (2016) identifies as the state's capacity to produce “permanent temporariness” through administrative mechanisms. The small number of applications reaching “completed eligibility” (1,881, or roughly 5% of total inventory) suggests not just administrative inefficiency but rather what Goldring and Landolt (2009) term a system of “chutes and ladders,” where bureaucratic processes create prolonged periods of precarity even for those who have fulfilled all program requirements. This systematic bottleneck at the preliminary assessment stage demonstrates how administrative practices serve as sophisticated

mechanisms of state control, maintaining precarity through seemingly neutral bureaucratic processes.

IRCC went from processing approximately half of all applications in 2019 to astonishingly low numbers by 2022 (see Figure Figure 22). It is unclear what happened in 2021 and 2022 that drastically reduced processing numbers overall—the COVID pandemic may be partly to blame as IRCC experienced staffing issues, but 2020, the height of the pandemic, showcased much higher processing numbers than 2021 or 2022. The incredibly low rates of PR application processing (and relatively high rate of denials) fail to align with the consistent care worker activist demand for permanency and the "clear, direct pathway to permanent residence" promised by the federal government in its 2019 news release announcing the program changes in response to these activist efforts from workers, organizations, and allies.

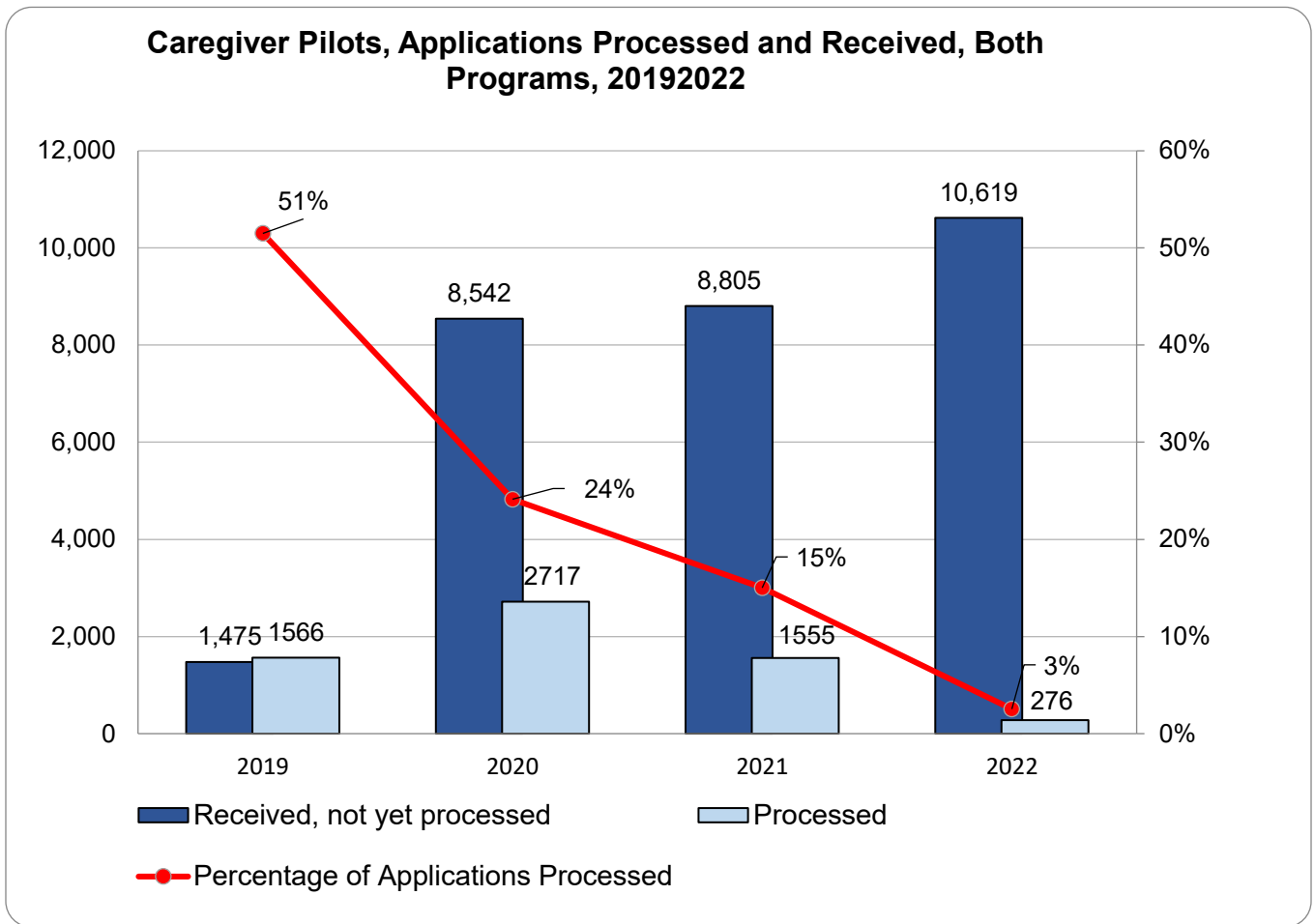


Figure 22. Combination stacked bar and line chart demonstrating the number of applications received and processed under the care worker pilots (2019–2022). Data source: ATIP request 1A-2023-17841, from IRCC. The original IRCC data table is included as Figure 23

Number of Permanent Resident Applications Received* between January 1, 2019 and January 31, 2023 under the Caregiver Pilot Programs, broken down by Program Type, Year of Received Date and Current Status: as of March 21, 2023 (in Persons)

Caregiver Pilot Program and Year of Received Date	On Inventory**	Processed				Total Received
		Approved	Refused	Withdrawn	Total	
Home Child Care Pilot	20,602	2,075	1,335	1,005	4,415	25,017
2019	1,149	753	299	91	1,143	2,292
2020	6,330	607	732	496	1,835	8,165
2021	5,281	584	254	351	1,189	6,470
2022	5,976	131	50	62	243	6,219
2023 (January)	1,866			5	5	1,871
Home Support Worker Pilot	10,841	506	636	568	1,710	12,551
2019	326	209	167	47	423	749
2020	2,212	179	364	339	882	3,094
2021	3,524	118	103	145	366	3,890
2022	4,652		2	31	33	4,685
2023 (January)	127			6	6	133
Grand Total	31,443	2,581	1,971	1,573	6,125	37,568

*Excludes Cancelled and Prospective applications.

** Inventory includes Processing and Landing Inventories.

Figure 23. Screenshot of a data table received from IRCC showing the number of permanent resident applications received under the Caregiver Programs (January 1, 2019–January 31, 2023)

Data source: ATIP request 1A-2023-17841, from IRCC

4.4.1. Approval Rates

Detailed analysis of IRCC processing outcomes reveals concerning patterns in how applications are assessed across different pilot streams. The data shows striking disparities between the Home Child Care Provider (HCCP) and Home Support Worker (HSW) pilots, as well as between their respective "Gaining Experience" and "Direct to PR" streams (see Figures Figure 23Figure 25).

The HCCP sub-program, which requires qualifying work experience caring for children in private home settings (NOC 44100), has consistently been the more popular stream and shows notably higher approval rates: 75% of "Gaining Experience" applications and 77% of "Direct to PR" applications are approved when they reach final assessment. However, these seemingly positive figures must be understood within the context of extremely low processing volumes—the vast majority of applications never reach the assessment stage.

In contrast, the HSW sub-program, requiring qualifying work experience providing home support care in private residences (NOC 44101), shows dramatically lower approval rates: only 33% for "Gaining Experience" and 35% for "Direct to PR" applications, with refusal rates of 54% and 46% respectively. This disparity becomes particularly troubling when considered alongside IRCC's decision to reorganize

application caps specifically to encourage more applications to the HSW sub-program, of which those applying via “gaining experience” have the highest rejection rate. The department's push to redirect applicants towards a stream with significantly higher refusal rates raises serious questions about program design and implementation. While both pilots restrict qualifying work experience to private home settings and exclude institutional care work, the significant disparity in approval rates—reaching as high as a 44-percentage point difference between programs—suggests systematic differences in how applications are assessed. This creates what amounts to a two-tiered system within an already complex bureaucratic process, with HSW applicants facing particularly high barriers despite similar program requirements.

TABLE 1C: 2024 Output Summary for Caregiver Programs: as of September 16 2024

Program	Approved			Refused			Withdrawn			Total Processed			Admissions		
	PA	Dep.	Total	PA	Dep.	Total	PA	Dep.	Total	PA	Dep.	Total	PA	Dep.	Total
Live-in Caregiver	27	45	72	6	7	13	1	1	2	34	53	87	32	57	89
Caring for Children	3		3							3		3	3		3
Interim Pathway Measure	12	37	52	2	5	7				17	42	59	26	54	80
Home Child Care Provider - Gaining Experience	1339	1546	2885	294	497	791	65	124	189	1698	2167	3865	1255	1267	2522
Home Child Care Provider - Direct to PR	396	531	927	95	145	240	15	15	30	506	691	1197	477	536	1013
Home Support Worker - Category Unspecified							1	2	3	1	2	3			
Home Support Worker - Gaining Experience	487	497	984	572	1030	1602	148	233	381	1207	1760	2967	446	403	849
Home Support Worker - Direct to PR	56	70	126	63	101	164	41	29	70	160	200	360	91	118	209
Total	2320	2726	5049	1032	1785	2817	271	404	675	3626	4915	8541	2330	2435	4765

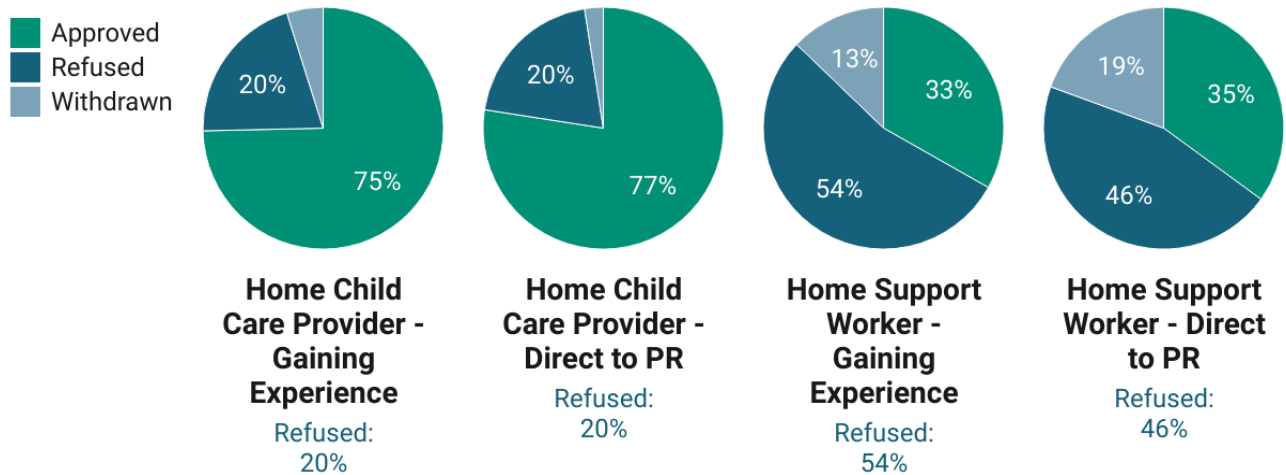
PA = Primary Applicant; Dep. = Dependents

Figure 24. Data table reproduced from IRCC data table showing the 2024 output summary for the caregiver programs, broken down by program and processing status. Data source: ATIP request 2A-2024-19025

This table has been reformatted by the author for ease of reading.

2019-2024 Caregiver Pilots: Output Summary as of Sept 16, 2024

Total Applications by Status and Sub-Program



Home Child Care Provider - Category Unspecified is Excluded (n=3)

Chart: Alicia Massie • Source: IRCC ATIP 2A-2024-19025 • Created with Datawrapper

Figure 25. Multiple pie charts visualizing the applications under the Caregiver Pilots, by program stream and processing and approval status, 2019–2024. Data Source: ATIP request 2A-2024-19025 from IRCC.

4.4.2. Refusal Patterns and Administrative Barriers

To further illuminate the bureaucratic violence underlying the care worker backlog, I obtained data from IRCC detailing the reasons for refusal across the HCCP and HSW sub-programs through an ATIP request (see Appendix B for a complete table of refusal data). While this data provides a valuable window into the application assessment process, it is important to note several limitations.

First, the data only covers a partial time period, as this ATIP release was in 2023 and the full inventory and outcomes data was not available. Second, the grounds for refusal are categorized according to specific sections of the IRPA (S.C. 2001, c. 27) and its accompanying Immigration and Refugee Protection Regulations (SOR/2002-227), which can be opaque and require careful interpretation. For example, the data shows a significant number of refusals under R70(1)(d) of the Regulations, which outlines the

basic requirements for permanent resident visa issuance, including that applicants must meet "the selection criteria and other requirements applicable to that class."

Among the most frequently cited grounds for refusal, two provisions stand out. The first is A12(2) of IRPA, which requires applicants to demonstrate "their ability to become economically established in Canada." The frequent use of this provision to refuse care worker applications reveals a profound contradiction in how Canada values care labour. Despite these workers performing essential social reproductive work that enables other economic activity, their contributions are systematically devalued through administrative frameworks that question their economic establishment. This reflects what feminist political economists have long identified as the paradox of care work under capitalism—where care labour is simultaneously essential for economic functioning yet rendered invisible or undervalued in formal economic assessments. There is a painful irony in rejecting "low-skill," low-waged workers who are immigrating through an occupationally-restricted pathway specifically because of their supposed inability to integrate economically into Canada. Indeed, the use of A12(2) to refuse care workers might be read as an inadvertent acknowledgement by the state of how care work remains materially and detrimentally devalued within Canada's economic system. The use of this provision thus exemplifies how immigration policy both reflects and reproduces broader patterns of gendered and racialized devaluation of care work.

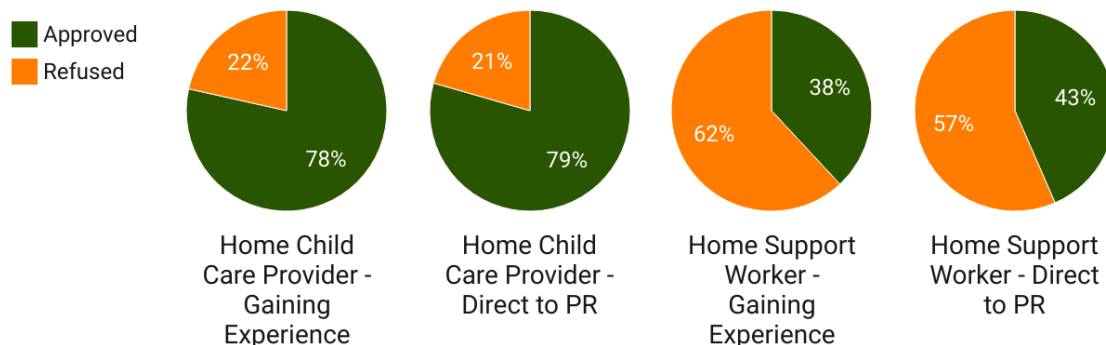
The second notable ground for refusal is A16(1) of IRPA, which requires applicants to "answer truthfully all questions put to them." Due to the opaque nature of IRCC's refusal documentation and the limitations of ATIP-released data, we cannot know the specific circumstances or types of cases where this provision is being applied. However, the frequent appearance of A16(1) as grounds for refusal raises concerning questions about how "truthfulness" is being assessed within the immigration system. Care workers, navigating complex application requirements while managing demanding care responsibilities, must produce extensive documentation about their employment, education, and personal histories. The broad nature of A16(1) means that even minor discrepancies in this documentation—whether from translation issues, differences in record-keeping practices across countries, or simple clerical errors—can be interpreted as failures of truthfulness. This creates particular vulnerability for care workers who often must piece together documentation from multiple employers, across different time periods, and sometimes across multiple countries. The power to determine what

constitutes "truthfulness" thus becomes another mechanism through which state discretion is exercised, turning technical documentation requirements into potential grounds for questioning applicant integrity. This use of A16(1) effectively transforms the administrative burden of complex documentation into a moral question of truthfulness, adding another layer of precarity to an already challenging application process.

Beyond these specific grounds for refusal, the data reveals troubling disparities between the HCCP and HSW sub-programs. For the "Gaining Experience" applications, the HCCP sub-program showed an above 75% approval rate, while the HSW sub-program had only a 38%–43% approval rate, a striking difference (see Figure 26). The "Direct to PR" applications showed similar disparities, with the HCCP sub-program maintaining 77% approvals compared to 35% for HSW. These divergent outcomes are particularly concerning given IRCC's recent efforts to redirect more applicants towards the HSW stream through cap reorganization, effectively channelling workers towards a stream with significantly higher refusal rates.

Caregiver Pilots, Output Summary of Approved & Refused Applications by Sub-Program

As of September 16 2024



Approval rate is calculated by total number of approved applications divided by total number of approved and refused applications

Chart: Alicia Massie • Source: IRCC ATIP Release 2A-2024-19025 • Created with Datawrapper

Figure 26. Multiple pie charts visualising the approval and refusal results of applications to the Caregiver Pilots, broken down by program and sub-program. Data Source: IRCC ATIP 2A-2024-19025

Additional barriers emerge through refusals related to language proficiency (R75(2)(d)) and educational credential assessments (R75(2)(e)). These requirements, which were heightened during the transition from the Live-in Caregiver Program to the pilot programs, create particular challenges for workers who must maintain full-time care responsibilities while attempting to access language training or navigate complex credential recognition processes. As documented in our recent policy analysis (Bagon et al., 2024), care workers consistently identify these increased language and educational requirements as significant barriers to permanent residency, citing the difficulties of accessing training or assessment services while balancing demanding care work schedules. The cumulative effect of these various grounds for refusal—from economic establishment to documentation requirements to language proficiency—creates multiple points where applications can be rejected, reflecting how administrative requirements that appear neutral on paper translate into substantial barriers in practice.

When viewed alongside the broader backlog crisis documented in this chapter, these refusal patterns reveal how administrative processes serve not just to delay but to

actively limit pathways to permanent residency. The systematic nature of these barriers suggests that the backlog crisis reflects not mere inefficiency but rather what Schmidt et al. (2023) identify as bureaucratic violence—where seemingly neutral administrative requirements function as mechanisms of control and exclusion. Understanding these patterns of refusal and delay is thus crucial for comprehending how Canada's immigration system maintains worker precarity through administrative means.

4.5. Chapter Conclusion

In this chapter, I have examined the 2019–2024 Caregiver Pilots, revealing how Canada's immigration system perpetuates institutionalized precarity for migrant care workers through administrative mechanisms. Despite promises of reform and “clear pathways” to permanent residency, the pilots have replicated and even intensified patterns of exclusion and control established under earlier programs. Through my analysis of ATIP data, policy documents, and worker experiences, I have demonstrated how processing delays, application caps, and shifting eligibility criteria function as tools of bureaucratic violence, maintaining a system of “permanent temporariness” (Chowdhury, 2016) for care workers. The persistent backlog crisis, which has left tens of thousands of workers and their families in prolonged states of uncertainty, underscores the systemic nature of these inequities. Far from being the result of mere administrative inefficiencies or external factors like the COVID-19 pandemic, I argue that these delays reflect and contribute to a deliberate strategy of precarity by design, where state policies ensure the continued vulnerability of a racialized and feminized labour force.

Empirically, this chapter contributes to the growing body of research on Canada's care worker programs by providing a detailed analysis of the 2019 pilots, including their processing times, refusal rates, and the mismatch between application caps and demand. My findings reveal a stark disparity between the state's discursive promises of inclusivity and the lived realities of care workers navigating opaque and burdensome pathways to permanence. Theoretically, the chapter builds on frameworks of bureaucratic violence (Schmidt et al., 2023) and institutionalized precarity (Sharma, 2006), demonstrating how administrative mechanisms serve as sophisticated tools of state control. By situating these findings within the broader history of Canada's care worker programs, I highlight the enduring tension between worker agency and state

power, as well as the state's capacity to adapt control mechanisms under the guise of reform.

The analysis of bureaucratic violence and administrative burden in this chapter sets the stage for a deeper exploration of how state power operates through the management of information and visibility. In the next chapter, I develop the concept of strategic opacity to analyze how statistical and administrative practices shape the governance of migrant care workers in Canada. By examining population measurement systems, labour statistics, and recent policy developments, I demonstrate how partial visibility and statistical fragmentation function as mechanisms of state control. Specifically, I argue that the systematic undercounting of NPRs and the fragmentation of family relationships through administrative practices reflect a deliberate strategy of managing partial visibility. This strategic opacity not only reinforces the precarious position of migrant care workers but also obscures the systemic inequities embedded in Canada's immigration system. Through this analysis, the next chapter reveals how increased "transparency" in policy discourse, such as the 2025–2027 Immigration Levels Plan, can hide and create new forms of opacity, further entrenching the marginalization of migrant care workers and their families.

Chapter 5.

Invisible Labour: The Politics of Statistical Invisibility and Migrant Care Work

5.1. Introduction: The Search for an Impossible Number

This chapter began in frustration. The opaqueness of the Caregiver Pilot programs and the confusion faced by care workers and community activists trying to access even basic information about their rollout, drove me to ask what seemed like a straightforward question: How many migrant care workers are currently living and working in Canada? What emerged instead was a revealing paradox at the heart of Canada's immigration system. The inability to answer this seemingly simple question points not to mere technical limitations or administrative oversights but to what I will theorize as “strategic opacity”—a form of governance that operates through the careful management of what can and cannot be known about temporary resident populations.

Care workers and the Caregiver Pilots represent just one piece of what Vosko (2022) identifies as an expanding temporary worker machine; one marked by growing dysfunction. Yet their statistical invisibility reveals something profound about how contemporary immigration governance operates not just through explicit restrictions or controls but through the strategic deployment of incomplete information and incompatible data. Moreover, the statistical opacity surrounding migrant care workers becomes even more problematic when positioned within Canada's seemingly endless cycle of “pilot” programs. During the completion of this research in June 2024, Minister of Immigration Marc Miller announced yet another set of care worker pilot programs slated to begin in January 2025. This announcement marked more than a decade of successive “pilot” programs, each purportedly designed to test new approaches to managing care worker migration.

The fundamental contradiction here is striking. IRCC directors define pilot programs as “testing grounds,” yet how can any program meaningfully test new approaches without robust data collection and transparent evaluation mechanisms? The very concept of a pilot program implies a systematic approach to learning and

adaptation, requiring clear metrics, consistent monitoring, and thorough evaluation. Instead, we see a pattern of launching new pilots while lacking even basic data about the outcomes of previous ones.

My search for a simple number turned into years of research, requiring levels of technical understanding and bureaucratic navigation that I found staggering. Even with considerable privileges—years of academic training, university affiliation, and direct access to Statistics Canada analysts—I remained confused and skeptical. For community organizers or care workers themselves, this information sits behind an almost inconceivably complex web of data, bureaucratic processes, and technical language.

While the information in this chapter is deeply technical and at times convoluted, it reflects the original impetus that led to this dissertation: the overwhelming burden faced by regular people trying to understand these programs. The complexity of this chapter mirrors the reality of accessing even basic information about Canada's care worker programs. However, I can now answer my original question, but that answer comes with major caveats. No single data source can provide a definitive count. Each possible answer must be qualified, interpreted with "caution," and represents only a partial picture of migrant care workers in Canada.

This chapter, then, is less about finding a number and more about exposing the poor state of information available on NPRs and migrant care workers. While NPRs represent the fastest growing demographic in Canada and an increasingly significant portion of our labour force, the quality of data remains limited and poor (Vosko, 2022). The statistics presented in government documents and media often skip over crucial caveats about data reliability. For smaller groups within the NPR category, like care workers, reliable data simply does not exist. This challenging state of affairs is not unknown to the Federal Government. In the 2021 Census of Population, Statistics Canada introduced new strategies for counting NPRs with the aim of improving the quality of data gathering. As explained in Census 2021 reference materials (Statistics Canada, 2023b):

Data on immigrant status and year of immigration have been collected on the census questionnaire since 1901...Since 1991, a direct question on landed

immigration status has been used to identify the immigrant population...Data are not available for the non-permanent resident population prior to 1991 because they were not part of the target population.

New for 2021 Census, questions on immigrant status and year of immigration will no longer be asked on the questionnaire. This information will be obtained from Immigration, Refugees and Citizenship Canada's administrative records." (p. 8)

Yet even with these improvements, the "missed" rate for NPRs sits at 36%, down only slightly from 40% in 2016. My discussions with Statistics Canada analysts about these issues left me with more questions than answers, though they tried to help me understand the complex relationship between different data sources. What follows is my attempt to explain, as clearly as possible, why we cannot confidently say how many migrant care workers live and work in Canada at any given time.

5.2. Strategic Opacity: Theorizing Administrative Invisibility

Drawing together threads from critical data studies, immigration governance, and feminist theory, I develop the concept of "strategic opacity" to describe how multiple forms of administrative invisibility, bureaucratic complexity, and statistical erasure converge in contemporary immigration governance. Unlike singular forms of administrative control or statistical exclusion, strategic opacity captures how multiple processes of unknowing, fragmentation, and technical complexity work together to maintain precarity while presenting as neutral administrative practice. This mechanism operates not through complete invisibility but through the careful management of partial visibility, creating just enough statistical recognition to enable governance while ensuring that comprehensive understanding remains perpetually out of reach.

My analysis found that this strategic opacity operates through the following three key mechanisms:

1) Technical complexity. The proliferation of different counting methods, varying reference periods, and incompatible data sources creates a maze of partial information that effectively obscures the full picture of NPR populations. While each individual limitation might be explained by methodological challenges,

their cumulative effect serves to maintain a state of perpetual uncertainty about basic questions of presence and scale.

2) Administrative fragmentation. The distribution of NPR data across multiple agencies and frameworks—from IRCC permit counts to tax records to census data—creates institutional barriers to comprehensive understanding. This fragmentation is particularly evident in the case of care workers, where even basic labour market information remains difficult to access despite being routinely collected (see Section 5.3). The data exists but in ways that resist aggregation and analysis.

3) "Legitimate invisibility". This refers to the normalization of significant undercounting for specific populations. The acceptance of a 36% missed rate for NPRs, a rate that would trigger immediate intervention if applied to other populations, demonstrates how certain forms of statistical marginalization become institutionally acceptable. The state, for NPRs, is comfortable with significantly “invisible” sectors of this population group.

The concept of strategic opacity helps us understand how contemporary immigration governance operates through what Foucault would identify as the productive relationship between power and knowledge. Rather than functioning solely through explicit restrictions or controls, power operates through the careful management of what can be known, and what remains unknowable, about temporary resident populations. This represents a form of governmentality where the state's power is exercised not primarily through coercion, but through the administration of knowledge and truth-making practices.

Strategic opacity thus functions as a technology of governance that produces specific effects:

- It limits the possibility of program evaluation by making certain forms of knowledge impossible to obtain
- It fragments resistance by making comprehensive policy advocacy difficult to mount
- It enables flexible governance by maintaining zones of administrative ambiguity

- It diffuses accountability by obscuring the relationship between state actions and program outcomes

This management of knowledge reflects what Foucault terms "power/knowledge," where power operates not just by restricting information but by shaping what forms of knowledge are possible and legitimate. The acceptance of partial data and incomplete counts for NPR populations represents not just an administrative shortcoming but a productive form of power that helps maintain what Foucault would call the "conditions of possibility" for continued precarity. By controlling what can be known about temporary resident populations, strategic opacity shapes what can be said about them, what can be done about their conditions, and how they can be governed.

This framework reveals the 2025–2027 Immigration Levels Plan in a new light. The introduction of temporary resident targets while maintaining broken data infrastructure suggests that strategic opacity serves not just to obscure current conditions but to enable future policy flexibility. When we cannot accurately count populations, we cannot effectively hold programs accountable to their stated objectives.

It is important to understand that this patchwork of incomplete surveys, fragmented databases, and inconsistent record-keeping does not represent an inevitable technical limitation or simple administrative oversight. Rather, it reflects deliberate choices made and remade over decades, supported by billions in government spending on data infrastructure. Canada maintains sophisticated statistical and administrative systems that can track everything from dairy production quotas to daily border crossings with remarkable precision. The federal government spent over \$685 million on the 2021 Census alone—a significant investment in population counting that somehow continues to miss more than one third of non-permanent residents. This persistent undercounting, maintained across multiple agencies and successive governments, represents not a failure of capacity but a choice about whose presence merits careful measurement. The technical architecture that renders temporary workers partially invisible was built through conscious decisions about resource allocation, database design, and methodological priorities. Each fractured dataset, each incompatible counting method, each statistical gap results from specific choices about what to count, how to count it, and what to leave in shadow. These choices, cumulatively, construct what appears as technical limitation but actually reflects political will.

While government discourse often cites the inherent difficulties of counting “mobile” and “transient” populations, this framing obscures a crucial reality: NPRs are difficult to count precisely because federal policies actively produce their precarity and liminality. The very characteristics that make NPRs “hard to count”—their mobility, their uncertain residence status, and their tentative relationship to state institutions—are direct products of immigration policies that enforce temporary status, restrict geographic mobility, and maintain workers in states of perpetual uncertainty. The federal government first creates conditions of precarity through restrictive immigration policies, then cites these same conditions to explain why accurate counting is impossible. This circular logic, where state-produced instability becomes justification for statistical invisibility, reveals how administrative practices and immigration policies work in tandem to maintain worker vulnerability. When policy makers and statisticians describe NPRs as inherently difficult to enumerate, they naturalize what is actually a produced condition, treating the outcomes of deliberate policy choices as inevitable technical limitations.

For care workers caught in this web of strategic opacity, the implications are profound. Their partial visibility in official statistics mirrors and reinforces their precarious position in Canadian society. The inability to accurately count this population—to say with confidence, “We are here”, represents not just a technical challenge but a fundamental barrier to recognition and rights.

The implications of this statistical marginalization extend beyond general population counts. As the next section will demonstrate, even when we narrow our focus to specific programs like the Caregiver Pilots, we find troubling patterns of data omission and opacity. Basic labour market information—wages, hours worked, working conditions—remains difficult or impossible to access, despite being routinely collected. The undercounting of NPRs represents one facet of a broader pattern of structural invisibility, embedded within Canada's immigration system to maintain precarity and limit accountability. Indeed, the 2025–2027 Immigration Levels Plan throws this systematic dysfunction into sharp relief: even as it introduces new “managed migration” targets for temporary residents, its permanent residency projections fail to accommodate the existing backlog of caregiver applications. This planning gap reveals how statistical invisibility enables policy failures: no organization can effectively manage what they choose not to measure, and no group can resolve crises they refuse to fully acknowledge.

To conclude this discussion, I wish to emphasize that this critique of strategic opacity is not a call for greater surveillance or monitoring of temporary workers. Indeed, NPRs already exist within sophisticated systems of state and employer oversight; their movements, work conditions, housing, families, and daily lives are extensively documented through work permits, employer records, tax files, health records, and various administrative databases. The issue is not that these populations are unknown to the state; rather, it is that this rich documentation becomes selectively invisible when it comes to public accountability or advocacy efforts. When questions of enforcement or compliance arise, the state demonstrates remarkable capacity to locate and monitor temporary workers. Yet when the same information could serve to evaluate program effectiveness, demonstrate systematic exploitation, or support worker advocacy, these detailed records somehow become “too difficult” to compile or access. This selective deployment of administrative capacity—robust for control, opaque for accountability—reveals how strategic opacity functions not as an absence of knowledge but as a political technology that maintains precarity while limiting possibilities for reform. The issue is not that we need more surveillance of temporary workers; we need greater transparency about how existing systems of documentation and control operate, and whose interests they serve.

5.3. Strategic Opacity and State Power: The Politics of (Not) Counting Non-Permanent Residents

As demonstrated in Chapter 3, state power operates through sophisticated administrative mechanisms that both enable and constrain migrant mobility. This chapter continues to extend that analysis by examining how data and statistical opacity functions as a contemporary mechanism of control—one that shapes not only how migrant workers are governed but how they are known, or remain unknown, to the state and public. The challenge of counting migrant care workers exists within what Anderson (1991, p. 184) identifies as the census's role as a “totalizing, classificatory grid”—a fundamental tool of statecraft that determines who is visible to the state and how they are categorized. Yet unlike the explicit restrictions of employer-tied permits or complex application processes examined in Chapter 3, the practices that I call strategic opacity represent a more subtle form of administrative power. It operates through technical

complexity, methodological limitations, and what appear to be neutral bureaucratic processes.

This statistical invisibility has profound material consequences. As I will demonstrate, the systematic undercounting of NPRs—the broader category under which migrant care workers fall—reflects and reinforces their precarious position in Canadian society. When populations cannot be accurately counted, they cannot be effectively planned for, advocated for, or protected. Strategic opacity thus serves as what Sharma (2020) terms a "technique of governance" that maintains worker vulnerability while obscuring state responsibility.

5.3.1. The Challenge of Counting: NPRs in Canada's Statistical Framework

The scope of this statistical challenge becomes clear when examining how NPRs are positioned within Canada's population measurement systems. Despite representing one of the fastest-growing segments of Canada's workforce, NPRs remain among the most poorly counted populations. As I will detail, this reflects both technical challenges and deeper structural issues in how Canada conceptualizes and counts its temporary workforce.

Under current classifications, migrant care workers fall within the broader NPR category, which includes individuals in Canada via temporary work, study, or refugee status. While NPRs are frequently cited as critical to Canada's population and economy (Tuey & Bastien, 2023), their precise enumeration remains elusive. This opacity is particularly striking given recent policy shifts—Canada's move to explicitly manage temporary resident numbers through federal targets—and thus an inability to accurately count this population takes on new significance.

Bastien et al. (2019) explain that undercoverage is known to be a significant issue for NPRs, even more so than for other groups such as recent immigrants. Undercoverage is an important caveat when it comes to interpreting any census data and is a relatively straightforward concept of representing when "people who should have been counted were not" (Bérard-Chagnon & Parent, 2021, p. 7). Overcoverage, the mirror concept to undercoverage, is when individuals are counted more than once, or individuals who should not have been counted are counted (Bérard-Chagnon & Parent,

2021). Census Net Undercoverage (CNU) is the difference between overcoverage and undercoverage.

In longitudinally reviewing and evaluating the CNU, Bérard-Chagnon and Parent (2021) note that while it has been relatively stable over time, both under- and overcoverage are increasing in recent years. While achieving a perfect “count” in any census is unattainable, they note that the increases in coverage errors may be due to several changes in the demographic composition of the Canadian population. They specifically cite the rapidly growing populations of recent immigrants and NPRs. For example, they note that British Columbia, a province whose immigrant population is over 25%, is the province with the highest CNU and the only one with a CNU over 4%.

5.3.2. The Technical Architecture of Invisibility: Understanding Coverage Metrics

The technical complexity of NPR undercounting masks its systemic nature. While NPRs were first included in the census in 1991, the 2021 Census marked the first time detailed information on NPR categories was incorporated from IRCC administrative records. This change allows researchers to examine not just overall NPR population numbers but also estimates for specific sub-categories: work permit holders, study permit holders, and asylum claimants. Yet this apparent progress in classification masks persistent challenges in achieving accurate counts.

The 2019 Caregiver Pilots exemplify these challenges. As part of Canada's IMP, these pilots represent the latest iteration in a long history of care worker programs. Yet as I will demonstrate, determining even basic information about their implementation and impact remains virtually impossible due to overlapping methodological limitations, data gaps, and what appears to be systematic undercounting across multiple statistical frameworks. To fully grasp how statistical opacity functions as an administrative mechanism, we must examine the technical infrastructure through which population counts are produced and validated. The Coverage Technical Report for the 2021 Census of Population, published in October 2023, offers critical insights into how different populations are counted, or not counted, in Canada's primary demographic tool.

The Census Coverage Study provides three crucial categories for understanding population counts:

- **Enumerated** – individuals successfully counted in the census
- **Missed** – individuals who should have been counted but were not
- **Out of scope** – individuals not meant to be counted (deceased, emigrated, etc.)

The technical language of "enumeration" and "coverage" masks profound differences in how completely different populations are captured. For NPRs, only 56% of the target population was successfully enumerated in the 2021 Census, compared to an 88.4% enumeration rate for the overall population. This dramatic disparity in coverage rates has significant implications for how NPR populations, including care workers, are understood and governed.

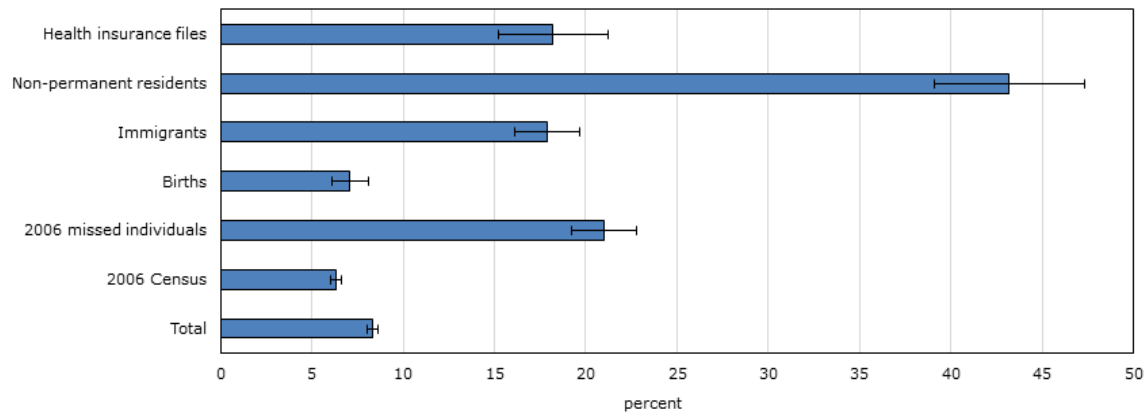
The scope of undercounting is striking. Returning to the 2021 census, while it is an excellent new source of data on the categories of NPRs, Tuey and Bastien (2023) discuss the remaining challenges of comprehensively counting NPRs when conducting a census. They note that NPRs are a precarious and mobile population, and are a frequent source of “undercounting.” They cite an earlier census review paper from 2019 by Bastien et al. that offers a detailed accounting of the relatively high undercoverage observed for NPRs.

Bastien et al. (2023) present the following possibilities for why NPRs are consistently undercounted:

- They are “hyper mobile” and may not have a primary dwelling on census day.
- They may not understand themselves to be included as someone with a “main residence” in Canada.
- Some may not read the census or its rules at all.
- They may be unaware of the census and the obligation to complete it.
- They may face language barriers.

The statistical evidence for this systematic undercounting is compelling. Analysis by Bastien et al. (2023) reveals that NPRs consistently show the highest "missed rate" of any population group, reaching over 40% in the 2011 Census. This figure is particularly alarming when compared to the census's overall missed rate of just 5.5%.

Chart 2
Missed rates by survey frame, 2011



Note: Confidence intervals are calculated at a 95% confidence level.
Source: Statistics Canada, Reverse Record Check, 2011.

Figure 27. Chart demonstrating the missed rates by survey frame of the 2011 Census of Population, reproduced from Bastien et al. (2023)

Even with significant methodological improvements, the 2021 Census still shows an NPR “missed” rate of 34%. Table 7.4.5 (see Figure 28) below is extracted from the 2021 Census Coverage Technical Report, and demonstrates again the extent to which NPRs experience a very different rate of being effectively counted, or missed, in the census of population.

Table 7.4.5
Weighted classification of selected people, sample frames for Canada

Classification	Provincial strata									
	2016 Census		2016 missed		Births		Immigrants		Non-permanent residents	
	number	%	number	%	number	%	number	%	number	%
Total	32,933,387	100.0	2,830,944	100.0	1,855,111	100.0	1,072,833	100.0	1,140,539	100.0
Enumerated	29,127,257	88.4	1,784,797	63.0	1,646,438	88.8	874,651	81.5	639,236	56.0
Listed	29,023,031	88.1	1,773,009	62.6	1,643,876	88.6	871,537	81.2	626,405	54.9
Not listed	104,226	0.3	11,788	0.4	2,562	0.1	3,114	0.3	12,831	1.1
Missed	2,083,885	6.3	662,494	23.4	164,767	8.9	130,942	12.2	387,586	34.0
Listed	243,914	0.7	41,300	1.5	16,954	0.9	7,987	0.7	14,693	1.3
Not listed	1,839,971	5.6	621,194	21.9	147,813	8.0	122,955	11.5	372,893	32.7
Out of scope	1,722,245	5.2	383,653	13.6	43,906	2.4	67,240	6.3	113,717	10.0
Listed	1,402,710	4.3	206,632	7.3	25,675	1.4	3,964	0.4	32,613	2.9
Not listed	319,535	1.0	177,021	6.3	18,231	1.0	63,276	5.9	81,104	7.1

Figure 28. Table demonstrating the weighted classification of selected people, from the 2021 Census of Population Coverage Technical Report

This technical framework produces what we might understand, following Sharma (2020), as an administrative architecture of invisibility. For NPRs, the 34% "missed rate" represents not just a technical limitation but a systematic pattern of statistical marginalization that has profound implications for policy development and resource allocation.

5.3.3. Beyond the Census: The Challenge of Data Triangulation

The complexity of NPR undercounting extends beyond census limitations into a broader problem of data fragmentation and methodological incompatibility. As Statistics Canada themselves acknowledge, even attempting to reconcile different data sources reveals profound challenges in achieving reliable counts. In an email communication regarding this research, Statistics Canada analysts offered a telling caveat:

Census data are reliable to produce complete portraits for smaller populations and smaller geographical levels. However, some groups, such as NPRs, have lower coverage ... When communicating information on NPRs, it's also important to include the definitions and footnotes as there are different sources of data for the NPR population (e.g. Census, demographic estimates and IRCC) and there are differences between these sources. (Personal communication, June 26, 2024)

This cautionary note points to a deeper issue: the fragmentation of NPR data across multiple, methodologically distinct sources. The 2021 Census attempted to address this through a significant methodological shift, moving away from direct questions about immigrant status to instead incorporate IRCC administrative records. While presented as an improvement to data quality, this change reveals the complexity of reconciling different approaches to counting NPR populations.

Certainly, the inclusion of more detailed information on NPRs in the Census is a positive step forward. It will allow for comparison with other statistical datasets that include NPRs and will help to better understand how Canada is and should be planning. However, even "linking" administrative and statistical tools, such as the Census and IRCC data, is not yet a solution to the ongoing and systemic issue of poor data quality and undercounting NPRs. To understand the full scope of this statistical challenge, I will examine in the following section how different data sources attempt to capture NPR populations.

5.4. Competing Data Sources and Methodological Limitations

In attempting to offer a comprehensive analysis of this exact problem of fragmented and multiple data sources, Tuey and Bastien (2023), two Statistics Canada researchers, identify three primary data sources from which NPR counts are determined, but they note that each has distinct limitations and methodological challenges:

1. Census Population Estimates

The 2021 Census provides what appears to be the most comprehensive count, yet as demonstrated above, enumerates only 56% of the NPR population. Even this figure comes with significant caveats about enumeration methods and coverage limitations.

2. IRCC Administrative Data

While IRCC data offers the most detailed information about permit holders, it presents what we might term an "administrative fiction" - counting permit approvals without tracking exits, deaths, or actual presence in Canada.

3. Longitudinal Immigration Database (IMDB)

The IMDB attempts to bridge administrative and lived realities by cross-referencing IRCC data with tax files. However, this approach creates its own limitations, which I will attend to at the end of this chapter, capturing only those NPRs who file taxes and potentially missing the most precarious workers.

Tuey and Bastien (2023) conclude their analysis with a note of caution and explanation: "Due to differences in methodology and reference period, differences across these data sources are expected" (p.3). However, I argue that the discrepancies between these sources should not be easily or quickly dismissed. This inability to access accurate data reflects fundamental challenges in how the state conceptualizes and counts temporary residents. The implications of these methodological limitations become clearer when examining how these different data sources attempt to capture the same population.

5.4.1. Quantifying the Data Divide

Following their recommendation to look further at the reference document, “Place of Birth, Generation Status, Citizenship and Immigration Reference Guide, Census of Population 2021,” we are again presented with a comprehensive discussion of the heavily variable data sources on NPRs. Again, discussing the three primary sources listed above (the Census, IRCC administrative data, and the IMDB), the report notes the huge discrepancy in counts between the sources and notes the challenge in obtaining reliable counts of NPRs:

Although every attempt has been made to enumerate non-permanent residents, factors such as language difficulties and the reluctance to complete a government form or to understand the need to participate may have affected the estimates of this population. For example, some NPRs may not see their temporary residence in Canada as their usual place of residence and understand they are required to participate. This can be especially evident if a permit is short-term, or entry is shortly before Census Day. (Statistics Canada, 2023b)

Figure 29 shows a table reproduced from this report, wherein we can see just how significant the difference is:

Table 9
Non-permanent resident type, Immigration, Refugees and Citizenship Canada and Census of Population, 2021

Non-permanent resident type	IRCC	2021 Census
Total, non-permanent resident type	1,672,611	924,855
Asylum claimants	449,544	139,200
Non-permanent residents with a work permit only	640,086	370,425
Non-permanent residents with a study permit only	373,808	202,795
Non-permanent residents with work and study permits	209,173	131,560
Other non-permanent resident types	...	80,875

... not applicable
IRCC = Immigration, Refugees and Citizenship Canada
Note: The 2021 Census produced data for non-permanent residents who had arrived in Canada since 1980 and whose permits were valid from January 1, 2021 to May 11, 2021. The category "other non-permanent resident types" includes respondents who are not Canadian citizens, permanent residents, asylum claimants, or work or study permit holders, but their usual place of residence is in Canada. This may include temporary resident permit holders (formerly Minister's Permit holders), family members of non-permanent residents, and super visa holders. Immigration, Refugees and Citizenship Canada (IRCC) includes the total number of temporary residents who had arrived in Canada since 1980 and whose permits were valid from January 1, 2021, to May 11, 2021 and the total number of asylum claims who have not been admitted as permanent residents.
Sources: Immigration, Refugees and Citizenship Canada; Statistics Canada, Census of Population, 2021.

Figure 29. Table enumerating the difference in counts for non-permanent resident types. Reproduced from the Place of Birth, Generation Status, Citizenship and Immigration Reference Guide, Census of Population 2021

In looking at these very different counts, we can begin to understand why the census undercoverage rate for NPRs might be so high. For example, while IRCC data on who was granted a work visa indicates 640,086 individuals, only 370,425 individuals

in that same category were enumerated in the 2021 census. That number is just shy of 58% of the IRCC number.

5.4.2. The Proliferation of Partial Counts: Alternative Data Sources and Their Limitations

The challenges of NPR enumeration extend beyond census undercounting into a broader pattern of statistical fragmentation across multiple data sources. This fragmentation reveals not just technical limitations but a systematic inability, or unwillingness, to accurately capture temporary resident populations.

Recent analysis by Lu and Hou (2023), researchers in Statistics Canada's Social Analysis and Modelling Division, identifies two additional "most used" data sources for tracking NPRs in Canada's workforce:

1. **IRCC work permit** holder statistics
2. **Tax records** for temporary residents earning income

However, these alternatives to census data present their own significant limitations. Neither source can provide crucial information about program specifics, physical presence in Canada, or permit duration. Perhaps most tellingly, Lu and Hou (2023) note that tax record data lags by approximately two years, creating a persistent gap between administrative records and lived reality.

This pattern of incomplete and inconsistent counting extends across multiple statistical frameworks. Bastien et al. (2019) document stark disparities between different survey instruments:

- The National Household Survey (NHS) counted 356,385 NPRs in May 2011
- The Demographic Estimates Program (DEP) identified 615,700 NPRs in the same period

This dramatic disparity—where one official count is nearly double another—stems from fundamental methodological differences. The NHS, following census methodology, relies on direct household reporting. The DEP, by contrast, counts valid work permits through IRCC data. This methodological divide mirrors the broader tension

between administrative existence and lived reality that characterizes NPR counting across all data sources.

The 2021 Census acknowledges this fundamental incompatibility between different statistical sources, noting that varying "reference periods and different subpopulations" make direct comparisons problematic. However, I would argue that this technical language masks a deeper issue: the systematic production of partial, incomplete, and often contradictory data about NPR populations.

5.4.3. Data Feminism and the Politics of (In)visibility

The fragmentation of NPR statistics across multiple, incompatible data sources raises fundamental questions about power and knowledge production that data feminism helps us unpack. As D'Ignazio and Klein (2020) argue, data collection and classification systems are never neutral technical exercises; instead, they reflect and reinforce existing power relations through decisions about who counts and what is counted.

This framework helps illuminate why the persistent undercounting of NPRs is more than a methodological shortcoming. The "paradox of exposure" that D'Ignazio and Klein identify is particularly acute for NPRs: those who would benefit most from being counted often face the greatest risks from that counting. Yet the normalized acceptance of a 36% missed rate for NPRs—a rate that would be unthinkable for other populations—suggests something beyond this paradox. It points to what data feminism identifies as the power asymmetries embedded in knowledge production: who gets to do the counting, who is counted, and who remains in the shadows.

The census and related population statistics do not simply measure reality; they help construct it. When certain populations are systematically undercounted or rendered partially visible through fragmented data collection, it shapes how they are understood and governed. For NPRs, and particularly for care workers, this statistical marginalization reflects and reinforces their precarious position within Canada's social and economic fabric. The classification systems that render them partially invisible carry significant material consequences, from program funding to policy evaluation to worker protections.

This perspective reveals how seemingly technical issues of data collection and classification are fundamentally political. The acceptance of poor-quality data for NPR populations tells us something profound about Canada's social, cultural, and political values. As D'Ignazio and Klein remind us, the ability to say with confidence, "We are here; we exist" remains a privilege not equally distributed across populations. For care workers, caught in a web of fragmented data sources and systematic undercounting, this basic form of statistical recognition remains elusive.

While all classification systems necessarily involve some reduction of complexity, the systematic undercounting of NPRs reveals specific choices about whose presence merits careful measurement. For migrant care workers, who represent an even smaller subcategory within the NPR population, this statistical marginalization is particularly acute. Their near-invisibility in official statistics compounds the broader challenges of data access and program evaluation documented throughout this dissertation.

5.4.4. From Statistical Exclusion to Crisis

The deliberate exclusion of NPRs from Canada's census until 1991 reflects a long history of rendering temporary workers invisible in official statistics. This exclusion was never acceptable—it represented a political choice that reinforced precarity and marginalization. Today, as the gap between statistical infrastructure and lived reality grows ever wider, we see how these early choices continue to shape patterns of invisibility and exploitation.

The scale of this statistical erasure becomes stark when we consider the dramatic growth in Canada's temporary resident population. By 2020, nearly one million temporary residents reported employment income, more than double the number from 2010 (Lu & Hou, 2023). Yet our systems for counting and tracking this population remain rooted in approaches that normalize their partial visibility. The acceptance of high missed rates—rates that would trigger immediate intervention if applied to other populations—reveals deeply embedded assumptions about whose presence merits careful measurement and whose can remain in shadow.

This systematic undercounting has reached a telling moment of contradiction. Announced in November 2024, the 2025–2027 Immigration Levels Plan, for the first time, explicitly includes temporary resident targets:

The 2025–2027 Levels Plan also includes, for the first time, temporary resident targets for international students and temporary foreign workers, constituting a new holistic approach to managed migration. (IRCC, 2024, Notice, Supplementary Information)

Coming very close to admitting a mistake, the government detailed their plan to reduce temporary residents to “sustainable volumes”:

Canada has a long and proud history of welcoming newcomers from around the world who support our economy and enrich our country. In response to labour shortages and the aftershocks of the pandemic, the federal government took steps to meet the urgent needs of businesses and support our economic recovery. Since then, Canada’s economy has evolved, and we must continue to adapt our immigration system to respond to new pressures, including a softening labour market.

Earlier this year, Immigration, Refugees and Citizenship Canada announced a decrease in the number of temporary residents—from 6.5% of Canada’s total population down to 5% by 2026. To achieve this goal, [the federal government is taking action](#) to manage the increase of temporary residents and hold employers misusing the system accountable. We are reforming the International Student Program, tightening eligibility requirements for temporary foreign workers, enforcing employer compliance more strictly, and making labour market impact assessments more rigorous to mitigate fraud, and more.

2025-2027 Immigration Levels Plan

Temporary Residents			
	2025	2026 ¹	2027
Overall Arrivals ²	673,650 (604,900 - 742,400) ³	516,600 (435,250 - 597,950)	543,600 (472,900 - 614,250)
Workers (Total)	367,750	210,700	237,700
International Mobility Program ⁴	285,750	128,700	155,700
Temporary Foreign Worker Program ⁵ ⁶ ⁷	82,000	82,000	82,000
Students ⁸	305,900	305,900	305,900

Figure 30. Screenshot of a portion of the 2025–2027 Federal Immigration Levels Plan enumerating the number of temporary residents to be accepted annually from 2025–2027

This policy shift finally acknowledges what workers and advocates have long argued: NPRs constitute a structural, and permanent, component of Canada's labour

market, one that demands recognition and protection. Yet this "new holistic approach" rests on fundamentally broken data infrastructure. Canada's federal government is moving to actively manage a population it has chosen not to count accurately, working from data they know to be significantly incomplete.

5.5. Strategic Opacity in Practice: (Not) Knowing Care Workers

The challenges of counting NPRs in Canada extend far beyond technical limitations. They are embedded in deliberate administrative and methodological choices that reflect broader structures of governance and power. As I transitioned from studying macro-level statistical frameworks to seeking specific data on migrant care workers, my research encountered the very mechanisms of strategic opacity theorized in the first half of this chapter. This section narrates my attempts to access quantitative data on care workers, the bureaucratic obstacles I encountered, and the implications of this data invisibility for government accountability and worker advocacy.

5.5.1. Researching the Undercounted: A Narrative of Bureaucratic Obstruction

Motivated by qualitative research documenting systemic abuse in the care sector—such as wage theft, substandard living conditions, unpaid overtime, and employers forcing workers to pay back their tax refunds—I sought to understand how these conditions are reflected (or obscured) in government-collected data. Despite over two decades of such qualitative evidence, the lack of robust quantitative data allows these abuses to remain framed as isolated incidents of "bad apples," rather than structural features of Canada's immigration and labour systems. I set out to bridge this gap by examining what the state knows—or claims not to know—about migrant care workers.

My initial focus was on publicly available data. Canada's Census and LFS, as discussed in the first half of this chapter, provided little insight into the working conditions of care workers on temporary permits. NPRs, and particularly care workers, are marginalized in these tools through low enumeration rates and the omission of immigration status in key survey questions. Recognizing these limitations, I turned to

IRCC, the department responsible for administering the Caregiver Pilots. If any institution had detailed records on this population, it is IRCC.

Using Canada's ATIP Act, I submitted a request for internal statistics on wages and working conditions of applicants under the 2019 Home Child Care Provider Pilot and the 2019 Home Support Worker Pilot. Specifically, I sought data on workers who were employed on temporary work permits but had not yet obtained permanent residency. This information, I thought, was crucial for assessing the economic realities of the programs and identifying patterns of systemic exploitation. I submitted the following request:

Please provide any and all documentation that tracks (a) wages and (b) hours of work for individuals in Canada immigrating and working under any of the following programs: Live-In Caregiver Program; Caring for Children Program; Caring for People with High Medical Needs Pathway; Interim Pathway for Caregivers; Home Child Care Provider Pilot; Home Support Worker Pilot.

Time period to provide is 2016–2023, please restrict information only to those working in Canada through one of these programs and exclude any data on them after receiving PR or working in Canada on a different work permit.

Please redact any identifying information, omit cabinet confidences, and break down by year, program type, and province of work/residency. If microdata is available, please provide it, otherwise any internal data on median or average wages/hours worked by program by year and province would still be helpful. If aggregate numbers are provided please indicate the sample size being used to generate the statistic.

The response I received exemplified the very opacity I was investigating. IRCC claimed that

following a thorough search of our information holdings, I regret to inform you that we are unable to process your request because IRCC does not hold the documents you are seeking.

On its face, this denial suggests a troubling gap in the government's ability—or willingness—to monitor the very programs it administers. Yet my subsequent research revealed this claim to be categorically false.

5.5.2. Evidence of Administrative Knowledge: The Contradiction of Non-Disclosure

Workers applying for permanent residency under the "Direct to Permanent Residence" category of the Caregiver Pilots are required to submit detailed proof of their work experience, including wage data, T4 tax slips, pay stubs, and employer reference letters. These documents contain precisely the information I requested: wages, hours worked, and employment details. The inclusion of these requirements as part of PR applications demonstrates that IRCC does, in fact, collect and store detailed labour market data for migrant care workers. The department's assertion that such data was unavailable not only contradicts its own processes but also exposes a deeper pattern of selective invisibility.

This contradiction was further highlighted in an advocacy meeting with IRCC officials. When I raised the issue of data availability, departmental staff expressed confusion at the denial I had received. They confirmed that wage and employment data for Caregiver Pilot applicants is routinely collected and held in IRCC systems. This internal acknowledgement points to a significant gap between the government's operational knowledge and its responses to external accountability mechanisms like ATIP requests. Such discrepancies are not random but reflect what I term strategic opacity—a deliberate management of partial visibility that enables the state to obscure systemic issues while maintaining administrative control.

A particularly troubling dimension of this strategic opacity lies in the very nature of the "pilot" designation attached to these caregiver programs. The framing of these initiatives as pilots inherently suggests experimentation, evaluation, and evidence-based refinement. Yet the government's inability—or unwillingness—to produce basic data on worker conditions fundamentally undermines this premise. How can a pilot program be meaningfully assessed without the systematic collection and analysis of outcomes for its

participants? This contradiction reveals a profound disconnect between stated policy objectives and administrative practice.

The IRCC's data collection priorities further highlights this disconnect. While the department maintains voluminous records of application volumes, processing times, and approval rates—metrics that primarily serve administrative efficiency—it demonstrates remarkable incuriosity about the lived experiences and working conditions of care workers themselves. This selective approach to data suggests that the "pilot" designation functions less as a mechanism for evidence-based policy improvement and more as a tool for maintaining program flexibility without accountability. When the government can implement successive "pilot" programs without establishing robust evaluation frameworks, it creates a perpetual state of experimentation in which substantive reform can be indefinitely deferred.

I believe that we must understand this refusal, or inability, to disclose data on care workers' employment conditions as not solely a bureaucratic failure, more specifically, whatever internal systems that led to my receipt of a message stating, "this information does not exist", is a political act with profound implications. I believe this is true regardless of the rationale as an accident, error, oversight, or malicious intent.

By withholding, failing to compile, or "losing" quantitative evidence, the government perpetuates the narrative that abuses in the care sector are the result of individual "bad employers" rather than structural features of Canada's immigration and labour policies. This framing allows policymakers to sidestep responsibility for the systemic vulnerabilities built into programs like the Caregiver Pilots, where temporary status, employer dependency, and precarious work intersect. Given the timeframe under investigation here, from workers still under the LCP through to recent arrivals in 2023 and 2024, it is worth remembering that this concerns *at least* a decade of decision-making and record-keeping failures.

The lack of quantitative data creates a critical loophole: without hard numbers, qualitative evidence of exploitation can be dismissed as anecdotal or exceptional. Statistical invisibility thus serves as a shield against accountability, enabling the government to present the care sector as broadly functional while deflecting attention from its systemic flaws. This selective ignorance aligns with the broader mechanisms of

strategic opacity theorized earlier in this chapter. It represents not the absence of knowledge but the careful curation of what is knowable, rendering certain realities visible while ensuring others remain obscured.

The strategic opacity surrounding migrant care workers has material consequences that extend far beyond the academic realm. For workers, it reinforces their precarious position by limiting the ability of advocates to substantiate claims of exploitation with hard data. For policymakers, it enables a form of wilful blindness that absolves the state of responsibility for systemic harms. Moreover, for the public, it perpetuates a distorted understanding of Canada's labour market, where the contributions of migrant workers are simultaneously relied upon and rendered invisible.

As I reflected on my research journey, it became clear that the problem was not a lack of capacity to collect data but a deliberate choice not to make it accessible. Canada's immigration and labour systems are equipped with sophisticated administrative tools capable of tracking everything from individual work permits to daily border crossings. The issue is not technical but political: the invisibility of care workers in official statistics reflects decisions about whose labour is valued, whose suffering is acknowledged, and whose voices are heard.

5.6. (Not) Counting Backlogs: A Closer Look at the 2025 Immigration Levels Plan & Planned 2025 Caregiver Pilots

The intersection of strategic opacity and policy implementation becomes particularly visible in the current moment of apparent transition in Canada's care worker programs. In June 2024, Immigration Minister Marc Miller announced what seemed to be a transformative shift: new pilot programs offering "permanent residence (PR) on arrival" and greater employment flexibility for care workers (see Figure 31). This announcement, acknowledging that "caregivers from abroad are invaluable to Canadian families" appeared to mark a significant victory for migrant worker activists who had long fought for immediate permanent status. Yet even as the government promises this progressive reform, over 37,000 individuals—care workers and their family dependants—remain caught in IRCC's permanent residency application inventory. This contrast between future promises and current realities exemplifies a persistent pattern in Canadian

immigration policy: while care worker activism can and does achieve important policy victories, as documented by Tungohan (2023), my research documents how these gains are often constrained through administrative mechanisms.

The recently announced 2025–2027 Immigration Levels Plan reveals how strategic opacity enables this containment of worker rights. While promising new pathways to permanent residency, the plan's framework suggests that bureaucratic mechanisms may already be positioned to limit these apparent gains, particularly in how it approaches the existing backlog of applications.

Canada announces new pilot programs to support caregivers and Canadian families, intends to make the caregivers program permanent

From: [Immigration, Refugees and Citizenship Canada](#)

News release

June 3, 2024—Toronto—Caregivers from abroad are invaluable to Canadian families. Their hard work makes a difference in the lives of those they care for, including children, seniors and persons with disabilities.

As the Home Child Care Provider Pilot and the Home Support Worker Pilot come to a close later this month, the Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship, today announced new, enhanced caregiver pilots. This will allow caregivers to continue to come to Canada, as we work toward making the caregiver pilot programs permanent.

The new pilot programs will provide home care workers with permanent residence (PR) on arrival in Canada. They will also be allowed to work for organizations that provide temporary or parttime care for people who are semi-independent or recovering from an injury or illness. This new pathway means that caregivers can more easily find proper work with reliable employers and have clear, straightforward access to permanent resident status as soon as they arrive in Canada.

Through these new pilot programs, candidates interested in working in Canada's home care sector will be eligible to apply if they meet the following criteria:

- attain a minimum of level 4 based on the Canadian Language Benchmarks (CLB)
- hold the equivalent of a Canadian high school diploma
- have recent and relevant work experience
- receive an offer for a full-time home care job

These new PR on arrival pilot programs mark an important step forward in Canada's efforts to meet the evolving home care needs of its diverse population. More information will be available before the full launch of the pilots, including full eligibility criteria and details on how to apply.

Figure 31. Screenshot of the Federal News Release, dated June 3, 2024, from IRCC on the newest Caregiver Pilot Program announcement

In discussions with IRCC directors about this substantial backlog, later confirmed in writing through the Levels Plan documentation, a troubling pattern emerges. The permanent residency targets for NPR streams, including the Caregiver Pilots, have been set without accounting for the processing of the existing inventory of applications. Instead, these targets are meant to somehow accommodate both the processing of backlogged applications and new applications under the forthcoming 2025 pilots. This planning contradiction is particularly striking given that, at the time of my original writing in November 2024, no detailed framework existed for the 2025 pilots—neither the number of applicants to be accepted nor the mechanisms for prioritizing

between backlogged and new applications have been established. As of the finalization of this dissertation, a year later, these questions remain largely unaddressed. Further, as indicated through Rica's story in the introduction, the roll-out of the new pilots in March 2025 was marred with technical issues and disappointment. With so few spots available for care workers, the pilots were both open and closed within hours, leaving thousands of care workers in despair and many questions left unanswered.

The planning contradictions of the Caregiver Pilots becomes even more evident when examining the technical documentation of the Levels Plan. The footnote for "caregivers" in the plan states that the category:

Includes admissions from the Home Child Care Provider and the Home Support Worker Pilots, and admissions from preceding caregiver programming for which applications are being processed to completion. These include the Caring for Children and Caring for People with High Medical Needs classes, a temporary public policy referred to as the Interim Pathway for Caregivers, and the legacy Live-in Caregiver Program. Also includes admissions for new pilots to provide a direct pathway to permanent residence for caregivers as soon as they arrive in Canada.

This footnote reveals the layered complexity of strategic opacity in action. While appearing to offer comprehensive technical detail, it actually serves to obscure crucial questions of prioritization and capacity. The text simultaneously references multiple programs spanning different time periods—from "legacy" applications to yet-to-be-implemented "new pilots"—without acknowledging how these competing demands will be reconciled within fixed permanent residency targets. This administrative sleight-of-hand exemplifies how technical documentation can serve to maintain opacity even while appearing to provide clarity.

The footnote's final reference to "new pilots" offering permanent residence "as soon as they arrive in Canada" is particularly telling. This forward-looking promise sits uncomfortably alongside the reality of 37,000 backlogged applications from previous programs, whose applicants have already been waiting years for processing. The juxtaposition of these temporal frames—immediate permanent residence for future arrivals versus indefinite waiting for existing applicants—demonstrates how strategic opacity enables policy decisions that systematically ignore known populations while maintaining the appearance of progressive reform.

Permanent Residents										
		2025			2026			2027		
IMMIGRANT CATEGORY		Target	Low Range	High Range	Target ¹	Low Range ²	High Range	Target	Low Range	High Range
Overall Planned Permanent Resident Admissions		395,000 (367,000 - 436,000) ³			380,000 (352,000 - 416,000)			365,000 (338,000 - 401,000)		
<i>Overall French-speaking Permanent Resident Admissions outside Quebec</i> ⁴		8.5% (29,325)			9.5% (31,350)			10% (31,500)		
Economic	Federal Economic Priorities ⁵	41,700	30,000	62,000	47,400	30,000	65,000	47,800	32,000	65,000
	In-Canada Focus ⁶	82,980	39,000	89,000	75,830	33,000	82,000	70,930	66,000	76,000
	Federal Business ⁷	2,000	1,200	3,000	1,000	200	2,000	1,000	200	2,000
	Federal Economic Pilots: Caregivers ⁸ ; Agri-Food; Community Immigration Pilots ⁹ ; Economic Mobility Pathways Pilot	10,920	6,000	14,800	9,920	5,300	14,000	9,920	5,300	14,000
	Atlantic Immigration Program	5,000	4,000	7,000	5,000	4,000	7,000	5,000	4,000	7,000
	Provincial Nominee Program	55,000	20,000	65,000	55,000	20,000	65,000	55,000	20,000	65,000
	Quebec Skilled Workers and Business ¹⁰	34,500	33,000	50,000	TBD	-	-	TBD	-	-
	Regularization Public Policy ¹¹	50	-	250	100	-	500	200	-	1,000
	Total Economic	232,150 (215,000 - 256,000)			229,750 (214,000 - 249,000)			225,350 (207,000 - 246,000)		
Family	Spouses, Partners and Children	70,000	65,500	78,000	66,500	63,000	75,000	61,000	58,000	67,500
	Parents and Grandparents	24,500	20,500	28,000	21,500	16,500	24,500	20,000	15,000	22,000
	Total Family	94,500 (88,500 - 102,000)			88,000 (82,000 - 96,000)			81,000 (77,000 - 89,000)		

Figure 32. Data table extracted from the Federal Immigration Levels Plan (2025–2027) enumerating the planned admissions numbers by immigration category

The strategic opacity embedded in IRCC's approach becomes even more apparent when examining how the 2025–2027 Immigration Levels Plan presents its targets. While the plan introduces NPR numbers for the first time—ostensibly increasing transparency—its categorization system actually creates new forms of opacity. This is particularly evident in how the plan groups various programs under amalgamated categories. For instance, the "Federal Economic Pilots" category combines four distinct programs:

- Caregivers

- Agri-Food
- Community Immigration Pilots
- Economic Mobility Pathways Pilot

This amalgamation sets a combined target of 10,920 admissions for 2025, dropping to 9,920 for both 2026 and 2027, with ranges from approximately 5,300 to 14,800 admissions. Yet this aggregated presentation makes it difficult to determine how many spots are actually allocated for caregivers without creative reverse calculations. Given the existing backlog of 37,000 caregiver applications, this statistical amalgamation effectively obscures whether and how these applications will be processed within the broader category's limits.

The opacity is compounded by the range structure itself. The "Federal Economic Pilots" category's wide variance—from 6,000 to 14,800 in 2025—creates significant ambiguity about actual processing targets. This flexibility might appear as administrative prudence, but in practice, it renders meaningful planning or accountability impossible. How can advocates or applicants assess processing timelines when the target numbers themselves contain such broad variability?

Moreover, the decreasing targets over the 3-year period—from 10,920 in 2025 to 9,920 in 2026 and 2027—raise troubling questions about the government's approach to the existing backlog. Rather than increasing capacity to address accumulated applications, these declining targets suggest that the backlog will continue to be a permanent feature of the system, normalized through statistical presentation that masks its human impact.

The layered complexity of strategic opacity becomes particularly evident when comparing Miller's announcement with the technical documentation of the Levels Plan. While the Minister promised "clear, straightforward access to permanent resident status," the Levels Plan footnote reveals how administrative categorization may already be creating new forms of opacity. The footnote's combination of multiple programs spanning different time periods, from "legacy" applications to these newly announced pilots, without clear processing priorities or capacity allocation demonstrates how technical documentation can maintain uncertainty even while policy announcements promise clarity.

The opacity surrounding care worker families is further complicated by the Levels Plan's presentation of family class immigration targets. While the plan sets specific targets for family reunification—70,000 spots for spouses, partners and children in 2025, declining to 61,000 by 2027—it remains unclear how or whether the family members of care workers caught in the current backlog would be counted within these numbers. The declining targets in the family class are particularly troubling: they go from a total of 94,500 in 2025 to 81,000 by 2027. This downward trajectory raises serious questions about family reunification capacity across all immigration streams.

For the thousands of care workers with dependents waiting in the backlog, this creates a double uncertainty: their applications are first obscured within the amalgamated "Federal Economic Pilots" category, and their family members face additional ambiguity about whether they fall under these declining family class numbers or are meant to be processed within the pilot program targets. This layered statistical invisibility exemplifies how administrative categories can fragment and obscure family relationships, maintaining what scholars have long identified as the care worker program's role in producing prolonged family separation (see Tungohan, 2020; Schmidt et al., 2022). The declining targets across both streams—Federal Economic Pilots and Family Class—suggest that rather than addressing the backlog's impact on families, the Levels Plan may actually intensify the temporal and bureaucratic barriers to family reunification.

The layered invisibility of both workers and their families in these targets exemplifies how Canada's immigration system deploys administrative complexity as a sophisticated mechanism of control. What appears as technical presentation—amalgamated categories, flexible ranges, overlapping program streams—reveals how strategic opacity operates not just through data gaps or technical limitations but also through active policy choices that maintain worker precarity. The introduction of NPR targets, while historic, and the promise of permanent residency on arrival, while progressive, are situated within an administrative framework that may effectively limit these apparent gains.

The backlog crisis thus reveals strategic opacity operating at multiple levels:

1. **At the policy level**, through the production of planning documents that systematically ignore known populations

2. **At the administrative level**, through the maintenance of ambiguous processing priorities and timelines
3. **At the political level**, through the announcement of new programs without resolving existing commitments

This layered opacity serves specific governance functions: it maintains flexibility for the state while limiting accountability, enables the continued expansion of temporary migration while obscuring its human costs, and preserves administrative discretion while limiting workers' ability to plan their futures. The fact that this opacity persists even in the face of known numbers—37,000 backlogged applications—demonstrates how strategic opacity operates not through an absence of knowledge but through its selective deployment. The Levels Plan thus exemplifies what Sharma (2020) identifies as the "administrative production of precarity", where bureaucratic processes themselves become mechanisms for maintaining worker vulnerability, even as policy announcements promise reform.

5.7. Conclusion: Towards Accountability: Confronting Strategic Opacity

The systematic invisibility of migrant care workers, as demonstrated throughout this chapter, operates through multiple, interconnected mechanisms of strategic opacity. From the technical architecture of census undercounting to the administrative opacity of processing backlogs, from the deliberate withholding of labour market data to the strategic ambiguity of immigration targets, these mechanisms reflect not technical limitations but political choices about whose presence merits careful measurement and whose can remain in shadow.

This opacity manifests across multiple scales. At the macro level, NPRs face systematic undercounting in national statistical frameworks, with acceptance of "missed rates" that would be considered catastrophic for other populations. At the program level, the inability—or unwillingness—to provide basic data about wages and working conditions enables the framing of exploitation as isolated incidents rather than systemic features. At the administrative level, processing delays and opaque prioritization create what amounts to bureaucratic detention for thousands of workers and their families.

The 2025–2027 Immigration Levels Plan throws these dynamics into sharp relief. Even as it introduces historic new targets for temporary residents and promises immediate permanent residency through new pilot programs, its structure perpetuates and intensifies patterns of strategic opacity. The aggregation of programs, use of wide numerical ranges, and lack of clear accounting for existing backlogs demonstrate how increased “transparency” can actually function to maintain systemic ambiguity. When over 37,000 care workers and their family members remain caught in administrative limbo—their applications acknowledged but effectively invisible in policy planning—we see how strategic opacity operates not through an absence of knowledge but through its careful management.

Addressing these issues demands a fundamental shift in how Canada approaches immigration governance and labour policy. Strategic opacity must be recognized for what it is: a sophisticated mechanism of control that maintains worker precarity while diffusing accountability. This recognition requires moving beyond traditional advocacy for “better data” to confront the political nature of population measurement itself. The question is not just how to count more accurately but how to transform the systems of knowledge production that normalize the partial visibility of certain populations.

Breaking this cycle will require transparency not just in data but in the values and priorities that shape its collection, analysis, and dissemination. This involves:

- Confronting how technical choices about categorization and measurement reflect and reproduce power relations;
- Examining how administrative practices fragment worker populations and obscure systemic patterns;
- Challenging the normalization of significant undercounting for specific populations;
- Demanding accountability for how existing data is deployed or rendered inaccessible; and
- Centring the experiences and needs of workers and their families in data collection practices.

By framing data invisibility as a political problem rather than a technical one, this chapter calls for a reimagining of how we count and account for migrant workers. It is not

enough to count; we must ask *who* counts? *How* are they counted? and *why*? These questions go to the heart of how contemporary immigration governance operates through the management of knowledge and visibility. Only by confronting the political nature of statistical opacity can we begin to dismantle the structures of precarity it sustains.

This transformation is essential not just for academic understanding but for dismantling the structures of precarity documented throughout this dissertation. As demonstrated in Chapter 4, the administrative mechanisms that maintain worker vulnerability operate in part through their statistical invisibility. Only by confronting both the technical and political dimensions of strategic opacity can we begin to address the systemic issues facing care workers in Canada's immigration system.

As I transition to Chapter 6, I shift my focus to the concept of *jurisdictional precarity*, which examines how migrant care workers are trapped in the limbo between federal and provincial jurisdiction, effectively denying them access to the same rights and protections as other workers and Canadians. Building on the analysis of strategic opacity in this chapter, I explore how this jurisdictional divide exacerbates worker vulnerability and entrenches systemic inequities. Through a comparative analysis of two frameworks for broader-based bargaining systems in British Columbia, I also expand on grassroots activist demands for migrant care workers' access to collective bargaining in Canada.

Between Federal and Provincial: The Jurisdictional Challenges Faced by Migrant Care Workers

This chapter examines the critical intersection between migration law and labour law that shapes the lived experiences of migrant care workers in Canada. While scholars like Freedland and Costello (2014) have identified this intersection as "highly significant and still somewhat under-considered" (p. 1), my analysis extends beyond academic frameworks to address urgent concerns raised directly by migrant care workers themselves. This research emerged from a direct request by care workers seeking support in crafting a labour law proposal to address what I conceptualize as "jurisdictional precarity"—the vulnerability created when workers fall between fragmented and overlapping legal systems.

Building on the concept of strategic opacity introduced in Chapter 5, I am now shifting focus from statistical mechanisms that obscure migrant care workers' contributions to the jurisdictional tensions that perpetuate their precarity. Where the previous chapter demonstrated how administrative complexity fragments migrant workers' visibility through data systems, this chapter analyzes how gaps between federal immigration authority and provincial labour regulation create spaces where exploitation flourishes and rights remain unenforced. I argue that these governance failures reflect systemic undervaluation of care work performed predominantly by racialized women, producing forms of legislative precariousness that traditional labour frameworks fail to address.

This chapter makes several contributions to both theory and practice. First, I develop the concept of jurisdictional precarity, expanding on Virginia Mantouvalou's (2012) framework of legislative precariousness to analyze how migrant care workers navigate the complex interface between federal immigration policies and provincial labour laws. Second, I critically assess the limitations of the Wagner model of labour relations for care workers, demonstrating why traditional workplace-based union certification cannot effectively protect workers in private households. Third, I trace the historical development of broader-based bargaining initiatives in British Columbia,

situating care workers' decades-long advocacy within broader labour reform movements. Fourth, I conduct a comparative analysis of two distinct sectoral bargaining proposals from migrant worker organizations—the Vancouver CDWCR and the Migrant Workers Center (MWC)—revealing two possible approaches to worker representation and regulatory structure.

Drawing on Judy Fudge's (2011) analysis of transnational migrant domestic workers, I situate these insights within broader discussions of governance and legal reform. Fudge's critique of British Columbia's fragmented regulation of employment agencies reveals how jurisdictional gaps facilitate exploitation, offering a critical foundation for reimagining governance structures. My analysis extends her work by demonstrating how these jurisdictional tensions materialize in contemporary policy contexts, particularly in the aftermath of recent caregiver pilot programs.

Through participatory action research with CDWCR, I present a detailed proposal for a broader-based bargaining framework specifically tailored to migrant care workers. This framework represents a concrete policy proposal—submitted to the 2024 BC Labour Code Review Panel—that emerged from decades of grassroots organizing. By documenting the development of this proposal, I provide a case study in how academic research can directly support worker-led advocacy while contributing to scholarly understanding of labour law reform.

The chapter demonstrates how successful sectoral bargaining models already exist for homecare workers in other jurisdictions, most notably in British Columbia's healthcare sector and Service Employees International Union (SEIU) campaigns in the United States. By analyzing these precedents, I challenge the assumption that in-home care work is inherently impossible to organize collectively. These examples prove that with appropriate regulatory frameworks, care workers can achieve collective representation despite the fragmented nature of their workplaces.

My analysis reveals how Canada's divided authority—federal control over immigration and provincial jurisdiction over labour—produces a regulatory void where neither level of government takes full responsibility for migrant care workers' protection. This jurisdictional fragmentation creates a system in which care workers are left without adequate rights or safeguards, trapped in a liminal space where their status as

temporary migrants denies them access to the same protections as other workers and Canadians.

The framework I develop in collaboration with care workers emerged directly from decades of grassroots organizing, reflecting workers' lived experiences in navigating these complex systems. By centring worker voices in crafting solutions to precarity, I demonstrate that jurisdictional fragmentation is not an inevitable feature of migrant care work but rather a product of deliberate policy choices that can be transformed through collective action and policy reform.

This chapter critiques existing frameworks and offers concrete alternatives that could bridge federal-provincial divides, close enforcement loopholes, and establish sector-wide standards. By analyzing both the structural barriers care workers face and the innovative solutions they have developed, this chapter aims to contribute to both scholarly understanding and practical policy development at this critical intersection of migration and labour law.

6.1. Legislative Precariousness

Virginia Mantouvalou's (2012) concept of *legislative precariousness* underscores how certain groups of workers are systematically excluded from or inadequately protected by labour laws, leaving them particularly vulnerable to exploitation. For migrant care workers in Canada, this legislative gap is profound, reflecting deeper societal undervaluation of care work and the intersecting inequities of gender, race, class, and citizenship. Rather than mitigating these vulnerabilities, the legislative frameworks in place—particularly in my home province of British Columbia—often entrench precariousness by failing to provide meaningful protections or enforce existing rights.

The reliance on complaint-based enforcement systems exemplifies this legislative failure. In British Columbia, workers must independently navigate a complex, quasi-legal process to report violations of the Employment Standards Act (ESA), often without access to advocacy or financial resources. For migrant care workers—many of whom are isolated in private residences and reliant on their employers for housing and immigration status—this system presents nearly insurmountable barriers. The case of

PN v. FR and another starkly illustrates these systemic failures and their devastating human consequences.

In this landmark decision, the British Columbia Human Rights Tribunal confronted an egregious case of exploitation that laid bare the systemic vulnerabilities inherent in temporary foreign worker programs for domestic caregivers. PN, a 28-year-old Filipino mother of two, endured 6 weeks of what the tribunal characterized as "virtual slavery". She was confined to a hotel room, sexually assaulted multiple times weekly by her male employer, systematically underfed and humiliated by her female employer, and denied basic freedoms of movement or communication. The tribunal's finding that PN was treated as "sub-human" because she was "a young Filipino mother who needed the job to take care of her own children" reveals how employers weaponized her precarious immigration status, financial desperation, and geographic isolation to maintain absolute control over her labour and body (PN v. FR and another, 2015).

While the tribunal's award of over \$50,000 in damages represents significant recognition of the harm inflicted, PN's case illuminates the structural conditions that enable such extreme exploitation within Canada's caregiver programs (PN v. FR and another, 2015). The decision documents a troubling pattern of regulatory failures: PN entered Canada on a visitor's visa despite working as a caregiver, her passport was immediately confiscated, and her employers brazenly violated employment standards while threatening deportation to ensure compliance. Perhaps most troubling is that the case exposes how victims of such abuse are abandoned by the very systems meant to protect them—PN remained unable to access social assistance, work authorization, or meaningful pathways to permanent status even after judicial vindication. This regulatory gap between recognition of harm and provision of remedy underscores the urgent need for comprehensive reform that addresses not merely individual instances of abuse but also the structural precarity that renders migrant care workers vulnerable to exploitation in the first place.

This precariousness is further compounded by the spatial and institutional fragmentation of care work itself. Migrant care workers are primarily employed in private households—spaces historically excluded from labour oversight under the assumption that the home lies beyond the purview of regulatory scrutiny. This exclusion creates a legal vacuum in which employers exercise significant control over workers' lives, with

little accountability. For migrant care workers, whose immigration status is often tied directly to their employment relationship, this power imbalance translates into a heightened risk of abuse and a fundamentally diminished ability to assert their rights—a dynamic that PN's case demonstrates with devastating clarity.

At the same time, the state's failure to address these legislative gaps has been met by the resilience and resistance of migrant care workers themselves. As Ethel Tungohan (2023) documents, migrant care workers have built vibrant communities of care that provide mutual support and serve as informal mechanisms of advocacy and resistance. These communities of care—anchored by relationships of solidarity, or *kasama*—help workers navigate the precarities of their legal status, offer emotional and material support, and create spaces for collective action. While these networks demonstrate the agency and strength of care workers, their existence also highlights the significant gaps left by legislative frameworks that fail to protect or empower them.

Organizations such as CDWCR exemplify the ways in which these communities step into the void left by state inaction. CDWCR provides workers with legal education, advocacy, and a sense of solidarity that counters the isolating nature of domestic work. These grassroots efforts underscore the critical need for systemic reform to address the vulnerabilities that legislative precariousness perpetuates. While care activism offers a powerful model of resilience and support, it cannot substitute for the protections that only comprehensive legal frameworks can provide.

The inadequacy of pilot programs and piecemeal policy reforms further illustrates the depth of the problem. Despite years of policy tweaks, migrant care workers continue to receive minimum wage or lower, work unpaid overtime, and face barriers to living independently of their employers due to prohibitive housing costs. These conditions are not the result of isolated employer malfeasance but rather structural gaps in labour and immigration laws that fail to account for the realities of care work. As a result, addressing legislative precariousness requires not only closing these gaps but also rethinking the legal frameworks that govern care work to ensure that workers are no longer left in such a vulnerable position.

Ultimately, the legislative precariousness faced by migrant care workers reflects a broader failure to value in-home and migrant care work as essential labour deserving

of robust protections. While care activism and communities of care fill critical gaps by providing informal support and advocacy, they also highlight the urgent need for systemic reform. The sectoral bargaining framework proposed in this dissertation seeks to address these failures by creating a unified, worker-centred approach to labour protections, ensuring that migrant care workers are no longer forced to rely on informal networks to secure the rights and dignity they deserve.

6.2. Limited Access to Collective Bargaining

Migrant care workers occupy a precarious space in Canada's labour landscape, where jurisdictional gaps between federal immigration policies and provincial labour laws create significant barriers to their ability to organize and advocate for their rights. While their federal immigration status should transition to provincial labour protections upon employment, this jurisdictional shift rarely translates into meaningful access to the rights guaranteed under provincial legislation such as the British Columbia ESA. In theory, these workers are entitled to basic protections such as minimum wage, overtime pay, and statutory leaves. In practice, these rights remain largely inaccessible, leaving migrant care workers vulnerable to exploitation.

Most employment law enforcement in Canada still operates on a complaint-based system, where workers must report violations themselves to trigger action. This approach creates significant barriers for workers trying to access legal protections, particularly in today's neoliberal economy where employment relationships have become increasingly varied and unstable (Vosko et al., 2019). The problem is especially acute for workers from racialized, gendered, and working-class communities, who face higher rates of workplace violations but may struggle most to navigate the complaint process needed to enforce their rights.

While attending a "know your rights" workshop and knowledge mobilization event for migrant care workers in Edmonton, Alberta as part of the MCWP in Fall 2024—where we shared our research—organizers shared a story that illustrated the difficulties many face in their province. Community organizer Priya² described receiving an urgent call

² All names have been changed to protect individual identities.

from Sussy, a worker-leader, who had herself just gotten a frantic call from Alma, a care worker living with her employer.

Alma, who had arrived in Canada relatively recently, had angered her employer by failing to clean and maintain the home to the wife's satisfaction. In a rage, the employer fired Alma on the spot, gathered all of her belongings, and threw them onto the front street. Alma found herself simultaneously kicked out of her home, fired from her job, and stranded in a city where she knew very few people—all during an Edmonton winter, when no one wants to be outside.

Fortunately, community organizers mobilized their informal phone tree to find someone with a car, and they were able to reach Alma and collect both her and her scattered belongings. Stories like this spread quickly through the community, and without consequences for the employer, such dramatic retaliation serves as a powerful deterrent for any other workers who might consider filing complaints or otherwise challenging their employers.

For migrant care workers, these challenges are particularly severe. Many continue to depend on their employers for guidance about employment matters, making the high-conflict decision to independently research and file complaints extremely difficult. The complaint process also offers no privacy protections—since care workers are typically the only employee in a household, any government follow-up or investigation immediately reveals who filed the complaint. Additionally, while no longer mandatory, many migrant care workers still live in their employer's home due to low wages and high living costs. This living arrangement dramatically raises the stakes of rights enforcement, as workers risk not only employment and personal relationships, but also their housing and physical security.

The barriers migrant care workers face in accessing their rights are compounded by systems that, even when formal protections exist, remain opaque, inaccessible, and adversarial. The bureaucratic obstacles they must navigate to access compensation or file complaints amount to a form of systemic violence—reinforcing the very vulnerability and debility these systems claim to address. This creates a particularly cruel irony: the mechanisms designed to protect workers instead become instruments of their further marginalization.

These systemic barriers disproportionately impact those who are already most vulnerable. Research consistently demonstrates that occupational injury and illness burdens fall heaviest on new immigrants (Smith & Mustard, 2009 & 2010), workers in temporary employment relationships (Benavides et al., 2006; Quinlan, Mayhew & Bohle, 2001), and those whose credentials go unrecognized in the Canadian context (Breslin et al., 2008). Migrant care workers often embody all these dimensions of vulnerability simultaneously, positioning them at exceptionally high risk while facing the greatest barriers to accessing workplace protections.

The complexity begins with Canada's jurisdictional structure itself. While labour is primarily regulated at the provincial level—with each province maintaining its own labour boards, employment standards, and workers' compensation boards—migrant care workers typically enter this landscape through federal immigration channels. Having primarily interfaced with federal bodies like IRCC and ESDC they must then navigate an entirely different set of provincial regulatory systems to access their workplace rights.

When migrant care workers do attempt to address unsafe or exploitative conditions, they encounter bureaucratic systems that function as additional barriers rather than pathways to justice. As Hill et al.'s (2019, p. 410) research with migrant care workers in Fort McMurray reveals, workers clearly understand these structural impediments: "They say that we can go to court, but it takes time and it requires money. How am I going to get the money? ... It doesn't make sense."

This bureaucratic violence manifests in multiple ways that promote what can only be described as deliberate debility. Complaint mechanisms typically require extensive documentation, formal written submissions, and adherence to strict timelines—all substantial barriers for workers with limited English proficiency, minimal legal knowledge, and constrained time and mobility. The presumption of employer credibility over worker testimony forces migrant women to provide unreasonable levels of evidence to substantiate their claims, while lengthy processing periods mean workers often abandon legitimate claims due to immediate financial pressures or immigration timeline concerns.

One of the most significant gaps in protections for migrant care workers is their effective exclusion from collective bargaining. Unionization and collective bargaining are cornerstones of Canadian labour relations, offering workers a collective voice in

negotiations and safeguarding against exploitation. However, for domestic workers and in-home caregivers, systemic barriers undermine their ability to exercise these rights. As Salimah Valiani (2009) observes, provincial laws across Canada often fail to recognize the domestic sphere as a legitimate workplace, making it difficult for workers to gain even basic labour protections, let alone the right to unionize. In Quebec, it was only after sustained advocacy campaigns, such as the 2001 efforts by the Quebecois Non-unionized Workers' Defence Front and Au Bas de l'Echelle, that domestic workers secured minimum workplace protections under provincial labour laws.

Indeed, in 1995, CDWCR, alongside other activists and advocates, credit one of their first policy wins to securing the inclusion of in-home care work (at the time called “domestic” or “caregiving”) under the British Columbia ESA (Bagon, personal communication, November 2024). This extended the same rights and protections of the ESA to all migrant care workers; until 1995, live-in care workers had been excluded from the ESA and denied basic rights such as a minimum wage and maximum hours of work (Tumolva & Tomeldan, 2004).

Globally, such an exclusion is not unique. As Moreira Gomes and Banerjee (2017) highlight, domestic workers in many countries remain excluded from legal protections that safeguard their rights to freedom of association and collective bargaining. Even as international bodies like the ILO reaffirm these rights through key declarations and conventions—such as the 1998 Declaration on Fundamental Principles and Rights at Work and the 2011 Convention 189 on Decent Work for Domestic Workers—domestic workers, including migrant caregivers in Canada, face structural barriers to exercising these rights. Notably, Convention 189 explicitly calls on member states to protect domestic workers' right to form and join organizations of their choosing, yet Canadian policies remain misaligned with these international standards.

6.2.1. Unionizing Care Workers is possible

In a comprehensive review, Rhee and Zabin (2009) highlight that unionizing in-home care workers, while undoubtedly challenging, is far from an impossible task. Success in this area requires creative, multi-scalar strategies that blend grassroots worker organizing with targeted policy and legal innovations. For instance, campaigns in

California's homecare sector by SEIU showcase how unions can overcome the spatial and organizational fragmentation of care work. By establishing public authorities to act as employers of record, the union facilitated collective bargaining for hundreds of thousands of independent providers, many of whom care for family members. This approach required building coalitions with disability rights groups, senior advocates, and other stakeholders, while framing the campaign to highlight shared interests between workers and consumers, such as improved service quality and wage increases. This strategic alignment allowed unions to gain political support and develop sustainable frameworks for union representation in previously fragmented sectors.



Figure 33. Care workers organizing with the SEIU campaign

Source: https://www.dwherstories.com/wp-content/uploads/2021/02/A115_HR_PS-scaled.jpg

These efforts, as Rhee and Zabin (2009) demonstrate, highlight the potential for innovative policy advocacy to address the unique challenges of the care sector, such as the atomization of workplaces, the hybrid public–private funding model, and ambiguous employment relationships. Unions in childcare have employed similar tactics, leveraging state-level reforms to secure collective bargaining rights for family-based providers classified as small businesses. These campaigns demonstrate the importance of state

and local policy changes in enabling sectoral approaches to collective bargaining, which aggregate dispersed workers under unified frameworks. While these efforts have required unions to navigate complex political landscapes and stakeholder concerns, they underscore the capacity of multi-scalar strategies to bridge organizational gaps and bring transformative improvements to care workers' wages, benefits, and job security.

6.2.2. Understanding the “Wagner” labour relations model in Canada

In Canada, in-home care workers' exclusion from unionization is compounded by a provincial labour relations framework that defines a bargaining unit as the employees of a single employer. This is often described as the “Wagner model”, “Wagnerism”, or an “industrial workplace” model, referencing the passing of the Wagner Act in the United States in 1935 (Adams, 1994; Doorey, 2020). A wide variety of legal scholars, primarily led by those friendly to unionization, have written extensively about the inadequacy of the Wagner model—from topics such as its failure to support unionization rates in Canada, especially within the private sector, to Canada's commitment via international bodies to promote both human rights and collective bargaining (see, e.g., Slinn, 2013; Smith & Stevens, 2019; Adams, 2015).

King (2021), in their call for a more radical, imaginative alt-labour approach to industrial relations in Canada, summarizes well the ways in the Canadian Wagner framework is inadequate for work in the post-2020s:

The reasons for the rise of alt-labour are many, and they relate broadly to the increasing obsolescence of the Wagner model and the changing nature of work and the workplace. A New Deal remnant of the 1930s and 1940s, the Wagner framework takes for granted a form of employment relationship that bears less and less resemblance to the reality today: full-time, lifelong jobs in large, industrial workplaces that place workers alongside their fellows and in sustained contact with the profiteers of their labour.

Providing a compelling critique of the limitations inherent in such traditional legal definitions of work, Adelle Blackett (2011) argues that reimagining how work is defined within legal frameworks is both a subversive act and a necessary expansion. By challenging the exclusion of in-home care work from modern legal protections, Blackett (2011) highlights the transformative potential of redefining work to encompass caregiving labour, ultimately calling for a broader, more inclusive legal framework that recognizes

and values this vital form of labour:

to rethink labour regulation to include domestic workers meaningfully is necessarily to re-imagine labour regulation beyond the industrial workplace model, while retaining from modern employment law that which distinguishes work from servitude. It is subversive since it recognizes that the domestic work relationship contains the quintessential requirements of the standard employment relationship but is embodied in the quintessential “other.” To infuse that “standard” domestic work relationship with labour rights, and to think closely about what that entails for working conditions, social protection, and collective rights, is to depart significantly from an outdated male breadwinner model and to embrace an inclusive vision of citizenship at work. This holds promise, both for rethinking the regulatory implications of the domestic work relationship and for more comprehensive contemporary regulatory rethinking. (p. 20)

For in-home caregivers, this often translates to bargaining units comprising a single worker and their employer. Such an arrangement not only isolates workers from each other but also limits their ability to organize effectively or join unions. This structural isolation is exacerbated by the physical dispersion of workplaces and the private nature of the home, making it difficult for unions and advocacy groups to provide support.

The barriers to collective bargaining are further entrenched by Canada’s reliance on a complaint-based model of labour enforcement. In British Columbia, for instance, workers must independently navigate the complex process of filing complaints under the ESA, often without legal or financial support. For migrant care workers—already burdened by low wages, precarious immigration status, and dependency on their employers for housing—this quasi-legal process is prohibitively difficult. Even in cases where workers endure extreme abuse, such as *PN v. FR and another* discussed earlier, the process of seeking redress can take years, with outcomes offering limited compensation and no systemic accountability.

This failure to provide meaningful access to collective bargaining rights reinforces the structural precarity of migrant care workers. It also underscores the urgent need for policy reforms that address the unique challenges posed by their work. Organizations such as CDWCR have long advocated for the introduction of a sectoral bargaining model to address these challenges, demonstrating remarkable persistence in their organizing efforts. Notably, CDWCR began submitting well-researched, comprehensive policy submissions to provincial government and labour governance bodies as early as 1993—almost immediately after the organization's formation—recommending the

implementation of sectoral bargaining frameworks specifically designed for their work and for domestic care workers. This sustained advocacy work, spanning over three decades and conducted entirely by volunteers, represents a significant contribution to policy discourse around care worker rights. Their foundational 1993 analysis, which identified the structural limitations of existing labour relations frameworks for care workers, is examined in detail later in this chapter and demonstrates both the prescience of their analysis and the continued relevance of their proposed solutions. Unlike the current system, sectoral bargaining would allow workers across the fragmented care sector to negotiate collectively, establishing industry-wide standards that reflect the realities of care work.

To address the jurisdictional and structural barriers faced by migrant care workers, British Columbia's legislative frameworks must evolve. Collective bargaining is not only a labour right but also a practical tool for addressing the systemic inequities inherent in the employment relationships of migrant caregivers. Adopting a sectoral bargaining model offers a pathway to empower workers, align with international standards, and ensure that the rights of care workers are protected within a unified framework.

6.2.3. From Wagner to Broader-Based Bargaining

Broader-based and sectoral bargaining periodically emerge as compelling responses to the structural challenges faced by workers in Canada, particularly in their efforts to unionize and collectively negotiate. These frameworks offer a pathway to overcome the limitations of enterprise-level bargaining, which often isolates workers and fragments their collective power. For nearly a century, the Wagner model of labour law has dominated North America, providing the framework for workplace organizing and collective bargaining. However, it has never been the sole paradigm under which workers have organized, nor has it precluded reform efforts or alternative approaches.

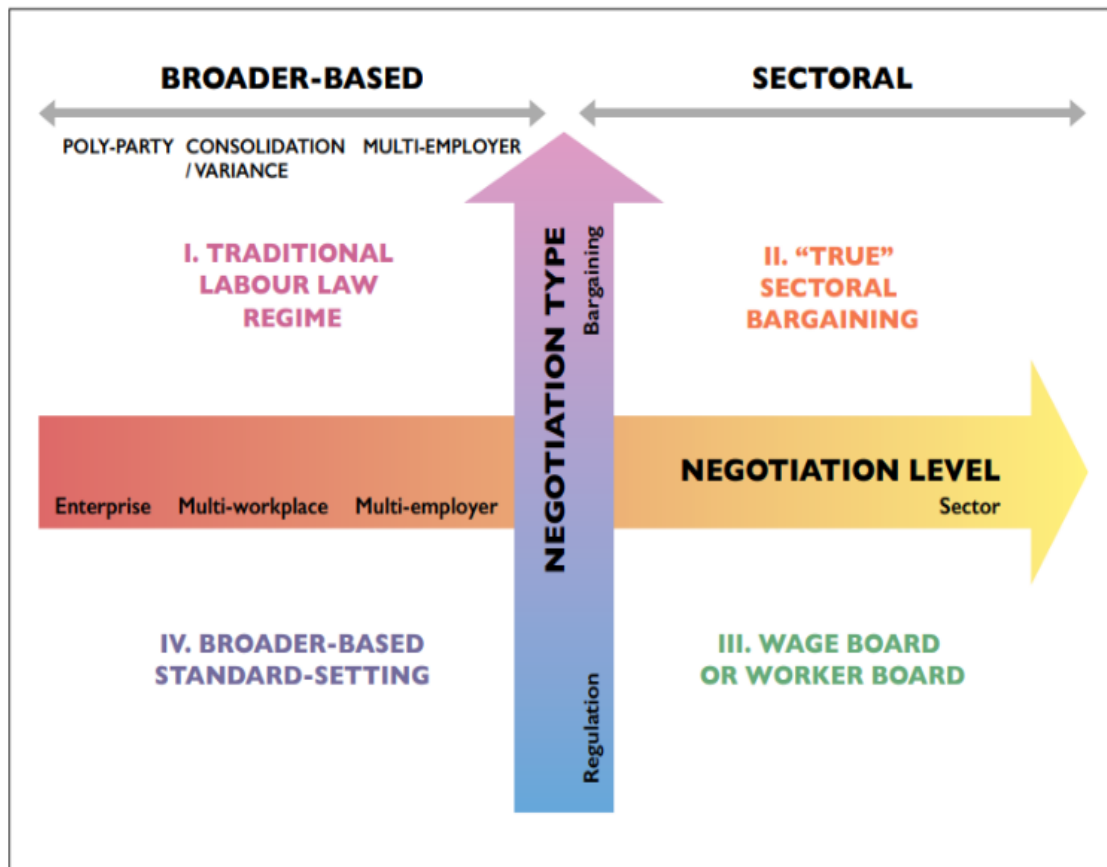
Legal scholar and labour arbitrator Sara Slinn (2023) provides a comprehensive model of the spectrum of approaches she terms “broader-based bargaining” (BBB) and “sectoral bargaining.” Unlike the Wagner model, which centres on single-workplace agreements, BBB encompasses mechanisms that enable workers across multiple workplaces to bargain collectively, setting shared standards for entire industries or

sectors. As Slinn explains, this could mean care workers in a specific region or employees across a particular industry negotiating as a collective unit for standardized wages and working conditions. This approach, common in many European countries, establishes baseline labour standards for entire sectors through unified agreements, offering a stark contrast to the decentralized and piecemeal nature of the Wagner model.

The scale of broader-based bargaining is transformative. Where the Wagner model fragments negotiation into isolated workplace agreements, sectoral bargaining centralizes it, allowing for coordinated action and consistent standards across an industry. Research demonstrates that these systems significantly reduce wage inequality and improve labour conditions, particularly for vulnerable workers in small workplaces or feminized sectors. However, as Slinn documents, the adoption of these systems in Canada has been met with considerable political and institutional resistance.

Despite the clear advantages of centralized bargaining, Canadian jurisdictions have largely maintained the traditional Wagner model, leaving many precarious workers—especially migrant care workers—excluded from collective representation. For migrant care workers, who often labour in isolation within private homes or small facilities, the barriers to traditional union organizing are profound. Broader-based bargaining, by contrast, offers a potential remedy, creating pathways to address the systemic inequities they face. Though Quebec’s decree system and sectoral bargaining in industries like construction demonstrate the viability of BBB, these successes remain exceptions rather than the rule, leaving most precarious workers without access to its benefits.

Slinn (2023) illustrates BBB systems through a two-dimensional framework, plotting negotiation types—from regulation to bargaining—against negotiation levels, ranging from enterprise to sectoral (see Figure 34). This conceptualization underscores the diversity of approaches within BBB, highlighting its adaptability to different sectors and worker needs.



Broader-based and sectoral bargaining conceptual overview ©Sara Slinn, 2023

Figure 34. Dr. Sara Slinn's visualisation of broader-based and sectoral bargaining models. Reproduced from Slinn (2023)

For migrant care workers, any shift in Canada's labour law regime towards broader negotiation levels would be a significant and welcome development. Through decades of advocacy, these workers have championed a two-phased approach that combines both regulation and collective bargaining. Their advocacy applies important nuance to the dimension referred to in Figure 34 as "negotiation type" by illustrating how regulation and bargaining are not mutually exclusive but interconnected. All workers in Canada operate within overlapping dimensions of labour law: they are able to rely on provincial employment standards acts to set minimum standards while also pursuing the right to collectively bargain, which allows them to improve those standards and establish new benchmarks for working conditions. This integration of regulation and bargaining could be equally applicable to sectoral approaches.

For example, CDWCR has long advocated for a two-step system specifically tailored to the needs of migrant care workers. Their framework, which I will discuss in greater detail later in this chapter, begins with the creation of a regulatory council to address workers' immediate concerns. This initial step is designed to pave the way for their ultimate objective: sectoral certification and bargaining.

6.2.4. Addressing precarity

BBB offers compelling advantages for addressing worker precarity, particularly in feminized and racialized sectors like care work. The potential of sectoral bargaining for care workers is particularly significant given what Slinn (2023) identifies as the Wagner model's fundamental inability to serve small workplaces effectively. This limitation is especially relevant for care workers, as they are often isolated in individual households or small facilities. Traditional workplace-by-workplace organizing under the Wagner model has proven particularly ineffective for these workers, contributing to their ongoing precarity and exploitation.

Moreover, sectoral bargaining addresses what Slinn terms the "membership illusion," where unions focus on maintaining existing members rather than organizing vulnerable workers in emerging sectors. For care workers, a sectoral approach could enable collective representation without requiring the resource-intensive process of organizing each workplace individually. This is particularly important given that care work happens in private homes and small facilities, making traditional organizing approaches especially challenging.

Indeed, it is worth noting that approaching anyone in the traditional labour movement with the question of "How would you organize in-home caregivers?" can result in confusion, frustration, or even despair. It immediately leads to fundamental questions such as "Who is the employer—the family?", "Is it just the one care worker that is their own unit?", "Would each care worker-family unit have their own individual collective agreements?".

These questions get at the core issue of an aspect of the legislative precarity experienced by migrant care workers. It also immediately brings to mind the creative and successful organizing strategies in the United States and SEIU—wherein a first critical

step to developing collective organizations for homecare workers was to establish an “employer of record.” In the SEIU campaign, this strategy was undertaken to circumvent fragmentation at the level of third-party agencies hiring out workers to individual homes, but I argue that the concept of taking the employer-level power and responsibility out of the hands of individual families is a powerful and generative legal and organizing strategy that helps to imagine what a future unionizing campaign for migrant in-home care workers could look like.

This reimagining of employer relationships points to the transformative potential of sectoral approaches for migrant care workers. Rather than attempting to force the square peg of in-home care work into the round hole of traditional workplace-based organizing, sectoral bargaining allows us to envision new frameworks that better reflect the reality of care work. Just as the SEIU campaign demonstrated how establishing an employer of record could overcome fragmentation in home care, sectoral bargaining offers a path to address the jurisdictional and structural barriers faced by migrant care workers in Canada. By moving beyond individual household-level employment relationships to establish sector-wide standards and representation, this approach could provide a meaningful framework for collective organizing while acknowledging the unique nature of care work relationships.

Moreover, this approach aligns with what care worker organizations like CDWCR have long understood: the precarity of migrant care workers stems not just from individual employment relationships but from systemic issues that require systemic solutions. As Slinn notes, successful sectoral bargaining frameworks already exist in certain industries, demonstrating that alternatives to the Wagner model are both possible and effective when properly structured. For migrant care workers, whose work exists at the intersection of multiple jurisdictions and regulatory frameworks, such sector-wide approaches offer a particularly promising path towards meaningful labour rights and protections.

Indeed, migrant care workers are already effectively treated as a distinct sector through federal immigration policy. IRCC's various caregiver programs, from the Live-in Caregiver Program through to the current pilots, establish sector-wide requirements, responsibilities, and restrictions that apply uniformly to these workers regardless of their individual employers. The federal government already determines wages through LMIA

requirements, sets qualification standards, controls mobility through work permits, and manages pathways to permanent residency for the entire care worker sector. This existing sectoral framework at the federal level suggests that establishing a governmental "employer of record" is not only possible but logical.

If the federal government can exercise such comprehensive control over care workers' immigration status, work conditions, and mobility, why could it not extend this sectoral approach to assume responsibility for employment standards and collective bargaining? Just as IRCC currently acts as the de facto sectoral regulator for immigration matters, a governmental body could serve as an employer of record, shifting accountability away from individual families while maintaining the personal nature of care relationships. This would acknowledge what is already true: that migrant care work is fundamentally shaped by state policy rather than purely private employment relationships. Such an approach would formalize the government's existing role while extending it to include meaningful labour protections and collective bargaining rights.

Alternatively, if the federal government continues to resist assuming direct employer responsibility, a sector-wide employers' council could provide an effective framework for collective representation and bargaining. This approach is well-established in numerous sectors across Canada where broader-based bargaining already operates successfully. For example, in healthcare, education, and film industries, employer councils routinely negotiate sector-wide agreements that establish common standards while maintaining flexibility for specific workplace needs. Notably, the healthcare sector already demonstrates this model's viability for in-home care work: health authorities and employers' associations regularly negotiate collective agreements covering home care workers and community health workers who provide care in private residences. The fact that such frameworks successfully operate for domestic care workers in the health sector makes their absence for migrant care workers particularly striking, suggesting that the barrier is not the in-home nature of the work itself but rather the political will to extend these proven models to migrant care workers as a distinct category. This disconnect is especially notable given that these workers often perform similar or identical care tasks, merely under different immigration and employment classifications. The film industry and broader healthcare sector demonstrate how diverse employers—from multinational corporations to major institutions to individual contracts—can work within a unified bargaining framework under appropriate government oversight.

These established models prove that sector-wide collective bargaining is not only feasible but can effectively balance the interests of workers, employers, and the broader public good, even in the context of care work provided in private homes.

The feasibility of bringing care work under unified public frameworks is powerfully demonstrated by recent developments in British Columbia's home support sector. In 2019, three major health authorities—Fraser Health, Vancouver Coastal Health, and Vancouver Island Health—announced the transition of home support services from private contractors to direct health authority employment (BCGEU, 2019). This shift, affecting approximately 4,800 workers represented by BCGEU, illustrates how fragmented care work can be successfully restructured under public oversight. According to their union, the transition maintained workers' wages, benefits, and pension plans while ensuring continuity of care, precisely the type of framework that could benefit migrant care workers. Most significantly, this reform explicitly acknowledged and addressed the "precarious nature of contract-based work with private providers," demonstrating that governments can and do take responsibility for establishing stable employment relationships in home-based care work. The success of this transition challenges arguments that in-home care work must necessarily remain atomized among individual employers. If such comprehensive reform is possible for one category of home-based care workers, it follows that similar frameworks could be established for migrant care workers, who face even greater precarity due to their immigration status.

6.2.5. British Columbia is fruitful ground for broader-based bargaining

British Columbia, in addition to the BCGEU's recent success with in-home health care workers, is a particularly opportune setting to pursue sectoral bargaining for migrant care workers. The province has already grappled with both the legislative and political dimensions of sectoral bargaining, most notably during a significant but ultimately unrealized opportunity in the early 1990s. This episode, now widely regarded as a "missed opportunity" by BC's labour movement, centred on the innovative Baigent-Ready model proposed during a comprehensive review of the province's labour relations framework.

In 1992, following decades of conservative Social Credit governments, the newly elected NDP government commissioned a review of the Industrial Relations Act. Led by union-side lawyer John Baigent and mediator Vince Ready, the review produced a groundbreaking proposal for broader-based bargaining tailored to non-unionized sectors characterized by small, dispersed workplaces—conditions that resonate strongly with today’s care work sector. The Baigent-Ready model aimed to address the structural barriers to organizing in such sectors, advocating for an approach that would consolidate bargaining units and extend unionization into historically underrepresented areas (Slinn, 2020).

At the time, support for broader-based bargaining was notably strong among resource-based unions. These unions, accustomed to industry-wide bargaining councils and multi-workplace agreements, had firsthand experience with the advantages of less fragmented structures. However, they also felt the adverse effects of a shift towards enterprise-level bargaining during the 1980s, which had fragmented their collective power. Baigent and Ready consulted with the labour movement but received limited input on concrete mechanisms. Consequently, much of their work focused on independently crafting a model that targeted small workplaces and sectors with low union density.

Despite its innovative potential, the Baigent-Ready model failed to be implemented, largely due to fierce employer opposition and a lack of unified labour support. Nonetheless, its insights remain highly relevant to contemporary challenges. The proposal’s emphasis on overcoming the fragmentation inherent in workplace-by-workplace organizing underscores its utility for sectors like care work, where precarious employment is widespread.

Healthcare unions were another stronghold of support for broader-based and sectoral bargaining during this period. For these unions, sectoral bargaining represented both an organizing strategy and a means of addressing the growing precarity in healthcare, particularly in the rapidly deprofessionalizing homecare sector, where contract-based work was becoming the norm.

It was within this broader context of labour reform efforts that migrant care workers in British Columbia, through CDWCR, submitted their first formal demand for

sectoral bargaining in 1993 (see Figure 35 and Appendix C). Their submission to British Columbia's ESA Review Committee articulated a bold vision for addressing the systemic barriers they faced—a vision that aligns closely with the principles of the Baigent-Ready model but goes further in addressing the unique vulnerabilities of migrant workers. This demand laid the foundation for a continued push towards sectoral certification and bargaining, an approach that remains critically relevant today.

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CDWCR

Figure 35. Table of contents from CDWCR's 1993 submission to the Labour Code Review Panel

This submission speaks to the issues experienced by workers and the need for a

sectoral approach as well now as it did 30 years ago:

Domestic workers are extremely vulnerable to employer exploitation and abuse unless they are provided with information and advocacy to enforce their legal rights. Unless a third party is given their names and addresses and a legal right to contact them, this will not occur. {...} Province-wide mandatory broader-based bargaining is a necessary requirement if women employed in precarious, non-standard jobs are to benefit from collective bargaining. (CDWCR, 1993, p. 14).

Since 1993, the landscape for migrant care workers in British Columbia has shifted in important ways. No longer excluded from the protections of provincial employment standards, migrant care workers now have access to basic rights such as minimum wages, hours of work, and statutory entitlements. These gains reflect decades of persistent advocacy to establish minimum protections for some of the province's most vulnerable workers. Yet, despite these advancements, the broader structural barriers that prompted CDWCR's initial call for labour reform remain largely unaddressed. The fundamental inequalities of workplace-by-workplace organizing persist, underscoring the ongoing relevance of CDWCR's original vision for sectoral reform.

In 2024, CDWCR reaffirmed the enduring need for broader-based labour reform by re-submitting a contemporary proposal to British Columbia's most recent Labour Code Review Panel. We can draw comparisons between their proposal and what Slinn and Rowlinson (2023) identify as a "Fair Pay" model of broader-based bargaining—an approach that has gained traction internationally as a response to the limitations of traditional labour frameworks. Fair Pay Agreements (FPAs), as passed (but not implemented) in New Zealand and proposed in various other jurisdictions, establish a mechanism for setting minimum terms and conditions across entire sectors, regardless of whether workers are unionized or covered by collective agreements. This model bridges the gap between pure regulation and traditional collective bargaining by creating enforceable, sector-wide standards while involving worker representatives directly in the negotiation process.

The Fair Pay model is particularly relevant for migrant care workers because it addresses what Slinn (2023) identifies as a critical limitation of Wagner-style labour frameworks: their inability to effectively protect workers in sectors characterized by small workplaces, high turnover, and limited union density. Rather than requiring workers to organize workplace by workplace—a immensely difficult task in private households—

FPA's enable comprehensive coverage through sectoral standards that apply to all workers in the designated industry. This approach recognizes that certain sectors, particularly those dominated by women and racialized workers, face structural barriers to traditional unionization that cannot be overcome through incremental reforms.

Remarkably, CDWCR's submission builds on the two-stage approach first outlined in 1993, which anticipated many key elements of the Fair Pay model now gaining international recognition. The proposal begins with the establishment of a tri-partite regulatory council, which would bring together representatives from workers, employers, and government to enforce and regulate standards across the care work sector. This council is envisioned as an immediate mechanism to address urgent issues like wage theft, substandard working conditions, and employer non-compliance, creating a foundation of enforceable rights and protections for all care workers.

The second stage of CDWCR's proposal remains its ultimate objective: true collective bargaining and sectoral certification. By allowing care workers to negotiate collectively across workplaces and employers, this stage seeks to empower workers to advocate for their own interests, establish meaningful standards, and address the systemic inequities that persist within the sector. As CDWCR articulated in their original submission, regulation is a critical first step, but it is insufficient on its own. Sectoral bargaining provides the means for workers to take control of their conditions and ensure the sustainability of reforms achieved through regulation.

Slinn's analysis of broader-based bargaining models provides a theoretical framework for understanding CDWCR's proposal. As she notes, effective sectoral frameworks must balance regulatory oversight with genuine worker voice, creating systems that combine the comprehensive coverage of legislation with the democratic participation of collective bargaining. The tri-partite structure proposed by CDWCR—with equal representation from workers, employers, and government—embodies this balanced approach, ensuring that standards are both comprehensive and responsive to workers' actual needs and experiences.

The consistency of CDWCR's vision over three decades speaks to the ongoing urgency of their demands, but also reveals a troubling pattern in how migrant worker advocacy is received by policymakers. Their repeated submissions represent a

frustrating time loop where care workers secure incremental gains—like inclusion in provincial employment standards—while their core demands for structural reform remain unaddressed. This pattern of "one step forward, two steps back" mirrors experiences in other sectors where marginalized workers find themselves perpetually resubmitting the same solutions to successive government panels and consultations. The care sector does not need more studies, pilot programs, or exploratory committees—CDWCR and similar organizations have articulated clear, consistent solutions since the 1990s. The persistence of precarious employment, employer non-compliance, and limited pathways for worker self-advocacy is not a knowledge gap requiring further investigation but rather a failure of political will to implement known solutions.

CDWCR's continued advocacy also exposes the fundamental failures of neoliberal governance structures that claim to value expertise and merit. The fact that a community-run, volunteer-led organization of migrant workers could develop, in the same 12-month period as a government-appointed expert panel, a sophisticated proposal for sectoral bargaining that addresses complex jurisdictional issues challenges prevailing assumptions about who possesses legitimate knowledge. These workers do not need external experts to represent them or speak on their behalf—they themselves are the foremost authorities on their working conditions, the challenges they face, and the solutions required. The remarkable coherence and consistency of their proposals across decades demonstrate not only their deep expertise but also their strategic vision, directly contradicting narratives that position marginalized workers as lacking the capacity to design effective systemic change.

That we must continue to argue for these same reforms in 2025—reforms first articulated in detail thirty years prior—reveals the hollow nature of consultation processes that solicit input from affected communities without genuine commitment to implementing their recommendations. This cycle of perpetual consultation effectively contains worker resistance while creating the illusion of democratic participation. CDWCR's two-stage framework offers a roadmap for transformative change that has been on policymakers' desks for three decades, balancing immediate regulatory intervention with the long-term goal of building collective power for care workers. As British Columbia revisits its labour laws yet again, this decades-long struggle should be recognized not as a call for further consultation but as a demand for long-overdue implementation of solutions developed by those most affected.

The next section offers, with their permission, an analysis of the proposal I drafted in collaboration with CDWCR to support their 2024 submission to the labour code review panel. For the proposal in its entirety, as submitted to the provincial government, see Appendix D. This proposal builds on their original vision while incorporating contemporary insights and policy developments to address the evolving challenges faced by migrant care workers. I analyze how this framework draws on both established bargaining models and innovative approaches to sectoral regulation, positioning it within the broader international movement towards FPAs while addressing the specific needs and vulnerabilities of migrant care workers in British Columbia. By examining the structure and objectives of the two-stage framework, I demonstrate its potential to create enforceable standards through a regulatory council and its ultimate aim of achieving true collective bargaining. By grounding this analysis in both historical context and present-day realities, I hope to argue for transformative potential of broader-based labour reform for one of Canada's most precarious sectors.

6.3. Sectoral Solutions to Jurisdictional Precarity: Contrasting Frameworks for Care Worker Representation

It is worth noting that CDWCR's proposal is not the only imaginary of how a system of provincial labour law addressing migrant care workers needs could look. During the 2024 Labour Code Review, the Migrant Workers Center, a long-standing non-profit organization providing legal advocacy for migrant workers also provided a submission to the panel. For the proposal in its entirety, as submitted by the MWC to the provincial government, see Appendix E. Their submission addressed many of the points just outlined here and put a straightforward conclusion to the panel: "MWC proposed that one way to advance the protection of Migrant Workers, and specifically, migrant care workers, is to provide them with access to collective bargaining through the *Code*" (Migrant Workers Centre, 2024, p. 2).

Like CDWCR, the MWC recommends broader-based sectoral bargaining, drawing on British Columbia's existing frameworks in healthcare and community social services. These established systems operate through specialized legislation—the Health Authorities Act (HAA) and the Community Social Services Labour Relations Act

(CSSLRA)—which have successfully coordinated multi-employer bargaining for approximately two decades.

The MWC proposal identifies three essential components for an effective system:

1. Designation of the regions for bargaining (whether it is on a provincial basis or designated regions with the province);
2. Designation of an employer bargaining agent; and
3. Recognition of workers' bargaining agents, including the ability of migrant workers' union to operate union hiring halls. (MWC, 2024, p. 11)

Their implementation framework is structured as follows:

- a. Multi-employer and multi-union bargaining associations should be statutorily created for the private caregiving sector. Those associations should be similar in structure to HEABC and CSSEA (on the employer side) and the various bargaining associations (on the union side).
- b. Statutory bargaining units defined by geographic regions should be created. For example, a sample bargaining unit could consist of all caregivers working in private residences in Burnaby, BC.
- c. Certification would have two phases:
 - i. The first phase is at the level of an individual employer and worksite. An individual union (e.g., the BCGEU, HEU, CUPE, USW, UFCW etc.) would apply for certification.
 - ii. The second phase is at the sectoral level. This involves all worksites in the broader geographic region defining the bargaining unit. (MWC, 2024, p. 15)

Once certified, the system would operate on a two-tier model similar to healthcare: sector-wide agreements would be negotiated at the first tier by employer and union associations, while individual unions would handle day-to-day administration at specific worksites.

The MWC highlights several practical advantages to their approach. First, employers of migrant caregivers are already familiar with uniform registration processes,

including federal LMIA and provincial registration requirements under Section 15 of the British Columbia ESA. Second, the existing Employment Standards Registry provides a ready-made employee list that could facilitate assessment of certification support within geographically defined bargaining units.

This proposal demonstrates that sectoral bargaining for migrant care workers can be implemented within British Columbia's existing legal architecture, drawing on proven models while addressing the unique circumstances of the care sector.

Table 6. Comparison of broader-based bargaining models from the MWC and CDWCR submissions to the 2024 Labour Code Review Panel in British Columbia

Policy Element	MWC Proposal	CDWCR Proposal
Model Basis	Based on existing BC sectoral models in Healthcare (HAA) and community social services (CSSLRA).	Develops a Tri-partite Standards Committee model more in line with “Fair Pay” models of broader-based bargaining. Establishes a provincial minimum standard for migrant care workers. Option for formal unionization remains.
Bargaining Structure	Multi-employer and multi-union bargaining associations created through statutory amendment	Not traditional collective bargaining. A worker, employer and state negotiating committee.
Bargaining Units	Geographic-based statutory bargaining units (e.g., all caregivers in Burnaby)	Province-wide sectoral approach covering all in-home caregivers and domestic workers.
Certification Process	Two phase certification: Individual employer level, and Sectoral level requiring majority support in the geographic unit	Not focused on traditional certification; instead creates mandatory and automatic inclusion through registration with the province.
Implementation Mechanism	Amendment to the BC Labour Relations Code	Combination of Labour Code amendments and new legislation creating the dedicated “domestic/care worker” Trip-Partite Standards Committee
Employee representation	Traditional labour unions (BCGEU, HEU, CUPE, USW, UFCW, SEIU, etc.)	Advocacy groups, like CDWCR, prominently included alongside unions
Employer Organization	Government-mandated establishment employer associations (similar to HEABC or CSSEA)	Government-mandated establishment of employer representative bodies within specific timelines

Registration System	Leverages existing ESA Registry as employee list for certification	Strengthens and expands existing ESA “Central Registry” to include all migrant care workers (including IMP stream)
Enforcement	Through traditional union representation at both the first tier (sectoral) and second-tier (worksite-specific)	Provincial Labour Inspectors appointed by committee with powers equivalent to Employment Standards officers
Funding Mechanism	Not specific, likely through both union and government contributions	Modest payroll contribution from employers; fines for non-compliance redirected to committee budget
Dispute Resolution	Not explicitly detailed, union members would have formal routes to the grievance process, mediation and arbitration through Collective Agreements	Binding dispute resolution mechanism built into the framework
Access to benefits	Negotiated in collective bargaining	Negotiated through the Tri-Partite Standards Committee
Timeline to inclusion	Not explicitly defined, would reply on union organizing and “sectoral” expansion	Mandatory registration of domestic workers by employers (households and agencies) within 30 days. Self-registry option for workers.
Union Hiring Halls	Explicit mentions of ability of migrant workers’ union to operate hiring halls	Not specifically mentioned

6.3.1. Key Similarities

Despite their distinct approaches, the MWC and CDWCR proposals share fundamental insights about the challenges facing migrant care workers in British Columbia. Both organizations explicitly recognize the limitations of the traditional Wagner model, which presupposes centralized workplaces with clearly defined employer-employee relationships. Care work, distributed across thousands of private homes with isolated workers, defies these assumptions and requires reimagining collective representation altogether.

The proposals converge in their commitment to sector-wide standards and collective representation. Rather than attempting to organize individual households—a practically impossible task under current frameworks—both envision mechanisms that establish common standards across the sector, creating a floor of rights and working conditions for all care workers regardless of their specific employment arrangement.

Similarly, both proposals strategically leverage existing regulatory infrastructure while building new structures appropriate to care work. The MWC draws on proven sectoral models from healthcare and social services, while the CDWCR builds upon and expands the existing Central Registry in line with a “Fair Pay” model. This pragmatic approach recognizes that entirely new systems risk institutional resistance, while purely incremental changes would be insufficient to address structural precarity.

The shared analysis of care work's inherently fragmented nature underpins both proposals. Both acknowledge that the defining feature of domestic employment—its dispersion across countless private homes—requires collective solutions that transcend individual workplaces. Without addressing this fragmentation, migrant care workers remain isolated, their collective power diffused, and their ability to advocate for improved conditions severely hampered.

Perhaps most significantly, both proposals emerge from decades of organizing by and with migrant care workers, reflecting their lived experiences of vulnerability and their collective vision for change. The proposals represent not merely technical adjustments to labour law but transformative frameworks designed to shift power relations in a sector characterized by profound imbalances. They aim not only to improve wages and working conditions but to address the intersecting vulnerabilities that migrant care workers face at the nexus of immigration policy, labour regulation, and racialized gendered work.

6.3.2. Key Differences

Despite their shared objectives, the MWC and CDWCR proposals diverge significantly in their structural approach and implementation strategies. The MWC works largely within the architecture of traditional labour relations, adapting existing certification frameworks to accommodate care work's unique challenges. This approach maintains recognizable processes of union certification while modifying them to function at a sectoral level. In contrast, the CDWCR proposes a more fundamental reimagining of labour regulation for care workers, creating a distinctive tri-partite regulatory model that moves beyond traditional certification paradigms entirely.

This difference manifests clearly in their geographical conceptualization. The MWC envisions regionally defined bargaining units—"all caregivers working in private residences in Burnaby, BC" for instance—reflecting a graduated approach to building collective power through regional consolidation. The CDWCR, meanwhile, proposes an immediate province-wide framework, positioning all in-home care workers within a single comprehensive system from the outset. These approaches reflect different theories of change and strategic assessments of political feasibility.

The proposals also differ in how they conceptualize worker representation. While both acknowledge unions' importance, the CDWCR explicitly centres advocacy groups alongside traditional unions, recognizing the historical leadership of migrant-led organizations, such as itself, in this sector. This reflects the reality that much of the organizing in care work has happened outside traditional union structures, through community-based organizations and worker centres that have developed expertise specific to migrant workers' intersecting vulnerabilities (Tungohan, 2023).

The CDWCR proposal offers considerably more detail on practical implementation concerns such as funding mechanisms and enforcement strategies. It proposes specific payroll contributions from employers and redirection of non-compliance penalties to support the system's operational costs, while detailing specialized labour inspectors with sector-specific expertise. This granular attention to implementation mechanics anticipates potential challenges in transforming labour relations within private homes.

Finally, while both proposals draw on existing models, the MWC builds more directly upon British Columbia's established sectoral frameworks in healthcare and community social services. Its two-tier structure—with sectoral bargaining at the first tier and worksite-specific administration at the second—closely mirrors these existing systems. The CDWCR, while acknowledging these precedents, develops a more distinctive model tailored specifically to the unique characteristics of domestic employment. These different approaches reflect strategic assessments about whether care work can be effectively regulated through adapted versions of existing frameworks or requires more fundamental reimagining of labour relations.

6.4. Chapter Conclusion

This chapter has examined the complex interplay between federal immigration policy and provincial labour regulation that creates what I have termed "jurisdictional precarity" for migrant care workers in Canada. Through analysis of legislative frameworks, historical advocacy efforts, and contemporary policy proposals, I have demonstrated how the fragmentation of regulatory authority systematically undermines migrant care workers' labour rights and reinforces their vulnerability. This jurisdictional gap represents a structural feature that reflects and reproduces the devaluation of care work performed predominantly by racialized women.

My analysis reveals several key findings about the nature of jurisdictional precarity and its potential remedies. First, the division between federal control over immigration and provincial jurisdiction over labour creates a regulatory void where neither level of government takes full responsibility for migrant care workers' protection. As demonstrated through cases like *PN v. FR* and others, this jurisdictional ambiguity enables exploitation to flourish while limiting workers' access to meaningful redress. Second, traditional labour frameworks—particularly the Wagner model centred on workplace-by-workplace organizing—fundamentally fail to address the realities of care work performed in private households. The spatial and institutional fragmentation of care work demands approaches that transcend individual workplaces and establish sector-wide standards.

Third, the persistence of CDWCR's advocacy for sectoral bargaining over three decades reveals both the ongoing urgency of their demands and the systemic resistance to structural reform. Despite securing incremental gains such as inclusion in provincial employment standards, their core vision for transformative change through broader-based bargaining remains unimplemented. This pattern of "one step forward, two steps back" reflects a failure of political will to implement known solutions rather than a knowledge gap requiring further study. Fourth, the contrasting approaches to sectoral bargaining proposed by CDWCR and MWC demonstrate that multiple pathways exist for addressing jurisdictional precarity, from adapting existing healthcare models to developing innovative tri-partite regulatory frameworks.

This research makes several empirical and theoretical contributions to understanding migrant care work and labour regulation. Empirically, it documents the specific mechanisms through which federal-provincial jurisdictional divides create and maintain precarity for migrant care workers in British Columbia. By analyzing both historical advocacy efforts and contemporary policy proposals, it provides a comprehensive account of both the challenges these workers face and the innovative solutions they have developed. The detailed analysis of CDWCR's sectoral bargaining proposal—developed through participatory action research—offers concrete pathways for reform that address the unique circumstances of migrant care workers while building on established models.

Theoretically, this chapter advances several key interventions. First, it develops the concept of "jurisdictional precarity" to explain how overlapping yet fragmented regulatory frameworks create distinct vulnerabilities for migrant workers. This concept extends Virginia Mantouvalou's (2012) framework of legislative precariousness by attending to the specific tensions between immigration and labour regulation in federal systems. Second, it contributes to debates about collective bargaining by demonstrating why traditional Wagner models cannot effectively serve care workers and outlining alternative frameworks for worker representation. Third, it challenges assumptions about expertise and advocacy by highlighting how worker-led organizations like CDWCR have developed sophisticated policy proposals that anticipate scholarly innovations like FPAs.

This research challenges prevailing narratives about the inevitability of care worker precarity. By documenting successful sectoral models for in-home care workers in healthcare and other jurisdictions, it demonstrates that the fragmentation of care work does not create an insurmountable barrier to collective representation. The persistent advocacy of organizations like CDWCR—repeatedly articulating the same solutions across decades—reveals that the obstacle is political will rather than technical complexity. Their continued efforts expose the hollow nature of consultation processes that solicit input from affected communities without genuine commitment to implementing their recommendations.

As this dissertation concludes, the analysis presented in this final chapter connects to broader themes explored throughout my research. Chapter 3 provided a comprehensive literature review of transnational care migration, situating both

agricultural workers and care workers within Canada's historical context of temporary labour migration. Chapter 4 presented investigative work into the 2019–2024 caregiver pilot programs, revealing how technical complexity and administrative burdens maintain worker precarity. Chapter 5 analyzed how strategic opacity and statistical invisibility further marginalize migrant care workers through the politics of counting and data collection. This final chapter completes the analysis by examining how jurisdictional fragmentation between federal and provincial authorities creates additional layers of precarity while also opening spaces for transformative change through broader-based bargaining.

The sectoral bargaining frameworks proposed by migrant care workers and their advocates offer sophisticated and technical solutions to jurisdictional gaps and pathways towards reimagining care work as valuable, dignified labour deserving of robust protections. By centring the expertise and advocacy of workers themselves, these proposals challenge the fundamental logic of immigration systems that treat care workers as disposable labour rather than essential contributors to Canada's social fabric. Throughout this dissertation, but especially in this chapter, I have shown what any labour activist already knows: in the fundamental power imbalance between states, employers, and workers, we do not need more ineffective government pilots or endless consultations. What migrant care workers need is a direct throughline to self-advocacy and self-representation through collective bargaining. This is not a radical demand—in Canada, collective bargaining is a fundamental, charter-protected right. The continued denial of meaningful access to this right for care workers reveals the hollow promises of a system that purports to value their essential labour while systematically undermining their capacity to advocate for themselves.

This dissertation underscores the urgent need to move beyond performative cycles of consultation and program redesign towards implementing the solutions that migrant care workers have been articulating consistently for decades. Their vision for sectoral bargaining and regulatory reform offers a ready-made transformative framework for valuing care work and protecting the rights of those who perform it. If we truly believe in the fundamental principles of labour rights in Canada, then ensuring care workers have meaningful access to collective bargaining is not optional—it's a moral and legal imperative that has been delayed for far too long.

Chapter 7.

Conclusion

This dissertation has examined the complex, interconnected systems that govern migrant care workers in Canada, revealing how administrative mechanisms, statistical invisibility, and jurisdictional fragmentation create and maintain worker precarity while obscuring state responsibility. Through an analysis of immigration policies, statistical frameworks, and labour regulations, I have demonstrated how Canada's immigration system operates not primarily through coercive force but through sophisticated administrative processes that control migrant care workers' mobility, rights, and visibility. These mechanisms reflect and reproduce global inequalities, positioning Canada as a beneficiary of global care chains while minimizing its accountability to the workers who sustain its social reproduction.

My analysis reveals several key findings about the nature and operation of Canada's caregiver programs. First, the 2019–2024 Caregiver Pilots, despite being framed as reforms addressing previous program shortcomings, perpetuate many of the same structural issues that plagued earlier iterations. The administrative burden of two-step immigration processes, processing delays, and application backlogs continues to create significant hardship for care workers, like that of Rica detailed in Chapter 1, reflecting how precarity is maintained through seemingly neutral bureaucratic processes. Second, migrant care workers experience profound statistical invisibility, with systematic undercounting across multiple data sources creating a form of *strategic opacity* that limits accountability and obscures their contributions to Canadian society. This statistical marginalization is not merely a technical limitation but also a political mechanism that reinforces worker vulnerability.

Third, the division between federal control over immigration and provincial jurisdiction over labour creates what I term *jurisdictional precarity*—a regulatory void where neither level of government takes full responsibility for migrant care workers' protection. This jurisdictional gap enables exploitation to flourish while limiting workers' access to meaningful collective bargaining rights and labour protections. Fourth, despite these structural barriers, migrant care workers have developed sophisticated strategies

of resistance and advocacy, demonstrating agency and expertise in navigating these complex systems. Their proposals for sectoral bargaining frameworks reflect efficient, practical, and transformative visions for valuing care work and protecting those who perform it.

This dissertation opened with the question: *How does the Canadian state deploy immigration policy as an institutional mechanism to reproduce racialized and gendered labour exploitation within a capitalist economy?* The empirical evidence presented across Chapters 4-6 demonstrates that the 2019-2024 Caregiver Pilots sustain exploitation not through isolated policy failures but through interconnected institutional mechanisms that work in concert to extract labour while foreclosing belonging. Administrative mechanisms of control, including processing delays, application caps, and shifting eligibility requirements, function alongside strategic opacity, the deliberate obscuring of wage data, working conditions, and systemic failures, which in turn intersects with jurisdictional precarity, the federal-provincial gaps that leave workers legally unprotected. These mechanisms reinforce each other: strategic opacity enables administrative control by ensuring workers lack evidence to challenge delays or rejections; jurisdictional gaps permit exploitation that processing delays then trap workers within; and the entire system operates through bureaucratic complexity that obscures state responsibility. Together, these meso-level institutional processes reveal how the Canadian state manages temporary migration to serve capital's demand for cheap, flexible labour while maintaining the fiction of humanitarian immigration policy.

The Canadian state operates as both architect and legitimizer of these exploitative arrangements. As architect, the state designs immigration programs that structurally produce precarity: two-stage application processes that trap workers in temporary status for years, employer-tied permits that create dependency and limit mobility, processing backlogs that extend vulnerability while preserving plausible deniability about deliberate underinvestment in application processing. As legitimizer, the state deploys self-serving humanitarian promises of "clear pathways," "caring for caregivers," and "family reunification"; all ultimately painful fictions that obscure how these programs entrench racialized and gendered labour hierarchies, family separation, and continued exploitation. By extracting reproductive labour from racialized migrant women while refusing to recognize this work as worthy of full citizenship rights, the Canadian state sustains patriarchal devaluation of care work while enabling capital

accumulation through suppressed wages and degraded working conditions. This analysis unpacks the nuances of a particular intersection of gender, race, and labour under contemporary capitalism: care work is feminized and devalued; migrant care workers are predominantly racialized women from the Global South; and their systemic exclusion from labour protections and pathways to permanence serves both patriarchal assumptions about whose labour merits recognition and capitalist imperatives to minimize the costs of social reproduction. The Caregiver Pilots thus exemplify how immigration policy functions as a tool for managing the contradictions of racial and patriarchal capitalism: extracting essential labour while maintaining hierarchies of belonging that determine whose work, whose bodies, and whose lives are deemed worthy of citizenship and protection.

7.1. Theoretical Contributions

This dissertation makes the following theoretical contributions to understanding migrant care work and immigration governance:

1. It develops the concept of *strategic opacity* to describe how multiple forms of administrative invisibility, bureaucratic complexity, and statistical erasure converge in contemporary immigration governance. This concept captures how power operates not through complete invisibility but through the careful management of partial visibility, creating just enough statistical recognition to enable governance while ensuring that comprehensive understanding remains perpetually out of reach. By extending frameworks from critical data studies and data feminism to migration governance, this analysis demonstrates how statistical practices themselves can function as mechanisms of control.
2. It introduces the concept of *jurisdictional precarity* to theorize how overlapping yet fragmented regulatory frameworks create distinct vulnerabilities for migrant workers. Building on Virginia Mantouvalou's framework of legislative precariousness, this concept attends to the specific tensions between immigration and labour regulation in federal systems. Moreover, it demonstrates how jurisdictional gaps enable forms of exploitation that neither federal nor provincial authorities take responsibility for addressing, creating structural barriers to worker protection.

3. It contributes to broader theoretical debates about temporary labour migration by situating Canada's caregiver programs within global care chains and histories of migrant labour control. By tracing the evolution from agricultural guest worker programs to contemporary care worker pilot programs, I reveal how patterns of racialization, temporariness, and conditional inclusion have been consistent features of Canada's approach to migrant labour. This historical analysis demonstrates how caregiver programs represent not an anomaly but a continuation of Canada's strategic use of temporary migration to address labour market needs while limiting migrants' rights and pathways to citizenship.
4. It advances the theoretical understanding of collective bargaining by critically assessing the limitations of traditional Wagner models for migrant care workers and analyzing alternative frameworks for worker representation. By comparing sectoral bargaining proposals from worker-led organizations, I demonstrate how the spatial and institutional fragmentation of care work demands approaches that transcend individual workplaces and establish sector-wide standards. This analysis challenges assumptions about the inevitability of care worker precarity by documenting viable alternatives that have succeeded in other contexts.

Collectively, these theoretical contributions advance feminist political economy approaches to understanding migration governance. By centering reproductive labour as essential to capitalist accumulation yet systematically devalued, this analysis reveals how contemporary Canadian immigration policies manage what Nancy Fraser terms the "crisis of care" under neoliberalism—extracting necessary reproductive labour from racialized migrant women while refusing to provide the social infrastructure or citizenship rights that would acknowledge care work's foundational importance. The concepts of strategic opacity, jurisdictional precarity, and administrative control illuminate the meso-level institutional mechanisms through which the Canadian state sustains what scholars of racial capitalism have identified as the ongoing extraction of racialized labour under conditions of formal equality. These findings demonstrate that understanding temporary migration programs requires attending not only to their stated objectives but to their structural functions within broader systems of racialized, gendered, and classed exploitation.

7.1.1. Academic Muckraking: Confronting Power Through Methodological Intervention

This dissertation also makes a methodological intervention I call *academic muckraking*—a deliberate reclamation of a once-derogatory term for investigative reporting that sought to expose corruption and power abuses. In a moment of collapsing media infrastructure, rising authoritarianism, and aggressive institutional capture, critical scholarship cannot afford methodological timidity. We must get our hands dirty.

My research responds to an urgent democratic deficit: as traditional accountability mechanisms falter, the burden increasingly falls on researchers to excavate the evidence needed for meaningful critique. The extensive use of FOI requests, 46 submissions over 28 months, serves as both data collection and political action. When government agencies control the production and dissemination of information about their operations, FOI requests and other investigative techniques become essential tools for circumventing administrative gatekeeping.

This approach acknowledges that governments actively manufacture opacity through bureaucratic complexity, underfunding of public information systems, and strategic denial of access. Throughout this research, government officials repeatedly claimed they “couldn’t find” basic operational data that later emerged through persistent appeals. Such patterns expose *strategic opacity* at work—a deliberate management of information designed to obscure accountability and limit public understanding of how immigration programs function. Academic muckraking, like other critical approaches, rejects the false neutrality that has long characterized academic research, recognizing that excavating hidden information is inherently contentious work.

The data obtained through this process provided unprecedented insights into Canada’s caregiver programs, exposing contradictions between public rhetoric and internal operations. For instance, while IRCC publicly promoted the 2019 Caregiver Pilots as offering “faster pathways to permanent residence,” internal statistics revealed systematic processing delays that significantly exceeded those in comparable immigration streams. These gaps between rhetoric and operation emerge only through investigative work that refuses to accept institutional boundaries as given.

I do not claim to have abandoned the master's tools completely in this work. In her 1979 essay, *The Master's Tools Will Never Dismantle the Master's House*, Audre Lorde warned, "What does it mean when the tools of a racist patriarchy are used to examine the fruits of that same patriarchy? It means that only the most narrow perimeters of change are possible and allowable." Her critique remains relevant today, as marginalized scholars are *still* often tokenized, expected to speak only about their marginalization rather than their full intellectual interests.

Yet Lorde also understood that sometimes we must seize the tools pointed at us. In mining government data and using academic credentials to access information, I have tried to wield some of these institutional tools against their makers. But, if we're serious about dismantling the master's house, we'll need both repurposed tools and entirely new ones. The intellectual forebears invoked here would not accept only what the most powerful actors willingly share. Their legacy demands we pursue truth through whatever methodological pathways necessary, especially when those in power actively work to conceal it. Academic muckraking represents one such pathway: messy, imperfect, but necessary in a moment where truth itself faces existential threat.

For other researchers considering similar approaches, I offer both encouragement and caution. Academic muckraking requires patience, stubbornness, and institutional support that may not materialize when needed. It carries risks, from institutional disapproval to resource-intensive legal challenges, yet these costs must be weighed against our collective responsibility to communities impacted by state policies. Without institutional backing, the burden falls disproportionately on individual researchers, especially those in precarious positions, further reinforcing existing power dynamics within academia.

This methodological stance matters deeply for migration scholarship, where information asymmetry between state institutions and migrant communities reinforces vulnerability. When migrants themselves lack access to critical information about the programs governing their lives, academic muckraking redistributes knowledge and challenges informational monopolies. By integrating excavated data with participatory research methods, my approach ensured that findings directly informed community advocacy and policy development.

In an era of democratic retrenchment, where transparency is increasingly optional, academic muckraking stands as both methodological approach and ethical position. It reasserts that the public has a right to understand how governing institutions function, especially those controlling critical pathways to rights, protections, and citizenship. Universities that claim commitments to critical inquiry and social justice must support researchers engaged in such work, providing legal resources, institutional protection, and recognition of these methodologies as legitimate scholarly practice. As traditional media increasingly lack resources for sustained investigative work, or are refused the ability to do by their corporate or billionaire owners, universities must recognize their enlarged responsibility to support research that holds power accountable.

This dissertation offers both substantive findings about Canada's caregiver programs and a methodological blueprint for scholarship that refuses to accept administrative secrecy. By combining investigative techniques with critical analysis and community-based research, academic muckraking creates new possibilities for understanding and challenging the often-hidden mechanisms through which immigration systems produce and maintain precarity. The dirt under my academic fingernails after years of digging through bureaucratic documentation comes from a commitment shared by generations of critical researchers: unearthing hidden mechanisms of power serves as both good scholarship and democratic necessity.

7.2. Empirical Contributions

This dissertation makes significant empirical contributions to understanding Canada's immigration system and the experiences of migrant care workers. Through analysis of data obtained via FOI requests, the dissertation documents specific administrative barriers that care workers face in navigating the 2019–2024 Caregiver Pilots. My detailed examination of processing times, application caps, approval rates, and backlog statistics provides concrete evidence of systemic disadvantages faced by care workers compared to other immigration streams. These findings underscore how seemingly neutral bureaucratic processes perpetuate precarity and inequity.

The research also offers a novel analysis of the statistical frameworks used to count—or fail to count—NPRs in Canada. By examining multiple data sources and their methodological limitations, I reveal the extent of NPR undercounting and its

disproportionate impact on migrant care workers. This empirical documentation of statistical marginalization not only highlights the gaps in existing data but also provides a foundation for more accountable approaches to population measurement and program evaluation.

Additionally, this dissertation provides a detailed historical analysis of Canada's evolving approaches to migrant care work, tracing the trajectory from British nannies and early European domestics to contemporary caregiver pilots. This historical perspective reveals continuities in how Canada has managed migrant care workers while adapting to changing global contexts and domestic political pressures. By linking contemporary programs to this longer history, I contextualize current policies within broader patterns of racialization, temporariness, and conditional inclusion, demonstrating how caregiver programs represent not an anomaly but a continuation of Canada's strategic use of temporary migration to address labour market needs.

Finally, through collaborative action research with migrant worker organizations, I document specific proposals for sectoral bargaining frameworks developed by care workers themselves. My analysis of these frameworks, their potential implementation pathways, and their relationship to existing labour models provides concrete alternatives to current regulatory approaches. This empirical documentation of worker-led solutions challenges assumptions about expertise and advocacy, highlighting how migrant care workers have developed sophisticated policy proposals that anticipate and inform scholarly innovations. Their visions for sectoral bargaining and regulatory reform reflect not only their lived experiences but also transformative possibilities for valuing care work and protecting those who perform it.

7.3. Policy Implications and Pathways Forward

The findings of this dissertation have significant implications for immigration and labour policy in Canada. First and foremost, they challenge the continued reliance on pilot programs as a management strategy for migrant care workers. As demonstrated throughout this analysis, the cyclical introduction of new "pilot" programs without robust evaluation mechanisms or clear implementation pathways perpetuates precarity while creating the illusion of reform. Rather than developing new pilot programs, policymakers

should focus on implementing permanent pathways to residence and addressing the structural barriers identified by care workers themselves.

Second, this research highlights the urgent need to address statistical opacity in Canada's immigration system. The systematic undercounting of non-permanent residents, and particularly migrant care workers, undermines effective policymaking and limits accountability. Improving data collection and transparency is not merely a technical exercise but a foundational step towards recognizing the contributions of migrant care workers and ensuring their inclusion in policy planning.

This dissertation also makes obvious the importance of upholding, expanding, and rigorously protecting the right to access information, both from our governments and from any actors within labour and immigration systems, including employers. We should demand comprehensive, detailed, and open data from our government. If they are going to continue these programs where we know there is data and information, that should be proactively disclosed—not upon request, but openly and clearly as a matter of public record. Such transparency is essential not only for academic or policy research but for enabling care workers themselves to understand the systems that govern their lives and work.

Third, the analysis of jurisdictional precarity underscores the need for coordinated approaches between federal immigration authorities and provincial labour regulators. The fragmentation of responsibility between these levels of government creates regulatory gaps that enable exploitation and undermine worker protections. Developing integrated frameworks that bridge these jurisdictional divides is essential for ensuring that migrant care workers can access their labour rights regardless of their immigration status. This calls for both the reform of federal immigration policies and adaptations to provincial labour laws that would pre-empt many issues by giving care workers the means to organize and represent themselves through collective bargaining.

Fourth, and perhaps most significantly, this research supports the implementation of sectoral bargaining frameworks for migrant care workers. As demonstrated through the comparative analysis of proposals from worker-led organizations, sectoral approaches offer viable pathways for addressing the unique challenges of organizing care workers while providing meaningful collective

representation. By adapting existing models from other sectors or developing new frameworks specifically tailored to care work, policymakers can help bridge the gap between formal labour rights and their practical accessibility for migrant care workers.

Throughout this dissertation, I have shown what any labour activist already knows: in the fundamental power imbalance between states, employers, and workers, we do not need more ineffective government pilots or endless consultations. What migrant care workers need is a direct throughline to self-advocacy and self-representation through collective bargaining. This is not a radical demand—in Canada, collective bargaining is a fundamental, charter-protected right. The continued denial of meaningful access to this right for care workers reveals the hollow promises of a system that purports to value their essential labour while systematically undermining their capacity to advocate for themselves.

This dissertation underscores the urgent need to move beyond performative cycles of consultation towards implementing the solutions that migrant care workers have been articulating consistently for decades. Their vision for sectoral bargaining and regulatory reform is not just another policy option to consider—it represents a transformative framework for valuing care work and protecting the rights of those who perform it. If we truly believe in the fundamental principles of labour rights in Canada, then ensuring care workers have meaningful access to collective bargaining is not optional. It's a moral and legal imperative that has been delayed for far too long.

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Appendix A

Summary table of FOI requests submitted to the Government of Canada

Reference Code	Request Text	Holding Organization
A-2022-38622	Please provide statistics on the number of applications for the: (1) Home Child-care provider pilot, (2) home support worker pilot, (3) interim pathway for caregivers, (4) caring for children pilot, and (5) caring for people with high medical needs pilot. Information requested for the time period spanning their first implementation (seemingly June 18 2019) through to the present (Dec 2022). Please provide numbers and breakdowns by: (1) number of submitted applications, (2) number of approved applications/work visas provided, (3) country of origin/residence of applicant, (4) age of applicant, (5) gender of applicant, (6) province in which applicant is approved to work.	Immigration, Refugees and Citizenship Canada
A-2022-35218	Please provide all internal documentation (interviews; key supporting documentation; governance, risk management, and monitoring activities; analysis) that formed the method and data for the published March 2022 Internal Audit of Immigration Pilot Programs. The summary describes the audit as carried out from June 2021 to Aug 2021. Only the data for the Caregivers Pilots is requested, though if all is intermixed, all three pilots information will be acceptable.. The OPI has indicated a large volume of records is anticipated in response to your request. Many would be protected as personal information or third party information. In an effort to expedite a response to you, it has been recommended to narrow the scope of your request. Please note that we will put your request on hold until we receive the requested information from you. If we have not received your reply by February 9, 2023, we will consider the request abandoned and close our file accordingly.	Immigration, Refugees and Citizenship Canada
CR-22-0680	Statistics on the number of applications for the: (1) Home Child-care provider pilot, (2) home support worker pilot, (3) interim pathway for caregivers, (4) caring for children pilot, and (5) caring for people with high medical needs pilot. Information requested for the time period spanning their first implementation (seemingly June 18 2019) through to the present (Dec 2022). Please provide numbers and breakdowns by: (1) number of submitted applications, (2) number of approved applications/work visas provided, (3) country of origin/residence of applicant, (4) age of applicant, (5) gender of applicant, (6) province in which applicant is approved to work.	CDO Statistics (IRCC)
1A-2023-18363	Related to request CR-22-0680. The average and median time for application processing (from intake to approval/denial and then to issuing) of permanent resident and work visa applications under the caregiver programs from 2014-2019 and 2019-2023. Note the programs changed over in the two time periods. The most recent pilots (2019 onwards) are: (1) Home Child-care provider pilot, (2) home support pathway worker pilot, (3) interim pathway for caregivers, (4) caring for children pilot, and (5) caring for people with high medical needs pilot	Immigration, Refugees and Citizenship Canada
1A-2023-17841	I am following up on my request CR-22-0680 regarding IRCC Statistics pertaining to the caregiver programs as of 2019. I would like further data based on my initial request. Could you please provide a further breakdown for each of the caregiver programs of: (1) year-by-year numbers of 2019-2023 data for PR intake, approved, COPR (2) year-by-year numbers of 2019-2023 data for WP intake, approved, issued (3) a breakdown of applications by destination in BC by region if available (4) a breakdown of reasons why work permits and pr applications were NOT approved (5) a reproduction of this data by country of citizenship in lieu of country of residence Finally, can you please offer this exact same data for the caregiver pilot programs that were in place from 2014-2019.	Immigration, Refugees and Citizenship Canada
IA-2023-02039 / INB	Proactive disclosure of A-2021-63287 We are requesting information on the Live-In Caregiver Program (LCP). Can you please provide the following statistics: (1) number of applications received from January 1992 to November 30, 2014; (2) number of work permits issued and denied under the program; (3) number of permanent residence (PR) applications received under the program; (4) number of permanent residence applications granted, denied and pending broken down by program and year; and (5) average processing time for PR applications granted and denied broken down by program and year. For PR applications that are denied, please indicate reasons for denial (e.g., failed to meet language proficiency criteria).	Immigration, Refugees and Citizenship Canada
1A-2023-24356	Copy of briefing note/memo F-01244330 (IB) Path Forward on Caregiver Programming	Immigration, Refugees and Citizenship Canada
1A-2022-86882	Kindly provide the most recent Memo and BN's pertaining to the Temporary public policy to facilitate the granting of permanent residence for caregivers who applied under the Home Child Care Provider Class or Home Support Worker Class in 2020 that was announced on May 03, 2021 by Marco Mendicino, Minister of Citizenship and Immigration. Please provide information – How many applicants were granted Permanent Residency under the above-mentioned Public Policy.	Immigration, Refugees and Citizenship Canada

	Clarification 22/03/10: For the period January 1, 2021 to March 8, 2022, and regarding receipt, examination, evaluation, the rendering and communication of decisions on applications for the following immigration pathways: -Live-In Caregiver Program; -Caring for Children Program; -Caring for People with High Medical Needs Pathway; -Interim Pathway for Caregivers; -Home Child Care Provider Pilot; -Home Support Worker Pilot; and -Vulnerable Workers Open Work Permit, please provide copies of all currently used: policies, guides, directives, rules, manuals, training manuals, sample forms, recommendations issued to officers, desk aids, presentations and assessment sheets. Also provide copies of memorandums, briefing notes, quality monitoring reports, comments, and anonymized stakeholder consultation responses. Please provide only the English version unless only the French version exists. Omit email, except email with an attachment that is one of the identified document type requested. Remove all instances of non-relevant information by identifying them as such. Please omit records requiring consultation for confirmation of a Cabinet confidence. Original: Documents Used for Evaluation of Immigration Applications Please provide copies of all past and present policies, guides, directives, internal memorandums, briefing notes, rules, manuals, training manuals, sample forms, presentations, desk aids, assessment sheets, quality monitoring reports, comments, recommendations issued to officers, stakeholder consultations, etc. regarding the receipt, examination, evaluation, rendering and communication of decisions on applications for the following immigration pathways: -Live-In Caregiver Program; -Caring for Children Program; -Caring for People with High Medical Needs Pathway; -Interim Pathway for Caregivers; -Home Child Care Provider Pilot; -Home Support Worker Pilot; and -Vulnerable Workers Open Work Permit. Please provide only the English version unless only the French version exists. Please omit records requiring consultation for confirmation of a Cabinet confidence.	
A-2021-64019	Copy of briefing note/memo F-01260661 (PEI) Intake management under the caregiver pilots. Please exclude cabinet confidences that would require consultation to confirm cabinet confidences.	Immigration, Refugees and Citizenship Canada
A-2022-62459		Immigration, Refugees and Citizenship Canada
	Language and education criteria required for LCP – We are requesting information on the rationale and evidence used to develop the language proficiency criteria and educational credential criteria required to be eligible for the Live-In Caregiver Program (LCP). Please provide copies of all policies, guides, directives, internal memorandums, briefing notes, rules, manuals, training manuals, sample forms, presentations, desk aids, assessment sheets, quality monitoring reports, comments, recommendations issued to officers, stakeholder consultations, etc. regarding the language proficiency criteria and educational credential criteria. Please provide only the English version unless only the French version exists. Omit email, except email with an attachment that is one of the identified document type requested. Remove all instances of non-relevant information by identifying them as such. Please omit records requiring consultation for confirmation of a Cabinet confidence.	
A-2021-64020		Immigration, Refugees and Citizenship Canada
	We are requesting information on the Live-In Caregiver Program (LCP). Can you please provide the following statistics: (1) number of applications received from January 1992 to November 30, 2014; (2) number of work permits issued and denied under the program; (3) number of permanent residence (PR) applications received under the program; (4) number of permanent residence applications granted, denied and pending broken down by program and year; and (5) average processing time for PR applications granted and denied broken down by program and year. For PR applications that are denied, please indicate reasons for denial (e.g., failed to meet language proficiency criteria).	
A-2021-63287		Immigration, Refugees and Citizenship Canada
	Interim Pathway for Caregivers – we are requesting information on the Interim Pathway for Caregivers. Can you please provide the following statistics for the time periods March 4, 2019 to June 4, 2019, and again from July 8, 2019 to October 8, 2019: (1) number of applications received (2) number of work permits issued and denied under the program; (3) number of permanent residence (PR) applications received under the program; (4) number of PR applications granted, denied and pending; and (5) average processing time for PR applications granted and denied. For PR applications that are denied, please indicate reasons for denial (e.g., failed to meet language proficiency criteria).	
A-2021-64016		Immigration, Refugees and Citizenship Canada
	Provide copies of the most recent policies, guides, directives, internal memorandums, briefing notes, rules, manuals, training manuals, sample forms, presentations etc., regarding the receipt, examination, evaluation, rendering and communication of decisions on Work Permit and/or Permanent Residency applications for Home Child Care Support Workers, Home Support Workers, in-home Caregivers and/or Temporary Foreign Workers under NOC 4411 or NOC 4412 submitted to the Visa offices in India i.e. New Delhi, Bangalore and Chandigarh. Provide final or latest versions only. Please remove duplicates, including from pages, by identifying the area as duplicate. Please provide only an English version unless only the French version exists. Please omit records requiring consultation for confirmation of a Cabinet confidence.	
2A-2020-25235		Immigration, Refugees and Citizenship Canada

Please provide the most current, in-use versions of all policies, guides, directives, internal memorandums, briefing notes, rules, manuals, training manuals, sample forms, presentations, desk aids, assessment sheets, quality monitoring reports, comments, and recommendations. All these documents should be those issued to or used by internal government body agents and/or staff, including officers, during stakeholder consultations, day-to-day operations and other relevant activities. These should pertain to the receipt, examination, evaluation, issuance, and communication of decisions on Work Permit and Permanent Residency applications for applicants under the following programs:

- (1) Home Child-care Provider Pilot
- (2) Home Support Worker Pilot
- (3) Interim Pathway for Caregivers
- (4) Caring for Children Pilot
- (5) Caring for People with High Medical Needs Pilot

All the mentioned programs were active as of June 2019. Kindly provide documents in English, unless only a French version is available. Please exclude emails, unless they contain an attachment of one of the specified document types. Additionally, please omit any records that require consultation for confirmation as a Cabinet confidence.

1A-2023-94085

Immigration, Refugees and Citizenship Canada

Please provide any and all documentation that tracks (a) wages and (b) hours of work for individuals in Canada immigrating and working under any of the following programs: -Live-In Caregiver Program; -Caring for Children Program; -Caring for People with High Medical Needs Pathway; -Interim Pathway for Caregivers; -Home Child Care Provider Pilot; -Home Support Worker Pilot. Time period to provide is 2016-2023, please restrict information only to those working in Canada through one of these programs and exclude any data on them after receiving PR or working in Canada on a different work permit. Please redact any identifying information, omit cabinet confidences, and break down by year, program type, and province of work/residency. If microdata is available, please provide it, otherwise any internal data on median or average wages/hours worked by program by year and province would still be helpful. If aggregate numbers are provided please indicate the sample size being used to generate the statistic.

2A-2023-01666

Immigration, Refugees and Citizenship Canada

A-2022-68894

Copy of briefing note/memorandum: F-01264213 (ICB) Review of the Access to Information Act – Next steps

Immigration, Refugees and Citizenship Canada

Please provide a list of all documents, included but not limited to reports, reviews, presentations, internal and external memorandums, studies, and correspondence (internal and external) held or produced by the Data Executive Steering Committee from 1 January 2021 to July 4, 2023 (reference: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/audits/internal-audit-data-governance.html>). Please include the full data sets of any attached data included alongside these report.

1A-2023-42082

Immigration, Refugees and Citizenship Canada

Seeking the 03-2022 Internal Audit of Immigration Pilot Programs of the Internal Audit & Accountability Branch. Seeking copies of the following documents pertaining to the Caregivers Pilots 2019-2024: A-Methodology 1-27 Interviews (transcripts, recordings, summary notes) with key personnel to solicit their views on the governance, risk management, and monitoring activities in place; program efficiencies; and lessons learned 2-Stakeholder interviews (transcripts, recordings) (representatives from IRCC senior management, program managers and program employees from 13 various branches 3- key supporting documentation such as presentations to senior management and governance committees, Performance Information Profiles (PIPs), evaluations, PDIs, internal Standard Operating Procedures (SOPs), among others, to identify and confirm the existence of controls for development, management and oversight of the pilot programs; B-Presentations 1- For Caregivers Pilots, presentations (slide decks) provided to EXCOM, MinDM, the Antifraud Working Group, & the Policy Committee at the end of the life cycle of the pilot programs in 2018, to assess the next steps, including considerations to transition the pilot into a new permanent program." c-Reports 1-Any reports and or findings that provide greater detail beyond the public summary. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/audits/audit-immigration-pilot-programs.html>

2A-2023-01662

Immigration, Refugees and Citizenship Canada

Please provide a copy of memorandum 'F-124430 - Managing Caregiver Inventories'. In addition, please include any additional memorandums pertaining to the Childcare Programs (Home Child Care Provider and Home Support Worker pilot) issued during 2023.

2A-2023-29062

Immigration, Refugees and Citizenship Canada

A-2021-64024	Language and education criteria required for HCCP - We are requesting information on the rationale and evidence used to develop the language proficiency criteria and educational credential criteria required to be eligible for the Home Child Care Provider Pilot (HCCP). Please provide copies of the most recent policies, guides, directives, internal memorandums, briefing notes, rules, manuals, training manuals, sample forms, presentations, desk aids, assessment sheets, quality monitoring reports, comments, recommendations issued to officers, stakeholder consultations, etc. regarding the language proficiency criteria and educational credential criteria. Please provide only the English version unless only the French version exists. Omit email, except email with an attachment that is one of the identified document type requested. Remove all instances of non-relevant information by identifying them as such. Please omit records requiring consultation for confirmation of a Cabinet confidence.	Immigration, Refugees and Citizenship Canada
A-2021-64023	Language and education criteria required for Interim Pathway for Caregivers - We are requesting information on the rationale and evidence used to develop the language proficiency criteria and educational credential criteria required to be eligible for the Interim Pathway for Caregivers. Please provide copies of all policies, guides, directives, internal memorandums, briefing notes, rules, manuals, training manuals, sample forms, presentations, desk aids, assessment sheets, quality monitoring reports, comments, recommendations issued to officers, stakeholder consultations, etc. regarding the language proficiency criteria and educational credential criteria. Please provide only the English version unless only the French version exists. Omit email, except email with an attachment that is one of the identified document type requested. Remove all instances of non-relevant information by identifying them as such. Please omit records requiring consultation for confirmation of a Cabinet confidence.	Immigration, Refugees and Citizenship Canada
A-2022-03766	All operational manuals, guidance and policies for compliance inspections of employers under the Temporary Foreign Worker Program (TFWP).	Immigration, Refugees and Citizenship Canada
A-2022-61101	We are researching employer compliance relating immigration and foreign workers. We are requesting the updated operational manuals / internal procedures / policies / instructions currently used and followed by inspectors during inspections relating to the International Mobility Program. Please feel free to contact me if needed.	Immigration, Refugees and Citizenship Canada
2A-2024-11370	I request the following information related to employer compliance inspections under the Caregiver Pilots from 2014 to the present: 1. All policies, guidelines, privacy impact assessments, meeting notes, technical specifications, training documents, bulletins, and memoranda. 2. Annual documented statistics by province detailing: specific triggers for each inspection, program conditions of concern, the number of inspections involving worker interviews, the number of and names of non-compliant employers, provided privacy is not violated, and the method of inspections categorized by virtual (including emails, videoconference, etc.) and in-person/on-site. 3. Data on the number of inspectors assigned to these pilots, including any changes over the years.	Immigration, Refugees and Citizenship Canada
EA2024_0067126	A update of previous ATIP 1A-2023-17841 regarding IRCC Statistics pertaining to the 2019 Caregiver Pilots. I have received data up to Dec 2022. I am seeking statistics for 2023-present. Could you please provide a breakdown for each of the caregiver pilots of: (1) year-by-year numbers of 2019-2023 data for PR intake, approved, COPR (2) year-by-year numbers of 2019-2023 data for WP intake, approved, issued (3) a breakdown of applications by destination in BC by region if available (4) a breakdown of reasons why work permits and pr applications were NOT approved (5) a reproduction of this data by country of citizenship.	Immigration, Refugees and Citizenship Canada
2A-2023-57644	I request detailed data on inspections conducted by IRCC or ESDC (on behalf of IRCC) since 2019, related to employers in the Caregiver Pilot Programs. Please include: 1. Annual breakdown of inspections by province: in-person, virtual, or via email. 2. Annual count of inspectors allocated for these inspections. 3. Annual details of employers found in non-compliance, including types of violations. 4. Data on penalties applied to non-compliant employers, similarly broken down	Immigration, Refugees and Citizenship Canada
EA2024_0067942	I request detailed data on inspections conducted by IRCC since 2019, related to all employers and workplaces within the International Mobility Programs. Please provide a up-to-date list of staff and their titles within the CIID, a hierarchical chart of the CIID. Please include statistics of: 1. Annual breakdown of inspections by province including the reason for inspection, the means of inspection (in-person, virtual, or via email), the inspectors allocated to these inspections 2. Annual details of employers found in non-compliance, including types of violations. 3. Data on penalties applied to non-compliant employers, similarly broken down.	Immigration, Refugees and Citizenship Canada
A-2023-03482	Latest version of the Memorandum of Understanding between the Government of Canada and the Government of the United Mexican States Concerning the Mexican Seasonal Agricultural Workers Program	Employment and Social Development Canada
A-2023-03211	All completed inspection reports of Explore India Inc. under the Temporary Foreign Worker Program from January 1, 2017 - January 26, 2024.	Employment and Social Development Canada
EA2024_0083766	I am requesting a copy of Memo F1004499/F004499, titled "Options for a new federal economic pilot for caregivers". I have seen it referenced under both numbers.	Immigration, Refugees and Citizenship Canada

A-2024-01750	Please provide copies of all inspection and violation-related documents for the following employer found to be in non-compliant as listed in the public database. Please redact any personally identifying information. The employer in question is: 9261-4270 QUÉBEC INC./Régate de Valleyfield Mitsubishi, Address:3333, boul. Monseigneur-Langlois, Salaberry-de-Valleyfield, Quebec, Date of Final Decision: 2021-07-12, Monetary Penalty: \$3,750	Employment and Social Development Canada
EA2024_0083808	Please provide a copy of Memo F1013640, title "Approach to new Caregivers Plots and Interim Measures".	Immigration, Refugees and Citizenship Canada
A-2024-01556	I request detailed data on compliance inspections conducted by ESDC from July 1, 2018, to present (September 3, 2024), related to all employers and workplaces pertaining to caregivers—either those who immigrated through the Live-in-Caregiver Program, the 2014 Caregiver Pilots, or the 2019 Caregiver Pilots. Please include statistics of: 1. Annual breakdown of inspections by province including the reason for inspection, the means of inspection (in-person, virtual, or via email), the inspectors who performed these inspections 2. The annual details of employers found in non-compliance, including the number of employers found to be in non-compliance, the type of violation, the name of the employer and their location (city, province). 3. Data on penalties applied to non-compliant employers specifically related to the Live-in-Caregiver Program, the 2014 Caregiver Pilot, and the 2019 Caregiver Pilot.	Employment and Social Development Canada
2A-2024-82865	"I request detailed data on inspections conducted by IRCC or ESDC (on behalf of IRCC) since 2019, related to employers in the Caregiver Pilot Programs. Please include: 1. Annual breakdown of inspections by province: in-person, virtual, or via email. 2. Annual count of inspectors allocated for these inspections. 3. Annual details of employers found in non-compliance, including types of violations. 4. Data on penalties applied to non-compliant employers, similarly broken down."	Immigration, Refugees and Citizenship Canada
2A-2024-19025	An update of previous ATIP 1A-2023-17841 regarding IRCC statistics pertaining to the 2019 Caregiver Pilots. I have received data up to Dec 2022. I am seeking statistics for 2023 to 22-04-2024. Could you please provide a breakdown for each of the caregiver pilots of: (1) year-by-year numbers of 2019-2024 data for PR intake, approved, COPR (2) year-by-year numbers of 2019-2024 data for WP intake, approved, issued (3) a breakdown of applications by destination in BC by region if available (4) a breakdown of reasons why work permits and pr applications were NOT approved (5) a reproduction of this data by country of citizenship."	Immigration, Refugees and Citizenship Canada
2A-2024-33638	Proactive disclosure of 2A-2024-33638 I would like to obtain statistics on the refusal and acceptance rates for applications for work permits, visitor visas and study permits by country for the last five years. I would also like to obtain the refusal and acceptance rates by NOC for work permit applications in the TFW Program for the last five years. For all of these applications, I would also like to obtain the reasons for refusal, if possible, by country and by NOC.	Immigration, Refugees and Citizenship Canada
1A-2023-62280	Proactive disclosure of 1A-2023-62280 Copy of briefing note/memo F-01219970 (IB) Introduction of Public Policy Measures Related to the Temporary Pathway to Permanent Residence Pathway	Immigration, Refugees and Citizenship Canada
1A-2023-91534	Proactive disclosure of 1A-2023-91534 Copy of briefing note/memo F-01294351 (IAA) Office of the Auditor General-Audit of Processing Applications for Permanent Residence , Transmission Draft Report.	Immigration, Refugees and Citizenship Canada
2A-2023-38550	Proactive disclosure of 2A-2023-38550 Copy of briefing note/memo F-01306987 (ADM-CSI & CDO) 2022-2023 Service Inventory. Please exclude cabinet confidences that would require consultation to confirm cabinet."	Immigration, Refugees and Citizenship Canada
2A-2024-28645	Proactive disclosure of 2A-2024-28645 I am requesting statistics on the number of vulnerable worker open work permits submitted by year, including the approval and refusal numbers, and region of the application from the program start to May 27, 2024. I am also requesting a breakdown on the kinds of work permits (by occupation/NOC, if possible) held by people who made applications, along with the gender of the applicant (if available).	Immigration, Refugees and Citizenship Canada
2A-2023-65371	Proactive disclosure of 2A-2023-65371 Request for 54 emails of CDO Statistics that is contained in the To or From for the period September 1, 2023 to November 28, 2023, excluding records requiring consultations with PCO and DOJ. Please include whether or not there is an attachment to an e-mail, and also, the size of the attachment	Immigration, Refugees and Citizenship Canada
2A-2024-33638	Proactive disclosure of 2A-2024-33638 I would like to obtain statistics on the refusal and acceptance rates for applications for work permits, visitor visas and study permits by country for the last five years. I would also like to obtain the refusal and acceptance rates by NOC for work permit applications in the TFW Program for the last five years. For all of these applications, I would also like to obtain the reasons for refusal, if possible, by country and by NOC.	Immigration, Refugees and Citizenship Canada
2A-2024-11372	Proactive disclosure of 2A-2024-11372 I would like to obtain the number of work permit applications received, allowed and refused under the Temporary Foreign Worker (TFW) Program between January 1, 2007, and April 1, 2024, for the occupations below. Please provide the statistics broken down by year, by province, by occupation code and by nationality of the applicant in an Excel file. For refused applications, please indicate the reason. If possible, for Quebec data, specify whether the employer requested an LMIA prior to the application being submitted. 72320 72321 73101 72310 72103 73100 73110 72200 72102 72105 72500 72406 72400 72401 73111 73400 73112 73102 73113 72300 72301 72402 73402 75110 72203 72204 72106 73300 75119	Immigration, Refugees and Citizenship Canada

I am seeking an update of statistics released as part of IRCC ATIP file 1A-2023-17841, specifically an update of the first table on p. 3 of the 14-page document released under Proactive disclosure of 1A-2023-17841. Could you please provide the data in that table updated to include: number of Permanent Residence Applications Received between January 1, 2019 and April 30, 2024 under the Caregiver Pilot Programs, broken down by Program Type, Year of Application Received Date and Current Status of Application as of May 9, 2024. Current status should have the same categories as released in the referenced file: on inventory, processed (approved, refused, withdrawn, total), total received. Please indicate clearly if the numbers of applications in each cell correspond to cases (i.e. a caregiver applying for PR under one of the pilot programs is counted as 1 application even if a spouse or dependents are included in their application) or to persons covered by applications (i.e., a caregiver applying for PR under one of the pilot program is counted as 2 or more applications received if they have a spouse/dependents).

CR-24-0527

Immigration, Refugees and Citizenship Canada

Appendix B.

Table reproduced from IRCC data showing refusal grounds for permanent residency applications received under the Caregiver Pilot Programs (January 2019–January 2023)

Data Source: ATIP request 1A-2023-17841

Refusal Grounds for Permanent Resident Applications Received between January 1, 2019 and January 31, 2023 under the Caregiver Pilot Programs and have since been Refused

broken down by Program Type and Refusal Ground: as of March 21, 2023 (in Instances)*

Refusal Ground	Detailed grounds, extracted from Immigration and Refugee Protection Act (S.C. 2001, c. 27)	Home Child Care Pilot	Home Support Worker Pilot	Grand Total	Notes
R70(1)(d) - Permanent Residents - Permanent Resident Visa - Issuance	(d) the foreign national meets the selection criteria and other requirements applicable to that class; and	221	110	331	
R 72(1) - Permanent Residents - Becoming a Permanent Resident - Obtainin status	72 (1) A foreign national in Canada becomes a permanent resident if, following an examination, it is established that (a) they have applied to remain in Canada as a permanent resident as a member of a class referred to in subsection (2); (b) they are in Canada to establish permanent residence; (c) they are a member of that class; (d) they meet the selection criteria and other requirements applicable to that class; (e) except in the case of a foreign national who has submitted a document accepted under subsection 178(2) or of a member of the protected temporary residents class, (i) they and their family members, whether accompanying or not, are not inadmissible, (ii) they hold a document described in any of paragraphs 50(1)(a) to (h), and (iii) they hold a medical certificate – based on the most recent medical examination to which they were required to submit under paragraph 16(2)(b) of the Act and which took place within the previous 12 months – that indicates that their health condition is not likely to be a danger to public health or public safety and, unless subsection 38(2) of the Act applies, is not reasonably expected to cause excessive demand; and (f) in the case of a member of the protected temporary residents class, they are not inadmissible.	139	67	206	
A12(2) - Immigration to Canada - Requirements Before Entering Canada and Selection - Selection Of Permanent Residents - Economic immigration	Economic immigration (2) A foreign national may be selected as a member of the economic class on the basis of their ability to become economically established in Canada.	124	65	189	
R 75(3) - Economic Classes - Skilled Workers -Federal Skilled Workers - Federal Skilled Worker Class Minimal requirements	(3) If the foreign national fails to meet the requirements of subsection (2), the application for a permanent resident visa shall be refused and no further assessment is required.	78	33	111	
A16(1) - Immigration to Canada - Examination Obligation - answer truthfully	Obligation – answer truthfully 16 (1) A person who makes an application must answer truthfully all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires.	67	36	103	
R113(1) - Economic Classes - Live-in Caregivers Permanent residence	Permanent residence 113 (1) A foreign national becomes a member of the live-in caregiver class if (a) they have submitted an application to remain in Canada as a permanent resident; (b) they are a temporary resident; (c) they hold a work permit as a live-in caregiver; (d) they entered Canada as a live-in caregiver and for at least two of the four years immediately following their entry or, alternatively, for at least 3,900 hours during a period of not less than 22 months in those four years, (i) resided in a private household in Canada, and (ii) provided child care, senior home support care or care of a disabled person in that household without supervision; (e) they are not, and none of their family members are, the subject of an enforceable removal order or an admissibility hearing under the Act or an appeal or application for judicial review arising from such a hearing; (f) they did not enter Canada as a live-in caregiver as a result of a misrepresentation concerning their education, training or experience; and (g) where they intend to reside in the Province of Quebec, the competent authority of that Province is of the opinion that they meet the selection criteria of the Province. Marginal note:Calculation (2) For the purposes of paragraph (1)(d), (a) the periods of two years and 3,900 hours may be in respect of more than one employer or household, but may not be in respect of more than one employer or household at a time; and (b) the 3,900 hours are not to include more than 390 hours of overtime.	32	16	48	*Repealed
A16(1.1) - Immigration to Canada - Examination Obligation - appear for examination	Obligation – appear for examination (1.1) A person who makes an application must, on request of an officer, appear for an examination.	5	3	8	
A16(2) - Immigration to Canada - Examination Obligation - relevant evidence	Obligation – relevant evidence (2) In the case of a foreign national, (a) the relevant evidence referred to in subsection (1) includes photographic and fingerprint evidence; and (b) subject to the regulations, the foreign national must submit to a medical examination.	6	1	7	
R71.1(1) - Permanent Residents - Becoming a Permanent Resident - Foreign nationals outside Canada	Foreign nationals outside Canada 71.1 (1) A foreign national who is a member of a class referred to in subsection 70(2) and is outside Canada must, to become a permanent resident, present their permanent resident visa to an officer at a port of entry.	3	2	5	
R72(2) - Permanent Residents - Becoming a Permanent Resident - Obtaining status - Classes	(2) The classes are (a) [Repealed, SOR/2017-78, s. 4] (b) the spouse or common-law partner in Canada class; and (c) the protected temporary residents class.	3	2	5	
R 75(1) - Economic Classes - Skilled Workers Federal Skilled Workers - Federal Skilled Worker Class - Class	Class 75 (1) For the purposes of subsection 12(2) of the Act, the federal skilled worker class is hereby prescribed as a class of persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada and who intend to reside in a province other than the Province of Quebec.	5		5	

R 75(1) - Economic Classes - Skilled Workers Federal Skilled Workers - Federal Skilled Worker Class - Class	Class 75 (1) For the purposes of subsection 12(2) of the Act, the federal skilled worker class is hereby prescribed as a class of persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada and who intend to reside in a province other than the Province of Quebec.	5		5
R75(2)(e) - Economic Classes - Skilled Workers Federal Skilled Workers - Federal Skilled Worker Class - ECA Professional / Canadian Credential	(e) they have submitted one of the following: (i) their Canadian educational credential, or (ii) their foreign diploma, certificate or credential and the equivalency assessment, which assessment must be less than five years old on the date on which their application is made.	5		5
A12(1) - Immigration to Canada - Requirements Before Entering Canada and Selection - Selection Of Permanent Residents - Family reunification	Family reunification 12 (1) A foreign national may be selected as a member of the family class on the basis of their relationship as the spouse, common-law partner, child, parent or other prescribed family member of a Canadian citizen or permanent resident.	1	2	3
R70(1)(b) - Permanent Residents - Permanent Resident Visa - Issuance	(b) the foreign national is coming to Canada to establish permanent residence;	3		3
R75(2)(d) - Economic Classes - Skilled Workers Federal Skilled Workers - Federal Skilled Worker Class - Language Threshold	(d) they have submitted the results of a language test that is approved under subsection 74(3), which results must be provided by an organization or institution that is designated under that subsection, must be less than two years old on the date on which their application for a permanent resident visa is made and must indicate that they have met or exceeded the applicable language proficiency threshold in either English or French that is fixed by the Minister under subsection 74(1) for each of the four language skill areas; and	2	1	3
A11(1) - Immigration to Canada - Requirements Before Entering Canada and Selection - Requirements Before Entering Canada - Application before entering Canada	Application before entering Canada 11 (1) A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.	1	1	2
A41(a) - Immigration to Canada - Inadmissibility Non-compliance with Act	41 A person is inadmissible for failing to comply with this Act (a) in the case of a foreign national, through an act or omission which contravenes, directly or indirectly, a provision of this Act; and (b) in the case of a permanent resident, through failing to comply with subsection 27(2) or section 28.	1	1	2
A16(3) - Immigration to Canada - Examination Evidence relating to identity	Evidence relating to identity (3) An officer may require or obtain from a permanent resident or a foreign national who is arrested, detained, subject to an examination or subject to a removal order, any evidence – photographic, fingerprint or otherwise – that may be used to establish their identity or compliance with this Act.	1		1
A30(1) - Immigration to Canada - Entering and Remaining in Canada - Rights and Obligations of Permanent and Temporary Residents - Work and Study in Canada	Work and study in Canada 30 (1) A foreign national may not work or study in Canada unless authorized to do so under this Act.		1	1
A36(2)(b) - Immigration to Canada - Inadmissibility Criminality	Serious criminality 36 (1) A permanent resident or a foreign national is inadmissible on grounds of serious criminality for (a) having been convicted in Canada of an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years, or of an offence under an Act of Parliament for which a term of imprisonment of more than six months has been imposed, (b) having been convicted of an offence outside Canada that, if committed in Canada, would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years; or	1		1
A40(1)(a) - Immigration to Canada - Inadmissibility Misrepresentation	A40(1)(a) 40. (1) A permanent resident or a foreign national is inadmissible for misrepresentation (a) for directly or indirectly misrepresenting or withholding material facts relating to a relevant matter that induces or could induce an error in the administration of this Act.		1	1
A40(2)(b) - Immigration to Canada - Inadmissibility Misrepresentation - Application	40 (1) A permanent resident or a foreign national is inadmissible for misrepresentation, (b) for being or having been sponsored by a person who is determined to be inadmissible for misrepresentation; Application (2) The following provisions govern subsection (1): (a) the permanent resident or the foreign national continues to be inadmissible for misrepresentation for a period of five years following, in the case of a determination outside Canada, a final determination of inadmissibility under subsection (1) or, in the case of a determination in Canada, the date the removal order is enforced; and (b) paragraph (1)(b) does not apply unless the Minister is satisfied that the facts of the case justify the inadmissibility.		1	1
A42(a) - 42(a) a foreign national, Other than a protected person, is inadmissible on grounds Of an inadmissible family member if (a) their accompanying family member is inadmissible	A42(a) 42. A foreign national, other than a protected person, is inadmissible on grounds of an inadmissible family member if (a) their accompanying family member or, in prescribed circumstances, their nonaccompanying family member is inadmissible.	1		1

R200(3) - Workers - Issuance of Work Permits - Work permits - Exceptions	Exceptions (3) An officer shall not issue a work permit to a foreign national if (a) there are reasonable grounds to believe that the foreign national is unable to perform the work sought; (b) in the case of a foreign national who intends to work in the Province of Quebec and does not hold a Certificat d'acceptation du Québec, a determination under section 203 is required and the laws of that Province require that the foreign national hold a Certificat d'acceptation du Québec; (c) the work that the foreign national intends to perform is likely to adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute; (d) [Repealed, SOR/2017-78, s. 8] (e) the foreign national has engaged in unauthorized study or work in Canada or has failed to comply with a condition of a previous permit or authorization unless (i) a period of six months has elapsed since the cessation of the unauthorized work or study or failure to comply with a condition, (ii) the study or work was unauthorized by reason only that the foreign national did not comply with conditions imposed under paragraph 185(a), any of subparagraphs 185(b)(i) to (iii) or paragraph 185(c); (iii) section 206 applies to them; or (iv) the foreign national was subsequently issued a temporary resident permit under subsection 24(1) of the Act; (f) in the case of a foreign national referred to in subparagraphs (1)(c) (i) to (iii), the issuance of a work permit would be inconsistent with the terms of a federal-provincial agreement that apply to the employment of foreign nationals; (f.1) in the case of a foreign national referred to in subparagraph (1)(c)(i.1), the fee referred to in section 303.1 has not been paid or the information referred to in section 209.11 has not been provided before the foreign national makes an application for a work permit; (g) [Repealed, SOR/2018-61, s. 1] (g.1) the foreign national intends to work for an employer who, on a regular basis, offers striptease, erotic dance, escort services or erotic massages; or (h) the foreign national intends to work for an employer who is (i) [Repealed, SOR/2022-142, s. 6] (ii) ineligible under paragraph 209.95(1)(b), or (iii) in default of any amount payable in respect of an administrative monetary penalty, including if the employer fails to comply with a payment agreement for the payment of that amount.	1	1
R70(1) - Permanent Residents - Permanent Resident Visa - Issuance	Issuance 70 (1) An officer shall issue a permanent resident visa to a foreign national if, following an examination, it is established that (a) the foreign national has applied in accordance with these Regulations for a permanent resident visa as a member of a class referred to in subsection (2); (b) the foreign national is coming to Canada to establish permanent residence; (c) the foreign national is a member of that class; (d) the foreign national meets the selection criteria and other requirements applicable to that class; and (e) the foreign national and their family members, whether accompanying or not, are not inadmissible.	1	1
R 75(2) - Economic Classes - Skilled Workers Federal Skilled Workers - Federal Skilled Worker Class - Skilled workers	Skilled workers (2) A foreign national is a skilled worker if (a) within the 10 years before the date on which their application for a permanent resident visa is made, they have accumulated, over a continuous period, at least one year of full-time work experience, or the equivalent in part-time work, in the occupation that they identified in their application as their primary occupation, other than a restricted occupation, that is listed in TEER Category 0, 1, 2 or 3 of the National Occupational Classification; (b) during that period of employment they performed the actions described in the lead statement for the occupation as set out in the occupational descriptions of the National Occupational Classification; (c) during that period of employment they performed a substantial number of the main duties of the occupation as set out in the occupational descriptions of the National Occupational Classification, including all of the essential duties; (d) they have submitted the results of a language test that is approved under subsection 74(3), which results must be provided by an organization or institution that is designated under that subsection, must be less than two years old on the date on which their application for a permanent resident visa is made and must indicate that they have met or exceeded the applicable language proficiency threshold in either English or French that is fixed by the Minister under subsection 74(1) for each of the four language skill areas; and (e) they have submitted one of the following: (i) their Canadian educational credential, or (ii) their foreign diploma, certificate or credential and the equivalency assessment, which assessment must be less than five years old on the date on which their application is made.	1	1
R75(2)(f) - Economic Classes - Skilled Workers Federal Skilled Workers - Federal Skilled Worker Class - ECA General / Canadian Credential		1	1

*One application may have more than one refusal ground

Table: Alicia Massie • Source: IRCC ATIP Request 1A-2023-17841 • Created with Datavrapper

Appendix C.
1993 CDWCR Submission to the Employment
Standards Act Review Committee



CDWCR

Committee for Domestic Workers' and Caregivers' Rights

Submission to

**EMPLOYMENT STANDARDS ACT
REVIEW COMMITTEE**

September 1993

From:

Committee for Domestic Workers' and Caregivers' Rights

c/o Lorina Serafico or Julie Diesta

3937 West 31st Avenue

Vancouver, B.C.

V6S 1Y4

Phone: 222-1897

CDWCR

The Committee for Domestic Workers' and Caregivers' Rights is a non-profit community group established in December 1992. CDWCR is affiliated to INTERCEDE, the Toronto organization for Domestic Workers' Rights. CDWCR publishes a monthly newsletter, Domestics' Info. CDWCR holds monthly membership education and orientation meetings. Among CDWCR's membership development activities, Racism, Sectoral Bargaining, and NAFTA have been discussed. CDWCR is actively involved in networking and co-ordinating activities with other community groups, eg. Women for Better Wages, Filipino-Canadians Organizing for Action (FORA), National Committee on the Status of Women. CDWCR has the active support of many trade unions.

This submission is an expansion upon a brief given by CDWCR to Ujjal Dosanjh, M.L.A. in April 1993



CDWCR

Committee for Domestic Workers' and Caregivers' Rights

"She is neither a substitute mother nor a substitute wife. She is the modern incarnation of the pre-industrial servant.

A servant is not merely a species of employee. The peremptory control employers exercise over domestic workers' time and labour, the 'personalization' of relations between the parties, the negation of the domestic worker's autonomous identity, the casual disregard of contractual and/or statutory obligations in favour of 'informal' arrangements dictated by the employer's will - these are the indicia of a reversion from employee to servant status."¹

¹ Audrey Macklin, "Foreign Domestic Worker: Surrogate Housewife or Mail Order Servant?" (1992) 37 McGill Law Journal 3 at 749. (Included as Appendix One)

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INTRODUCTION

For the domestic worker, the family (Employer) home is the workplace. She is a worker and *not* a member of the family. The current absence of substantive legislated employment and living conditions protection, coupled with a lack of on-going enforcement of even minimum standards, reinforces the domestic worker's structural vulnerability.

Domestic workers are virtually all women, women of colour, third world women (the majority of whom in B.C. are Filipino). For the vast majority, English is not their first language and they are still developing English language skills. They are escaping third world poverty, high levels of unemployment, a lack of social services, and sharply restricted access to education to make a better life for themselves and to assist in the support of their families/communities in their home countries. (Macklin: 694-696).

The domestic worker is a category of worker recruited from abroad because of a specific labour shortage in Canada. Unlike other such workers, domestic workers are denied landed immigrant status upon entry into Canada. Domestic workers are issued temporary work visas which restrict them to domestic work and to the Employer listed on the work permit. The Canadian government requires her to live at her employer's residence.

These policies are contained in the federal government's Live-In Caregiver Program (LCP).

After completing twenty-four months of domestic work within three years of entry to Canada under the LCP, she may apply for landed immigrant status. She must show proof of this work, generally a record of employment given by the Employer. Having more than three employers during this period may put her application at significant risk.

The domestic worker's employer has control over:

- her work duties
- her income
- her immigration status
- her long-term chances of being granted landed immigrant status
- her shelter
- her meals
- her privacy; her security
- her autonomy, independence, respect

A domestic worker lives inside the household, but outside the family. As a live-in employee, she must adapt her time, energy and life to her employer's schedule and lifestyle. Enforcing a contract or even a collective agreement in these circumstances is very difficult.

Currently, under B.C. labour legislation, one employee workplaces have the right to unionize. But domestic workers are isolated in individual homes. Their isolation and dispersion makes it virtually impossible for unions or advocacy groups to make contact with them (or to service them), and so they are unlikely to unionize. And a strike or lockout would leave a domestic worker homeless.

A domestic worker works long, and often irregular, hours for little remuneration. She may not be given notice of her schedule and it is often changed with little or no notice. She is likely to be on call at all times. Domestic workers often lack privacy, and may even lack security and safety, in their accommodation. The mandatory live-in requirement makes them vulnerable to sexual harassment and abuse. They are likely to have inadequate or no days off. Domestic workers have little or no paid vacation, and no sick leave. They face language and cultural barriers. They may face sexual harassment and racism. Domestic workers are vulnerable to economic exploitation, physical and sexual abuse.

Macklin, in her paper, constructs the argument that the domestic worker is invisible as an outsider to the family, as a servant in the household, as a woman of colour, and as a visitor in Canada. "Add to this the invisibility of her labour qua women's work." (Macklin: 714). This invisibility and vulnerability exacerbates her isolation. It makes it difficult for her to integrate into her community through education, social activities, volunteering, etc.

Macklin argues that Canadian governments reproduce this invisibility in immigration law and policy, and in labour law and policy. **Improving employment standards minimums is absolutely critical to offering any degree of balance to the bargaining power between the employer and the domestic worker.**

A) HOURS OF WORK AND OVERTIME

1. DEFINITION OF WORK:

A definition of work is required in the Employment Standards Act. As long as the worker is exercising responsibility, she is at work.

2. MAXIMUM HOURS OF WORK AND OVERTIME:

We recommend the following provisions:

****Remove exclusion of domestic work from regulation 3.(2)(b).** Domestic workers should be given the same hours of work and overtime protection as other B.C. workers.

- pay for every hour worked, including overtime -- at the same regular and overtime rates as other B.C. workers
- limit work to eight (8) hours a day with a maximum two (2) hours of overtime
- statutory right to refuse overtime except in the case of emergencies
- pay for overtime; not time off in lieu

3. ON CALL:

- pay for on-call availability, whether on or off the employer's premises

4. SPLIT SHIFT:

- no more than two (2) working shifts in a 24 hour period
- first shift be not less than 5 hours and any break in between shifts must not be more than one hour

5. REST PERIOD/HOURS FREE FROM WORK:

Domestic workers, like any other workers, need time to recover their strength. On occasions where their employer needs them to work additional hours, domestic workers, like any other worker, should be compensated for lost rest hours.

We recommend the following provisions:

- 12 consecutive hours free from work (rest period) between shifts
- 48 consecutive hours free from work (rest period) per week

B) RECORD OF HOURS WORKED

Enforcing standards is very difficult where "home" is the actual site of work. Therefore, the onus should be on the employer to prove compliance with the requirements of the Employment Standards Act. Employers should be required to provide complete and adequate monthly records that show the standards are being met.

We recommend that:

- the Employer should be required to provide the domestic worker with a detailed record each pay period, including wage rate per hour, total number of hours paid (including overtime and statutory holidays), and all deductions.

C) MINIMUM HOURLY WAGE

We recommend that the new Employment Standards Act:

- immediately increase the minimum wage to \$8.00 per hour and then set a target date by which the minimum will be increased to 65% of the average industrial wage
- provide that domestic workers be covered by an hourly wage rate (see also hours of work and overtime; page 5.
- eliminate lower wage rate for workers under 18 years of age

D) BENEFITS

We recommend:

- access to health and welfare benefit packages and access to a pension plan
- bereavement leave; at least 3 paid days per event
- sick leave/family responsibility leave; at least 12 days per year
- duty to accommodate (eg. alternate duties for pregnant employee, allowance for observance of religious days)
- vacation leave; 3 paid weeks per year minimum
- * see also employment standards benefits p. 18.

E) ACCOMMODATION

Currently there is no provision to ensure accommodation is acceptable. The working conditions of domestic workers should be regulated and enforced at the same level as other B.C. workers.

Room and board costs must not be deducted from the domestic workers' minimum wages. This remuneration should be above minimum wage. A private room with a lock and a private bathroom must be the minimum standard. The domestic worker must have access to the workplace/her domicile (ie. a key). Dietary and schedule differences may make "board" deductions problematic. For example, the employer may have meal schedules which are outside the work hours of the domestic worker. Often the domestic worker must buy her own food and in this way, is paying double food costs. Because the domestic worker has no choice in her living accommodations, she should not be charged for "room and board."

F) TERMINATION OF EMPLOYMENT BY EMPLOYER

We recommend that:

- Domestic workers arriving from another country with temporary status be provided with 2 weeks' notice of termination with pay if their employment contract is terminated within 30 days of their arrival in Canada.
- protection from arbitrary dismissal be ensured by:
 - ensuring that no employer dismiss or suspend an employee with three months service (including accumulated service) without just and reasonable cause;
 - requiring the employer to provide written reasons for the dismissal upon written request from the employee;
 - providing a right to complain to the Employment Standards Branch;
 - providing for the appointment of an employment standards officer to attempt a settlement, and if settlement attempts fail;
 - providing for the appointment of an arbitrator to assess the nature of the conduct causing the dismissal or suspension, and to determine whether the action was "just" and "reasonable" in the circumstances of the individual case; such arbitrator to have the power to order compensation, reinstatement, or any other remedy that is "just" and "reasonable" in the circumstances.

G) RIGHT TO REFUSE WORK:

Domestic workers do heavy physical work, and work with harsh chemicals. They must have the right to refuse and other workplace health and safety protections (Workers' Compensation Act).

Domestic workers do not get paid for time lost due to work-related illnesses or injuries. They may even be fired.

Employers should be required to register the domestic workers they employ with the WCB in order to guarantee domestic workers the same protections as other workers.

H) ADMINISTRATION

- ensure sufficient resources are allocated to enforce the Act
- require that funds collected by Employment Standards Branch for unpaid wages/penalties, when an employee cannot be located, be directed to the Employment Standards Branch budget
- require affirmative action/employment equity policy for Employment Standards Branch so that E.S.B. officers reflect the gender/ language/ethnic mix of the B.C. workforce
- require that the Ministry of Labour allocate at least equal dollars to non-union worker services as are allocated to unionized workers' services

D) ENFORCEMENT

1. MONITORING:

Spot checks of employers should be done to ensure they comply with the Act, including inspection of room and board within the first month of employment. Spot checks should be done at least annually, and upon anonymous complaint. Regular monitoring of employment conditions is necessary because of the particular vulnerability of domestic workers. Lacking the strength of a union and fearful for their employment record and immigration status, domestic workers have little choice but to put up with intolerable conditions at least until their two year domestic work service requirement has been met.

2. RECOVERY

We recommend that the new Employment Standards Act:

- allow 2 year period within which to file a claim.
- allow 5 year time period from the date of entry to Canada within which to file a complaint for foreign domestic workers. (This is in recognition of the particular vulnerability immigration requirements create for domestic workers.)
- allow recovery of back wages for up to 2 years for all workers including domestic workers (the recovery period is currently 6 months).
- place no limit on amount of money which an employee can claim under the enforcement procedures in order to provide full compensation.

3. PENALTIES

We recommend:

- a system of progressive penalties to the employer for not complying with the Employment Standards Act should be implemented -- to provide a deterrent to the employer
- employees should receive interest on monies wrongfully withheld by the employer
- money spent by the Employment Standards Branch to recover wages owing should be charged to the employer
- assess a penalty which covers the cost of the investigation when a violation is substantiated
- the Employment Standards Branch should have the responsibility to report all substantiated claims against the employer to Employment and Immigration Canada

J) INFORMATION DISSEMINATION/EDUCATION

We recommend:

- outreach work for information dissemination to immigrant workers regarding fair working conditions and minimum employment standards; in the first languages of domestic workers.
- toll-free multi-lingual information linen. Domestic workers lack information about their rights as workers and where to seek to information and assistance. The Employment Standards Branch approach should be proactive education and preventative enforcement. Greater attention is needed for this sector.
- community involvement/participation in service delivery; eg. the Filipino or women's community
- cross cultural communication education for Employment Standards Branch employees
- gender sensitivity education for Employment Standards Branch employees
- summaries of the Employment Standards Act and regulations should be posted at every worksite in the language of the employee, including recent releases on significant settlements and decisions.

INTRODUCTION

Domestic workers are extremely vulnerable to employer exploitation and abuse unless they are provided with information and advocacy to enforce their legal rights. Unless a third party is given their names and addresses and a legal right to contact them, this will not occur. The registry would not be an employment agency. Rather it would provide a centralized register of workers in order to monitor and enforce employment standards.

Province-wide mandatory broader-based bargaining is a necessary requirement if women employed in precarious, non-standard jobs are to benefit from collective bargaining. The introduction of a central registry with permit enforcement, and the establishment of a Tri-partite committee to set and enforce minimum standards will go a long way toward improving the basic employment conditions for domestic workers.

This is a first step only. The next step, and the most important one, is the establishment of sectoral certification and sectoral bargaining. The central registry is an immediate and efficient way of ensuring domestic workers have the same protections of other workers. It would facilitate the long-term goal of self-organizing and a meaningful right to collective bargaining.

1. DOMESTIC SECTOR

There would be one province-wide domestic service sector -- which would address the specific needs and conditions of both live-in and live-out domestic workers in B.C. This sector would comprise all householders and employment agencies who employ or contract with domestic workers.

2. STANDARDS TO BE REGULATED

The standards to be regulated would include wages and terms and conditions of employment; such as hours of work and overtime, living conditions, paid statutory holidays and vacations. The committee would be empowered to establish benefits such as pensions and health and welfare plans coverage. It could also be empowered to oversee the Workers' Compensation Act and OH&S Act as they apply to domestic workers.

3. HOW STANDARDS WOULD BE SET**a) Tri-partite Committee**

A tri-partite committee would be established and charged with the responsibility for setting labour standards. It would also be responsible for enforcing and maintaining standards, assisting in administering the Employment Standards Act and regulations, dealing with complaints, administering a central registry, hiring inspectors, initiating prosecutions under the Act, and administering any benefit plans.

The committee would have equal employer and employee representation and would be chaired by a neutral third party, to be appointed by the Employment Standards Branch.

b) SETTING UP THE TRI-PARTITE COMMITTEE

Employee Representation

Advocacy groups should play a prominent role on the committee. Once a union is organized, it would also be represented on the committee. Legislation should simply specify the total number of employee representatives and leave the composition of that representation and the nomination process open.

Employer Representation

In order to ensure that a system of sectoral regulation works, that it enjoys legitimacy among employers, and that it can be said that the standards negotiated are representative, it is important to have some kind of organized mechanism and organizational base from which to nominate employer representatives. A legislative "push" would be required to promote the formation of such an organization. The fact that a serious attempt is to be made to regulate and enforce standards on a sectoral scale might impel employers to see it as being in their interests to get organized. However, this process is unlikely to occur spontaneously without some kind of push.

Like the health care employers' reform process, the government should require employers to form appropriate organizations within a specified time frame and offer assistance to facilitate this process.

The associations would be responsible for nominating representatives to negotiate on behalf of all employers the schedules of wages and employment standards.

c) NEGOTIATION AND ENFORCEMENT OF STANDARDS

Negotiating Standards

Within one month after the tri-partite standards committee is set up it would be responsible for entering into a process of negotiation around a schedule of labour standards. Deadlines would be set for the different stages of the process to ensure matters proceed expeditiously.

A binding dispute resolution process would be provided. In order to ensure a link between labour standards and collective bargaining, negotiators must be directed to take account of wages and conditions achieved for unionized workplaces in the sector (if there are any).

Enactment of Standards in Law

Since the product of all this will be statutory standards governing the entire sector, the government must give final approval to the schedules and enact them as regulations. Timelines should be set on this approval process in order to avoid a situation where the schedules are outdated by the time they're approved. Proposed schedules should not be altered without consultation with the committee.

4. DEFINITIONS

The definition of "domestic worker" should be placed in the general definition section of the Employment Standards Act. In this way, it is clear that domestic workers are entitled to the provisions applicable to all workers. This would eliminate existing ambiguities and facilitate more effective enforcement of the legislation. The definition should be inclusive and drafted to dovetail with the federal government's definition of a live-in caregiver under the Live-In Caregiver Program.

5. EMPLOYMENT STANDARDS BENEFITS WHICH DEPEND ON CONTINUITY OF SERVICE

In order to ensure domestic workers are not deprived of employment standards benefits because they do not work long enough for a single employer, a worker should be deemed to have been continuously employed for the purposes of Employment Standards Act benefits as long as she had worked in the sector. This would apply as long as her employment had not been interrupted for more than a specified period of time, eg. one

year. The number of hours worked for various employers should be combined for purposes of overtime. Employers would pay a pro-rated levy into an employment standards benefit fund covering overtime premiums, severance benefits, etc. Costs would be pro-rated to employers on the basis of number of hours worked. This would be coordinated by the central registry.

6. REGISTRATION OF WORKERS

Central Registries

Registration of all domestic workers would be mandatory. Employers of domestic workers would be under a legal obligation to register with the central registry and to provide the names and addresses of the domestic workers employed by them. To ensure completeness, workers would be permitted to register. The legal standards which prevail should be sent to each worker in the registry - in the language they request. The registry would be under the supervision of the Tri-partite standards committee and the Ministry of Labour. It should be accountable to domestic workers and function as an agent for domestic workers in enforcing terms and conditions of employment. As a first step, domestic workers should be legally entitled, though not compelled, to rely on the registry as an agent in dealing with any employment-related disputes with their employer. If a domestic worker chooses to be represented by the registry, her employer would then be under a legal obligation to deal with the registry, rather than directly with the domestic worker, to resolve a dispute.

The central registry could provide, in multi-languages, information on employment rights, counselling and advice, information and referrals to social and community services, and operate a drop-in centre. It could also establish and administer group benefit plans and pension plans. Employers would remit pro-rated amounts for each employee depending on how many hours they worked. The registry could also be a place where employers could informally advertise for workers, for example with a job board that people could consult.

7. REGISTRATION OF EMPLOYERS

The names and addresses of all employers, householders and employment agencies, must be provided to a central agency operated by the Tri-partite Committee. This would help to keep track of problem employers and identify patterns of abuse. This would improve the quality of monitoring and enforcement.

8. ENFORCEMENT

The tri-partite committee would have a primary responsibility to investigate and prosecute standards and registry violations. Inspectors who have a knowledge of this particular sector should be appointed by the committee and they should have the powers available to Employment Standards Branch officers under the Employment Standards Act. Small employer payroll contributions could be levied to provide sufficient funding to ensure aggressive inspection and investigation. In addition, all fines and penalties collected

should be used to finance the tri-partite committee. Moreover, these fines should be substantial enough to deter avoidance.

Unions and/or advocacy groups should be given access to the register to further ensure that minimum standards are adhered to. Unions and advocacy groups should be entitled to investigate and file complaints of minimum standards violations in order to preserve the anonymity of domestic workers.

CENTRAL REGISTRY SUMMARY

A central registry should be established for domestic workers and employers which would:

- require employers to register, to obtain a permit, to register the domestic worker they employ -- such permits could be suspended or terminated as a deterrent to abuse and especially repeated abuse
- provide information to domestic workers on their rights and protections
- provide an integrated approach to collective bargaining and minimum standards
- benefit coverage
 - medical
 - dental
 - extended health
 - pension
 - long term disability
- act as advocate for domestic workers in dispute with their Employer; provide intervention
- standardize wages, benefits and working conditions across B.C.

CONCLUSION

The Employment Standards Act must recognize household labour, and particularly care of dependents, as valuable and productive labour, deserving of the same policy and legislation as other work. The Act must be based on the fundamental principle of respect for women, and a valuing of their work.

CDWCR demands that domestic workers be accorded *at least the same minimum protection accorded other workers in B.C.* There must be no provision for a waiver of minimum standards, given their vulnerability. Improving employment standards minimums is essential to providing a degree of balance to the bargaining power between the employer and the domestic worker.

SUMMARY

RECOMMENDED CHANGES TO THE
BRITISH COLUMBIA EMPLOYMENT STANDARDS ACT

The following is a summary of the recommendations of domestic workers in Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) for changes to the Employment Standards Act.

1. DEFINITION--WHO SHOULD BE COVERED BY THE ACT:

- The definition of domestic workers should be placed in the general definition section of the Employment Standards Act. This definition should be drafted to dovetail with the Federal Government's definition of a live-in caregiver.

2. HOURS OF WORK--WHAT IS A WORKDAY:

- Domestic workers should be given the same hours of work and overtime provisions as other British Columbian workers.
- Domestic workers should be limited to eight (8) hours work per day with a maximum of two (2) hours overtime.
- A domestic worker is at work whenever he/she exercises responsibility.

3. OVERTIME:

- Domestic workers should be paid for every hour of overtime worked at the same rates as other workers in B.C.
- Domestic workers should have the statutory right to refuse overtime, except in cases of emergencies.
- There should be provisions barring time off in lieu of overtime worked by domestic workers.

4. ON CALL:

- Domestic workers should be paid, at the appropriate rates, for on-call availability. No distinction should be made whether or not this is on or off the employer's premises.

5. SPLIT SHIFT:

- Domestic workers should not be required to work more than two (2) shifts in any 24 hour period.
- The first shift must not be less than five (5) hours and any break in shifts must not be more than one (1) hour.

6. REST PERIODS--WHAT IS A WORKWEEK:

- Domestic workers should have twelve (12) consecutive hours free from work between shifts.
- Domestic workers should have forty-eight (48) consecutive hours free from work every week.

7. RECORD OF HOURS:

- Domestic workers should be legally entitled to receive a detailed record of hours worked, deductions, and wages once per pay period.

8. MINIMUM WAGE:

- The minimum wage should immediately be increased to \$8.00 per hour. A target date should be set by which the minimum wage will be increased to 65% of the average industrial wage.
- Domestic workers should be covered by minimum wage provisions.
- The lower minimum wage rate for workers under eighteen (18) years of age should be eliminated.

9. BENEFITS AND EMPLOYEE ABSENCES:

- Domestic workers should have legal access to health and welfare benefit packages, and a pension plan.
- Domestic workers should be entitled to bereavement leave which at a minimum should be three (3) paid days per annum.
- Domestic workers should be legally entitled to at least twelve (12) paid days per year for sick leave and/or family responsibility.

- Employers of domestic workers should have a legal duty to accommodate domestic workers.
- Domestic workers should be entitled to a minimum of three (3) weeks paid vacation leave per year.

10. BOARD AND LODGING:

- Room and board costs should not be deducted from a domestic worker's minimum wage. This remuneration must be over and above the minimum wage.
- Live-in domestic workers should be legally entitled to a private room with a private lock and a private bathroom.
- Employment standards officers should carry out spot checks of domestic workers room and board situations within the first month of employment.

11. TERMINATION OF EMPLOYMENT--NOTICE AND SEVERANCE PAY:

- Domestic workers arriving from another country with a temporary immigration status should be provided with two weeks notice of termination with pay if their employment contract is terminated within 30 days of their arrival in Canada.
- There should be a provision ensuring that no employee with three (3) months service cannot be dismissed or suspended without reasonable cause.
- Employers should be required to provide written reasons for dismissal upon written request.
- Dismissed workers should have a right to complain to the Employment Standards Branch.
- Employment Standards Officers shall be legally required to attempt settlements.
- Arbitrators should be appointed, if the settlement process fails, to look into the circumstances of the suspension or dismissal. Such arbitrators shall have the power to order compensation, reinstatement, or to fashion any other appropriate remedy.

12. ADMINISTRATION OF THE EMPLOYMENT STANDARDS ACT:

- Funds that are collected by the Employment Standards Branch for unpaid wages/or penalties be directed to the Employment Standards Branch budget when the employee cannot be allocated.
- Affirmative action/employment equity policies should be immediately implemented in the Employment Standards Branch.
- Employment Standards Branch employees should be given ongoing cross cultural communication and gender sensitivity training.
- That the Ministry of Labour allocate the same amount of monies to both services, to non-union and union workers.

13. ENFORCEMENT--WAYS OF IMPROVING COMPLIANCE:

- Spot checks of domestic workers' employers shall be done regularly, at least annually.
- Spot checks should be done upon receipt of anonymous complaints.

14. RECOVERY:

- There should be a two-year period in which to file a complaint.
- There should be a five-year-time period from the date of entry within Canada in which foreign domestic workers can file complaints.
- The recovery period should be two years.
- There should be no limit on the amount of monies which an employee can claim for recovery.

15. PENALTIES:

- A system of progressive penalties for failure to comply should be implemented.
- Interest should be paid on all monies wrongly withheld by employers.

- Employers shall be charged with penalties to cover the cost of substantiated investigations.
- The Employment Standards Branch should have the legal responsibility to report all substantiated claims against domestic workers' employers to Employment and Immigration Canada.

16. INFORMATION EDUCATION:

- The Employment Standards Branch should do outreach work to immigrant workers re: employment standards. This should be in the immigrant workers first language.
- A toll free multi-lingual information line should be operated by the Employment Standards Branch for domestic workers.
- Summaries of the Employment Standards Act and regulations should be posted in every worksite in the language(s) of the employee.

17. TRI-PARTITE STANDARDS COMMITTEE:

- A tri-partite committee should be set-up for domestic service sector with responsibility for setting labour standards, to investigate and prosecute standards and central registry violations.
- The committee should have equal employer and employee representation and be chaired by a neutral government official.
- The committee should be responsible for enforcing and maintaining standards, assisting in administering the Act and regulations, dealing with complaints, administering a central registry, hiring inspectors, initiating prosecutions under the Act, and administering any benefit plans.

18. CENTRAL REGISTRY:

- Central registry should be set-up for domestic workers whose purpose would be to provide a centralized list of workers in order to monitor and enforce standards.
- The registry should be under the supervision of the Tri-Partite Standards Committee and the Ministry of Labour and should be operated by the tri-partite committee.

- Employers' registration of all domestic workers should be mandatory. Stiff penalties should be stipulated for non-compliance. To ensure completeness, workers should be permitted to register.
- The registry should be entitled by law to contact the domestic workers registered with it for the purpose of explaining the registry's roles and relevant employment-related legislations.
- The registry should be accountable to domestic workers and function as an agent for domestic workers both in enforcing terms and conditions of employment and employment-related rights.
- Domestic workers should be legally entitled, though not compelled, to rely on the registry as agent in dealing with employment-related disputes with their employers.
- The registry should provide counselling services for domestic workers.
- The registry could establish group dental, life and accident insurance plans funded by the voluntary contributions of domestic workers.

In conclusion, the Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) believes that these issues should be changed in the revised Employment Standards Act.

We would like to receive a summary of the final report.

For more information, please contact:

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Appendix D.
2024 CDWCR Submission to British Columbia
Labour Relations Code Review



CDWCR

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Submission to British Columbia Labour Relations Code Review

March 22, 2024

Background of CDWCR

Established in 1992, the Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) is a community-based, non-profit organization that provides assistance to foreign domestic workers and caregivers in seeking improvements to their employment conditions and immigration status.

CDWCR's mission is shaped by the belief that foreign domestic workers and caregivers provide valuable service to Canadian families and contribute to the economic, social, cultural and political fibre of the Canadian society. CDWCR aims to foster justice and equality and

collectively empowers caregivers and domestic workers. CDWCR values the importance of inclusiveness and diversity in promoting human rights.



CDWCR, through its Caregivers Network (Care-Net) Project holds series of workshops for caregivers and domestic workers on various topics such as immigration, employment standards, financial basics, and self care. The goals of these workshops are to educate caregivers particularly those newly arrived caregivers under the Temporary Foreign Worker Program (TFWP)

and proactively assist them while they are settling and adjusting in Canada.

CDWCR membership includes caregivers, former caregivers and domestic workers, and community supporters. The organization's board of directors is primarily composed of individuals who have firsthand experience as caregivers or domestic workers.



A Brief Timeline of Migrant Caregivers in Canada

Canada's Live-in Caregiver Program (1992-2014) — This was Canada's longest-standing care worker program, which allowed migrant workers to enter Canada on a closed work permit that tied care workers to their one 'sponsoring' employer. Labour Market Impact Assessments (LMIA) were required of employers to demonstrate that no Canadian worker was available for the job. Migrant care workers had to live in their employers' homes and complete 24 months of eligible work within 48 months. After meeting this 24-month requirement, care workers could then apply for permanent residency.

Canada's Caregiver Program (2014-2019) — This program was introduced by the Conservative government in 2014. The Program was divided into two categories or classes: the Caring for People with High Medical Needs Class and the Caring for Children Class. The live-in requirement was dropped for care workers, allowing them to live outside of their employers' homes. However, a new limit on the number of PR applications was set at 5,500, with 50 percent of this limit allocated to each class of applicants. LMIA's were still required of employers, and care workers were still required to complete 24 months of work to be considered eligible to apply for PR. New educational and English language requirements were also introduced with care workers now needing a Canadian Benchmark Level (CBL) score of 5 and the equivalent of one year of post-secondary education. As Natalie Drolet (2016) notes, those who had entered Canada under the earlier program remained eligible to work but were potentially ineligible to obtain permanent residency under these new requirements.

Canada's Home Childcare Provider Pilot and Canada's Home Support Worker Pilot (2019-2024) — This program was introduced by the Liberal government in 2019. The two pilots maintain the 5,500 PR application cap overall, with 50% of this cap allocated to each pilot program. In 2023, sub-caps were implemented, establishing a maximum number of applications: 1,650 for applicants who have not yet completed their work requirements necessary to gain PR ("Gaining Experience" category) and 1,100 for applicants who have completed their work requirements necessary to gain PR ("Direct to PR" category). In 2023, IRCC also reduced the work requirement from twenty-four months to twelve months. Other features of this newer program include the possibility of bringing children on student visas and spouses on work visas. Migrant care workers are also granted occupationally-specific work permits, allowing them to switch employers within the sector.

Canada's Interim Pathway (2019) — This program was a short-lived 90-day window in 2019 for migrant care workers to apply for PR if they were caught between earlier program changes. It was a temporary measure to combat confusion and a lack of information for migrant care workers eligible for PR.



A Brief Timeline of Migrant Caregivers in Canada (continued)

Despite changes to Canada's migrant caregiving programs, CDWCR continues to witness migrant care workers' struggle to navigate these changes. Many workers still face challenging conditions, including being paid below the minimum wage, enduring workweeks extending beyond 40 hours, and working unpaid overtime. Employers often demand that they cover various fees, and in some instances, workers are compelled to perform tasks for the employer's friends and family without compensation. Furthermore, threats to their immigration status are not uncommon, leveraging their vulnerable position for compliance. The high cost of living and housing in Canada exacerbates these challenges, forcing most care workers into live-in arrangements with their employers. This not only infringes on their personal space and freedom but also ties them more closely to their workplace environment, blurring the lines between work hours and personal time, and deepening their dependency on their employers.

Migrant Care Work is Especially Precarious

Several attributes contribute to the heightened vulnerability and precarity of migrant care workers. These include:

- Employment within private residences,
- The inherently personal and intimate yet markedly unequal relationships between employers and employees,
- The perception of care/domestic work as traditionally “women's work” with low societal status and value, and
- The isolation and lack of visibility of workers.

These factors collectively make the regulation particularly challenging, as there remains a persistent belief that private homes should remain beyond the scope of labour regulation and inspection. Conducted away from public scrutiny and beyond the reach of regulatory authorities, the work performed by migrant caregivers often remains informal and unregulated, leaving domestic workers without the labour rights afforded to other occupations. The nature of the employment relationship between caregivers and their employers is significantly imbalanced, a disparity that can be intensified by the caregivers' social positioning, including class, gender, and race. An illustrative case is a BC Human Rights Tribunal decision, *PN v. FR and another*, which concerned a Filipina care worker who, after arriving in Canada from Hong Kong on a business visa with her employers, was subjected to sexual, physical, and verbal abuse. Required to work long hours without pay, kept in isolation, she was termed a “virtual slave” by the Tribunal Member. The worker was compensated \$5,866.89 for unpaid wages and awarded \$50,000 for damages related to dignity, feelings, and self-respect—the highest such award in the Tribunal's history.



Legislative Precariousness

Virginia Mantouvalou's concept of legislative precariousness⁴ highlights the vulnerability that stems from certain groups of workers being explicitly excluded from or inadequately protected by labour laws. This phenomenon is particularly pronounced in the employment relationships of domestic and migrant care workers, where an inherent power imbalance places workers in a position of subordination to their employers—a situation labour legislation is intended to remedy. However, for domestic and migrant care workers in British Columbia, the legislative framework often exacerbates rather than alleviates these imbalances, entrenching their precarious status.

The precarious legal status of migrant care workers in British Columbia significantly amplifies their vulnerability. Often employed in private residences due to their temporary migrant status, these workers fall through the cracks of regulatory protection. This leaves them exposed to potential exploitation and hinders their capacity to assert their rights. The current legal structure in British Columbia does not provide adequate safeguards against abuse by unscrupulous employers, who exploit these gaps with little concern for repercussions.

Upcoming findings from the Understanding Precarity in British Columbia's Migrant Care Worker Project indicate that many migrant care workers in the province face dire conditions. Even after a decade of adapted "pilot" programs, migrant care workers typically receive minimum wage or lower, are expected to work unpaid overtime, and due to high living costs, have no real option to live outside their employers' homes.

Both the federal and provincial governments' reliance on a complaint-based system for addressing violations places an undue burden on individual migrant workers. They must be aware of their rights and bear the responsibility of reporting any infractions. As illustrated by the case of *PN v. FR*, in severe situations, migrant workers might be forced into lengthy, costly legal battles to seek redress, highlighting a critical need for reform in the approach to protecting these vulnerable workers.

Migrant care workers and domestic workers are extremely vulnerable to employer exploitation and abuse unless they are provided with information and advocacy to enforce their rights as workers. Non-profit organizations like the CDWCR play a key role in advocating for the rights of workers in British Columbia. Both through community advocacy, educational materials, and policy recommendations, organizations such as CDWCR demonstrate the life-changing possibilities for precarious workers when they have a centralized body to turn to for support, advice, and advocacy.

⁴ Mantouvalou, V. (2012). Human rights for precarious workers: The legislative precariousness of domestic labor. *Comp. Lab. L. & Pol'y J.*, 34, 133.



Migrant Caregivers Do Not Have Meaningful Access to Collective Bargaining

The transition of migrant care workers into the Canadian workforce, especially within British Columbia, highlights a critical need to address jurisdictional gaps regarding their rights as workers. Upon entering Canada through federal immigration programs, their employment status transitions to the provincial jurisdiction, which should inherently afford them the comprehensive rights and protections outlined in British Columbia's labour laws. This jurisdictional transition is crucial in ensuring that migrant care workers are protected through the Employment Standards Act (ESA), thereby guaranteeing access to fundamental employment rights such as minimum wage, overtime pay, statutory holidays, and job-protected leaves, among other protections.

Equally fundamental is the right to unionize and engage in collective bargaining, a cornerstone of Canadian labour relations that is crucial for promoting fair workplace conditions and ensuring workers have a collective voice in negotiations with employers. For migrant care workers, the ability to form and join unions is essential not only as a labour right but as a critical safeguard against exploitation, enhancing job security and working conditions.

However, a significant barrier exists under the current BC Labour Relations Code, which defines a bargaining unit as one employer and their employees. In the unique employment situations of in-home caregivers and domestic workers, this typically translates to a bargaining unit comprising a single employer and a single worker. This worker, often isolated from others performing similar roles, faces significant challenges in organizing or joining unions due to their unique working conditions.

The BC Labour Code's existing framework around bargaining units thus severely limits in-home caregivers' and domestic workers' ability to collectively organize, further exacerbated by their physical isolation and the dispersion of their workplaces. This isolation makes it challenging for unions and advocacy groups to reach out to, and effectively support, these workers.

Acknowledging and addressing this discrepancy is imperative. Policies and legislative frameworks in British Columbia must evolve to recognize the unique challenges faced by migrant care workers, facilitating their integration into the provincial labour framework and ensuring they have full access to their rights, including the ability to organize and collectively bargain.

CDWCR, alongside a variety of other organizations, has advocated for a solution to care workers' de facto exclusion from unionization through the introduction of a system of sectoral bargaining.



CDWCR

Sectoral Bargaining Would Allow Care Workers to Negotiate Collectively

Adopting a sectoral bargaining approach for migrant care workers aligns with British Columbia's dedication to equitable, respectful treatment across all employment sectors. This strategy represents a necessary step towards ensuring a more inclusive, equitable, and safe labour environment in the province. The current enterprise bargaining model, effective within traditional workplace settings with single employers, does not adequately serve the modern, diversified, and often fragmented labour force. This model disproportionately favors situations where workers are centralized under one employer, leaving migrant care workers and those in sectors characterized by small workplaces or subcontracted industries at a significant disadvantage.

Since 1993, the CDWCR, alongside experts and advocates, has championed the adoption of a sectoral bargaining model for migrant care workers. Given the homogeneity of work performed by individual migrant care workers under strict federal conditions, negotiating sector-wide standards for migrant care work is both appropriate and necessary.

British Columbia has a precedent of sectoral bargaining models, particularly within its public sector. We propose a recommendation for an amendment to the BC Labour Relations Code to facilitate the implementation of a sectoral bargaining model for sectors such as migrant care work, where workers are often individual, isolated, fragmented, and in precarious positions.





A Sectoral Framework for In-home Caregivers and Domestic Workers

This proposal introduces a comprehensive framework for establishing a unified provincial in-home care sector in British Columbia, aimed at enhancing the welfare and working conditions of live-in and live-out caregivers and domestic workers. Central to achieving these goals is the collaborative effort between a newly formed Tri-partite Standards Committee and the expansion of an existing Central Registry. While the registry plays a crucial role in ensuring accountability and facilitating standard enforcement, it represents one of several strategic components designed to uplift the sector.

The framework envisions a sector that is regulated by key employment standards—including wages, hours of work, overtime, living conditions, paid statutory holidays, and vacations—while also laying the foundation for additional benefits such as pensions, health, and welfare plans. The Tri-partite Standards Committee, featuring equal representation from employers, employees, and a neutral chair, will be pivotal in negotiating these standards, ensuring compliance, and addressing grievances.

Enhancements to the Central Registry will support the committee's work by providing a comprehensive database of all engaged households and employment agencies, thereby enabling more effective monitoring and enforcement. However, the essence of this proposal lies in the creation of a collaborative, sector-wide approach that involves all stakeholders in a balanced and fair manner, with the registry serving as a tool to support these broader objectives.

a) Tri-partite Standards Committee

We propose the establishment of a balanced committee with equal representation from employers and employees, chaired by a neutral third party appointed by the Employment Standards Branch. This committee would be the site for the negotiation of labour standards, enforce compliance, address complaints, and oversee the administration of benefit plans.



Employee Representation

To ensure a comprehensive representation on the committee, it is crucial that advocacy groups are prominently included, alongside unions once they are formed. The legislation will specify a fixed number of seats for employee representatives, providing a structured yet flexible approach to their composition and the selection process.

Mandatory Registration

A key initiative for enhancing oversight and accountability involves the compulsory registration of all migrant caregivers and domestic workers, irrespective of their live-in or live-out status. Employers will be required to register with the Central Registry, submitting detailed information about each worker they employ, including names and addresses. To promote a thorough and accurate registry, domestic workers and caregivers will also have the option to self-register. The Central Registry will be managed jointly by the Tri-partite Standards Committee and the Ministry of Labour, ensuring robust supervision and compliance.

Employer Representation

For the sectoral regulation framework to be both legitimate and effective, it is crucial that employers are systematically organized into representative bodies. The government will play a proactive role by mandating the establishment of such organizations within a specific timeline, while also providing the necessary support for their formation. This structured organization of employers is essential for fostering a collaborative and regulated environment that respects the rights and needs of domestic workers and caregivers.

In parallel, to enhance transparency and accountability within the sector, all employers—including householders and employment agencies—will be required to register in the Central Registry. This registry, managed under the careful oversight of the Tri-partite Standards Committee, serves as a critical tool for monitoring compliance and identifying any patterns of non-compliance or abuse. By ensuring that comprehensive and up-to-date information is readily available, the registry aids in significantly improving the quality of monitoring and enforcement efforts, thereby reinforcing the framework's integrity and effectiveness.



Neutral Chairperson

The Tri-partite Standards Committee will be presided over by a Neutral Chairperson, appointed from within the Employment Standards Branch or the Labour Relations Board. This individual's key responsibility is to ensure that the committee's deliberations are conducted impartially, mediating between employer and employee representatives with fairness and integrity.

Criteria for the chairperson's selection will emphasize independence, a comprehensive understanding of labour laws, and prior experience in mediation, ensuring that the chairperson can effectively navigate the complexities of sectoral negotiations without any conflict of interest.

In addition to facilitating committee negotiations, the Neutral Chairperson is charged with the crucial task of overseeing the Central Registry's operations. This role is integral to maintaining the registry's role in enhancing transparency and ensuring compliance within the sector, making the Neutral Chairperson a cornerstone of the sectoral framework's success.

b) Negotiation

Following its formation, the Tri-partite Standards Committee will promptly begin negotiations on labour standards, adhering to strict timelines to ensure efficiency and urgency in addressing the sector's needs. A cornerstone of these negotiations will be the establishment of a binding dispute resolution mechanism. This framework is designed to guarantee compliance with the agreed-upon standards, effectively integrating and respecting the nuances of existing unionized workplace agreements within the sector.

The implementation of set deadlines and a binding dispute resolution ensures that all parties are committed to a timely and fair negotiation process. This approach not only facilitates swift progress but also reinforces the reliability and effectiveness of the sectoral framework in upholding high labour standards.



c) Strengthening and Expanding the Central Registry

The obligation for employers in British Columbia to register domestic workers within 30 days of hiring them is a foundational step towards protecting these workers' rights. However, this requirement currently bypasses workers immigrating through specific channels, such as the Provincial Nominee Program and, notably, the federal International Mobility Program (IMP). Since 2019, the IMP has become a primary route for migrant caregivers coming to Canada, yet these individuals have been inadvertently excluded from mandatory registration, creating a loophole that can leave them vulnerable.

Comprehensive Registry Enhancements:

- **Universal Registration Mandate:** To address this gap, our proposal mandates the registration of all employers and their employed migrant care workers or domestic workers, explicitly including those coming to Canada through the IMP. This measure aims to prevent any abuse by enabling punitive actions, such as the suspension or termination of registrations, against employers who fail to uphold workers' rights.
- **Access to Rights and Protections:** The enhanced registry creates a crucial pathway to provide information on rights and protections to domestic workers, ensuring they are fully informed of their legal entitlements. This is particularly vital for migrant caregivers, who may be less familiar with Canadian labour laws.
- **Comprehensive Oversight and Standardization:** Central to our tri-partite sectoral negotiation model is the registry, serving not only as a key mechanism for enforcement and standardization of employment conditions but also as the foundational platform for forming the Tri-partite Standards Committee. By integrating negotiated outcomes and standardized benefits such as health coverage and pension plans into the registry, we ensure a unified and equitable approach across the sector. The registry enables comprehensive oversight, ensuring that all domestic workers, particularly migrant care workers, benefit from improved employment standards.
- **Enabling Union and Advocacy Group Participation:** Granting unions and advocacy groups access to the registry ensures that the standards are rigorously enforced, allowing these organizations to advocate effectively on behalf of workers and to investigate potential violations of labour standards.

This strategic expansion and enhancement of the Central Registry are designed to close existing gaps in the system, ensuring that all domestic workers, particularly those immigrating through the IMP, are afforded comprehensive protections and support, reflecting our commitment to a fair, transparent, and equitable in-home care sector in British Columbia.



e) Enforcement of Standards

The Tri-partite Standards Committee is vested with the critical mandate to rigorously investigate and address any violations of labour standards and registry compliance. To this end, we recommend the appointment of Provincial Labour Inspectors by the committee, specifically chosen for their expertise in the in-home care sector. These inspectors would wield the same authoritative powers as officers from the Employment Standards Branch, as delineated in the Employment Standards Act, ensuring they are fully equipped to uphold the sector's standards.

To facilitate thorough and effective inspections and investigations, we propose the introduction of a modest payroll contribution from employers within the sector. This funding mechanism is designed to support the operational costs of enforcement activities without imposing undue financial burden on employers.

Moreover, all fines and penalties levied for non-compliance should be channeled back into the Tri-partite Standards Committee's budget. These fines must be set at a level that serves as a real deterrent against circumventing the established standards, thereby reinforcing the seriousness with which these regulations are to be taken.

A Comprehensive Approach

By advocating for this comprehensive approach to sectoral bargaining, we aim to significantly improve the working conditions of migrant care workers in British Columbia, ensuring they are afforded the rights and protections commensurate with their invaluable contributions to our communities.

This model is not without precedent. Legal scholars Sara Slinn and Mark Rowlinson recently published "Bargaining Sectoral Standards: Towards Canadian Fair Pay Agreement Legislation"⁴. This article provides detailed and comprehensive legislative examples for implementing a sectoral framework such as that we advocate for here. Their work could easily be adapted for care workers in British Columbia.

⁴ Slinn, Sara and Rowlinson, Mark, "Bargaining Sectoral Standards: Towards Canadian Fair Pay Agreement Legislation" (2022). All Papers. 349.https://digitalcommons.osgoode.yorku.ca/all_papers/349



Protecting British Columbia's Precarious Workers

The Government of Canada has frequently cited its support and adherence to a feminist approach to addressing unpaid and paid care work⁴. In this approach, they cite the International Labor Organisation (ILO) and reaffirm the “5 Rs” of care work:

“There are five entry points for addressing care work in Canada-funded programming, anchored by Canada’s commitment to gender equality and human rights:

- *recognizing the value of unpaid and poorly paid care work*
- *reducing drudgery and hours spent on unpaid care work*
- *redistributing responsibility for care work more equitably, both within the household and outside it*
- *ensuring unpaid and paid care workers are represented and have a voice*
- *responding to the rights and needs of unpaid and paid care workers*

This “5 Rs” approach (Recognize, Redistribute, Reduce, Represent, Respond) is directly informed by a series of “3/4/5 Rs” frameworks on care work, initially designed by Diane Elson (2008) and further elaborated by various organizations including Oxfam, ActionAid, the Institute for Development Studies and most recently the ILO.”

Furthermore, the Government of Canada specifically references the need to promote, establish and support *“legislation, policies and programs that respond to the needs and rights of unpaid and paid care workers, including migrant care workers (for example, extension of minimum wages, regulation of paid care work and other labour laws and services that promote safe working conditions”*.

Establishing a sectoral bargaining model for care workers in British Columbia is a comprehensive solution to a complex problem.

A sectoral bargaining framework would:

- Improve standards for all migrant care workers in the province
- Eliminate reliance on a individualized complaint-based model of enforcement and negotiation
- Provide a framework for enforcement and compliance
- Provide a central body for care worker education and support
- Centralize and standardize the burden of employer-side responsibilities

³ Government of Canada. “Canada’s feminist approach to addressing unpaid and paid care work through international assistance” (n.d.) https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/priorities-priorites/fiap_care_work-paif_prestation_soins.aspx?lang=eng



Protecting British Columbia's Precarious Workers (continued)

An inclusive sectoral bargaining structure is essential, one that is rooted in principles that support fairness and equity, aligning with feminist, anti-racist, and working-class values. Such a model needs to feature clear, straightforward policies and processes, designed to be accessible not just to those in policymaking or legal professions but to all stakeholders, including care workers and their employers. This approach is about empowering workers and the families they support, ensuring they have the tools and the agency to effectively engage with and adapt the system to meet their real-world needs.

Importantly, we also advocate for the value of creating a framework that is responsive to the evolving dynamics of the workplace, supporting a balance between workers' rights and employers' needs. Implementing a sectoral bargaining model that is built on these principles, British Columbia can enhance standards for everyone involved, cultivating a labour environment in British Columbia that is both fair and sustainable, driving positive outcomes for care workers, their employers, and the broader community. This collaborative approach underlines our commitment to improving the labour landscape in a way that respects the dignity and welfare of every worker, while also considering the operational realities and challenges faced by employers.





Conclusion

The need for equitable labour rights and protections in British Columbia, especially for migrant care workers, has long been a focal point of advocacy groups such as CDWCR. Migrant care workers, integral to the fabric of our provincial care system, find themselves in one of the most vulnerable and precarious positions within our labour market. Despite their invaluable contributions, they face significant barriers to accessing fundamental labour rights and protections, including the essential right to engage in meaningful collective bargaining.

The sectoral bargaining model proposed herein offers a robust, comprehensive, yet remarkably straightforward solution to this complex issue. It aligns seamlessly with British Columbia's existing labour relations framework, presenting an innovative approach to ensuring that migrant care workers are instead recognized as crucial contributors to our society.

Moreover, the importance of care work cannot be overstated, nor can it be seen as a temporary need. As our population ages, the demand for care services in British Columbia, and indeed across Canada, is set to increase significantly⁴. The current strains on our care economy highlight a pressing need for sustainable solutions that can support not only our aging population⁵ but also the workers who provide these essential services. The sectoral bargaining model addresses these challenges head-on, proposing a system that benefits all stakeholders involved.

The realization of this model spells a positive outcome for all involved in British Columbia. It offers a pathway to rectifying the imbalanced access to rights and protections for migrant care workers, thereby strengthening our care economy. By adopting a sectoral approach, we can ensure that our province remains a place where the dignity and welfare of every worker are upheld, and where the care needs of our community are met efficiently and compassionately.

The time to act is now. By embracing the sectoral bargaining model, British Columbia has the opportunity to lead by example, setting a precedent for the rest of Canada in how we value and support our care workers. It is a step toward a more equitable, sustainable future for our labour market and our society at large.

4 Canadian Centre for Caregiving Excellence. (2022). Giving care: An approach to a better caregiving landscape in Canada. Retrieved from: https://canadiancaregiving.org/wp-content/uploads/2022/11/CCCE_Giving-Care.pdf

5 Statistics Canada. (2022). "In the midst of high job vacancies and historically low unemployment, Canada faces record retirements from an aging labour force: number of seniors aged 65 and older grows six times faster than children 0-14." Retrieved from: <https://www150.statcan.gc.ca/n1/daily-quotidien/220427/dq220427a-eng.htm>

Appendix E.
2024 MWC Submission to British Columbia Labour
Relations Code Review

Appendix E

MWC 2024 Submission to the British Columbia Labour Relations Code Review



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March 21, 2024

Attention: Sandra Banister, K.C., Michael Fleming, and Lindsie Thomson

Labour Relations Code Review Panel

lrcreview@gov.bc.ca

Dear Panel:

Re: BC Labour Relations Code Review

In response to the Panel's invitation for input from stakeholders regarding the review of the *Labour Relations Code* (the "Code"), the Migrant Workers Centre (MWC) makes the following submission.

Background

The Migrant Workers Centre is a non-profit organization that was founded in 1986. MWC works to promote and advance access to justice for Migrant Workers by providing legal services, advocacy, research, public education and engaging in law and policy reform initiatives. We define "Migrant Workers" as workers with precarious immigration status including those who do not have Canadian citizenship and permanent residency. MWC provides support to Migrant Workers who are especially vulnerable to employment exploitation and labour trafficking.

The majority of MWC's clients are care workers in BC under various care work programs. There are three streams to which care workers can enter and work in Canada. The first two streams are the Home Child Care Provider Pilot and the Home Support Worker Pilot, which provide a path to permanent residency for care workers entering Canada. However, it is important to note that both pilots were launched in 2019 and are set to expire on June 17, 2024. The Federal Government has not indicated if it will extend the program, and there are many care workers who are still waiting for their permanent residency applications to be processed. Precarious immigration status further increases migrant workers' vulnerabilities.

The third stream for care workers, which is currently only available to individuals who are already in Canada, is to apply to work through the Temporary Foreign Worker Program (TFWP). This program ties the Migrant Worker to a specific employer, job, and location as part of the conditions of their work permit. If the Migrant Worker violates conditions of their work permit, they can become inadmissible to Canada and removed from the country. Migrant Workers are therefore at an extreme power imbalance in relation to their employer, as they depend on their employers for livelihood and their ability to remain in Canada. These conditions make it extremely challenging for workers to negotiate for better working conditions, enforce their rights, and leave exploitative employment. This often leads to widespread and systemic

violations of minimum labour standards, employment contracts, occupational health and safety regulations, and human rights.

There is an urgent need to protect the most vulnerable workers of Canadian society now. As the UN Human Rights Commission's Special Rapporteur on contemporary forms of slavery, Professor Tomoya Obokata, noted in his report issued on September 6, 2023¹:

- Certain categories of migrant workers are made vulnerable to contemporary forms of slavery in Canada by the policies that regulate their immigration status, employment and housing in Canada, and the workforce is disproportionately racialized;²
- Agricultural and low-wage streams of the TFWP constitute a breeding ground for contemporary forms of slavery;³
- Migrant workers who quit their jobs are prohibited from working until they can find a new employer to undertake a labour market impact assessment on their behalf which is a long process, and this means they would also be denied access to most social services for persons without employment because of their temporary status;⁴ and
- Migrant workers are vulnerable to exploitation and abuse because many feel they are unable to report their employers for fear of losing their migration status, employment and/or housing (for those workers who are required to live in employer-provided accommodations).⁵

MWC proposes that one way to advance the protection of Migrant Workers, and specifically, migrant care workers, is to provide them with access to collective bargaining through the *Code*.

Summary of Submission

MWC adopts its previous recommendations submitted to the 2018 review of the *Code*, which proposed that additions be made to the *Code* that will include a system of broader based collective bargaining that would provide meaningful access to collective bargaining for care workers in British Columbia. We have attached MWC's previous submission (Appendix "A"), and we invite the Panel to review paragraphs 21 - 46 in particular. These paragraphs outline the need for sectoral bargaining to address the vulnerabilities in the working lives of care workers and recommends a way forward to facilitate broader based bargaining for migrant care workers.

If the panel deems our recommendation is beyond its scope, then we implore you, at the very least, to recommend to the Minister of Labour to appoint a committee of special advisors pursuant to subsections 3(1)(b) and (c) of the *Code* to specifically examine the narrow issue of broader based bargaining through sectoral certification in the care work industry and make recommendations as to possible amendments to the *Code* that would extend meaningful access to collective bargaining for care workers.

¹ Tomoya Obokata, End of Mission Statement, September 6, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/eom-statement-canada-sr-slavery-2023-09-06.pdf>

² *Ibid.*, p. 3

³ *Ibid.*, p. 3

⁴ *Ibid.*, p. 4

⁵ *Ibid.*, p. 4

In addition, MWC would like to attend the public hearing in Surrey on May 6, 2024, and we would like to make oral submissions so that the Panel can hear from our members, many of whom are migrant care workers with lived experience, about the urgent need to extend the protections of the *Code* to care workers.

We thank you for the opportunity to provide input on this important process, and we look forward to continuing this discussion at the public hearing.

Sincerely,

Migrant Workers Centre

PER:



Jonathon Braun
Legal Director



Angela Wong
MWC Advocacy Committee



**Migrant Workers Centre Submission to the Section 3 Panel Reviewing
the British Columbia Labour Relations Code**

March 2018

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On February 6, 2018, the Minister of Labour appointed a three-member panel as a Labour Relations Code Review Panel (the “**Panel**”) under Section 3 of the *Labour Relations Code* (the “*Code*”), with a broad mandate to review the *Code*.

In response to the Panel’s invitation for input from stakeholders, the Migrant Workers Centre (“**MWC**”) makes the following submission.

Summary of Submission

The MWC proposes that additions be made to the *Code* a system of broader based collective bargaining that would provide meaningful access to collective bargaining for migrant caregivers in British Columbia. The proposed system of broader based bargaining is patterned on the system utilized the publicly funded health and community social services sector. Generally, this system involves statutorily defined bargaining units, multiple employers represented by a single employer association and association of unions that are governed by articles of association. A similar system should be implemented in the caregiving sector in order to facilitate access to meaningful collective bargaining for migrant caregivers.

About the Migrant Workers Centre¹

1. MWC, formerly West Coast Domestic Workers Association, is a non-profit organization dedicated to legal advocacy for caregivers and other migrant workers in BC. Established in 1986, MWC facilitates access to justice for migrant workers through the provision of legal information, advice and representation. MWC also works to advance the labour and human rights of migrant workers through public legal education and training, law and policy reform work and test case litigation.
2. The majority of MWC’s clients are caregivers working in BC under the Caregiver Program. MWC also serves migrant workers working under the low-wage stream of the Temporary Foreign Worker Program (TFWP) in jobs in the service, hospitality, agriculture, construction and manufacturing industries, as well as under the Seasonal Agricultural Workers Program (SAWP).
3. MWC regularly partners with community organizations to deliver public legal education workshops and mobile clinics to migrant workers in the TFWP, CP and SAWP in communities around the province with limited access to services. Through this work, MWC has identified numerous gaps in the statutory regulation of employment that negatively impact these often isolated and vulnerable workers.

¹ The description of the MWC is taken nearly in full from the MWC’s March 2018 report titled “*Envisioning Justice for Migrant Workers: A Legal Needs Assessment*” which was authored by Alexandra Rogers. See page 1.

² In the first 3 quarters of 2017 (January 1, 2017 – September 30, 2017), for example, Employment and Social Development Canada approved 1,149 positions for home child care providers and 317 positions for home support

Profile of Caregivers in British Columbia

4. The Caregiver Program is part of the Federal Government's Temporary Foreign Worker Program (the "TFWP").² The TFWP permits Canadian employers to hire foreign nationals to perform work, including caregiving work, in Canada.
5. The Caregiver Program has two streams: (1) caregivers for children under 18 years of age; and (2) caregivers for people with high medical needs, including persons over age 65 or people with disabilities and chronic or terminal illness.³ The work takes place in private residence and often includes housekeeping and cleaning work.
6. Caregiving work is valuable work and helps British Columbia thrive, as it is the work that makes other work possible. Paid domestic work benefits families, employers, and the economy as a whole. With Canada's aging population and increasing life expectancies, the need for domestic workers will continue to grow.
7. The Caregiver Program used to be called the "Live-In Caregiver Program". However, in November 2014, Citizenship and Immigration Canada (now "Immigration, Refugees and Citizenship Canada" or IRCC) eliminated the live-in requirement. Despite these changes, employers continue to impose live-in arrangements.
8. Ontario recently engaged in an expansive review of its *Employment Standards Act* and *Labour Relations Act* culminating in Bill 148 - *Fair Workplaces, Better Jobs Act, 2017*. The review entitled the "Changing Workplaces Review" was led by Special Advisors, C. Michael Mitchell and John C. Murray.⁴ A number of submissions focussed on Bill 148 and the Changing Workplaces Review focused on the situation of caregivers in Ontario.⁵

² In the first 3 quarters of 2017 (January 1, 2017 – September 30, 2017), for example, Employment and Social Development Canada approved 1,149 positions for home child care providers and 317 positions for home support workers in British Columbia under the Temporary Foreign Worker Program. See Employment and Social Development Canada, *Temporary Foreign Worker Program 2017 Q3* at <http://open.canada.ca/data/en/dataset/e8745429-21e7-4a73-b3f5-90a779b78d1e?_ga=2.24247994.1239877317.1512578766-536812370.1481074597>

³IRCC: <https://www.canada.ca/en/employment-social-development/services/foreign-workers/caregiver.html>

⁴ C. Michael Mitchell and John C. Murray, *The Changing Workplaces Review – Final Report* (May 2017 (the "Ontario Review")). See pages 286-288 for the Special Advisors' review of the situation of domestic workers employed in the home. < https://files.ontario.ca/books/mol_changing_workplace_report_eng_2_0.pdf>

⁵ See for example: (1) Caregivers' Action Centre, *Submission by the Caregivers' Action Centre: Ontario's Changing Workplaces Review Consultation Process* (September 18, 2015) and (2) Workers' Action Centre and Parkdale Community Legal Services, *Phase 1 Review of ESA and LRA Exemptions* (December 7, 2017).

9. The comments of the Migrant Worker Alliance for Change and the Caregivers' Action Centre describing the context of migrant caregiving labour are relevant to this Panel's deliberations because they are equally applicable to migrant caregiving in British Columbia.⁶ Please see Appendix "A" to this Submission for an excerpt of these comments.
10. As is the case in Ontario, migrant caregivers in British Columbia are women of colour from developing nations. They face marginalization and vulnerability as workers because of multiple employment and social insecurities: the temporary nature of their immigration status, work visas that are tied to a single employer, low-wage precarious jobs, language barriers, geographic isolation, family separation, and a lack of familiarity with their rights and obligations under Canadian law. As a result, they are particularly vulnerable to labour exploitation and discrimination based on gender, class, race, and nationality.

The Importance of Access to Collective Bargaining

11. Access to collective bargaining remains a fundamental purpose of the *Code*: section 2(c) of the *Code*. The BC Labour Relations Board's leading decision on certification sets this out when it describes the history and purpose of certification:

Simply put, an employee, in the absence of a collective agreement, has no vested rights. The ability of an employee to not simply accept what is offered but to be able to bargain what he or she considers to be desirable in order to provide protection from material and legal insecurity, directly results in that employee having greater rights, voice and dignity (see Paul Weiler in *Reconcilable Differences*, (Toronto: Carswell Company Limited, 1980, pp. 15-33).

Finally, a collective bargaining relationship that achieves a greater balancing of the power between employers and employees, that vests employment rights in employees, that allows decisions to be challenged and disagreements to be ⁷settled by neutral arbitrators, without economic disruptions, establishes the rule of law in employer-employee relationships.

This, as Weiler notes, is "...intrinsically valuable as an exercise in self-government" (p. 33).⁸

⁶ Migrant Worker Alliance for Change and the Caregivers' Action Centre, *Stronger Together: Delivering on the Constitutionally Protected Right to Unionize for Migrant Workers, Bill 148 Submissions on Broader Based Bargaining* (July 21, 2017) <<http://www.migrantworkersalliance.org/wp-content/uploads/2017/07/MWAC-and-CAC-Bill-148-Broader-Based-Bargaining-Submissions-21-July-2017.pdf>> (the "MWAC/CAC Submission")

⁷ *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1 at para. 58.

⁸ *Island Medical Laboratories*, BCLRB No. B308/93 (Leave for Reconsideration of IRC No. C217/92 and BCLRB No. B49/93) ("*IML*") at p. 8-10.

12. Since the Board's decision in *IML*, the Supreme Court of Canada issued a new labour trilogy constitutionalizing the right to join a union, the right to collective bargaining and the right to strike under section 2(d) of the *Canadian Charter of Rights and Freedoms*. The decisions underpinning the new labour trilogy all speak to the importance of meaningful access to collective bargaining as an exercise of the fundamental freedom of association.
13. The freedom of association is the means by which vulnerable workers are able to band together in order to ameliorate their working lives:

58 This then is a fundamental purpose of s. 2(d) - to protect the individual from "state-enforced isolation in the pursuit of his or her ends": *Alberta Reference*, at p. 365. The guarantee functions to protect individuals against more powerful entities. By banding together in the pursuit of common goals, individuals are able to prevent more powerful entities from thwarting their legitimate goals and desires. In this way, the guarantee of freedom of association empowers vulnerable groups and helps them work to right imbalances in society. It protects marginalized groups and makes possible a more equal society.

14. The Migrant Worker Alliance for Change and the Caregivers' Action Centre provide a thorough summary of the *Charter* jurisprudence which supports access to meaningful collective bargaining for migrant caregivers.⁹ Please see the excerpt at Appendix A to this Submission.
15. In addition to the Board and the Supreme Court of Canada, Article 3 of the International Labour Organization's Convention 189 on the rights of domestic workers expressly makes it an obligation of signatories to respect, promote and realize the fundamental principle and right at work to "freedom of association and the **effective recognition** of the right to collective bargaining." Although Canada has not ratified Convention 189, a number of top source countries for the Caregiver Program, including the Philippines, are signatories.¹⁰

The Code Does Not Provide Meaningful Access to Collective Bargaining for Caregivers

16. The *Code*, as it is currently structured, does not provide meaningful access to migrant caregivers. The *Code's* Wagner Act structure is designed to facilitate unionization and collective bargaining at single large worksites, like the large industrial factories that were prominent in the first half of the 20th century.

⁹ *Supra*, Note 5 at p. 7-8.

¹⁰ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:2551460:NO

17. The *Code* has not been designed or adjusted to account for the growth of smaller employers and worksites. The Special Advisors in the Ontario Review framed the problem as follows:

We have pointed out, above, and in our Interim Report, that the current *Wagner Act* single employer and single enterprise model of certification does not provide for effective access to collective bargaining for a large number of employees of small employers and employers with multiple locations. Organizing and bargaining individual contracts in thousands of small locations is inefficient, expensive and impractical. The single employer recommendations, above, address the single and multiple location issues of larger employers, but not the issue of many individual small employers, thus leaving a significant vacuum in many areas where collective bargaining is unlikely to take root. In Ontario, the union coverage rate in the private sector is below 7% in workplaces with fewer than 20 employees. Like the majority of Special Advisors in British Columbia, we share the concern about the nature of the problem but, unlike them, we have concluded that providing a multi-employer bargaining framework is not practical at this time.¹¹

18. Of course, the inability of the *Code* to provide meaningful access to collective bargaining for employees at small workplaces extends to migrant caregivers. Indeed, the primary reason why the *Code* does not provide meaningful access to collective bargaining for migrant caregivers is the fact that these workers often are the only employee of their employer. Couple that with the fact that the worksite is the private residence of the employer. These conditions simply do not make it viable for unions to organize these workers into bargaining units as currently envisioned and required under the statutory framework of the *Code*.
19. The specific problems associated with providing collective bargaining to migrant caregivers were identified not long after the release of the Baigent, Ready, Roper 1992 Report.¹² The seminal analysis on broader based bargaining for migrant caregivers remains the report released by Intercede and the Ontario District Council of the International Ladies' Garment Workers' Union (the "**Intercede Report**").¹³ The Intercede Report identifies three key features of migrant caregiving work that puts meaningful collective bargaining out of reach for migrant caregivers:

¹¹ *Supra*, Note 3 at p. 352.

¹² Baigent, Ready and Roper, *A Report to the Honourable Moe Sihota, Minister of Labour: Recommendations for Labour Law Reform* (September 1992).

¹³ Intercede and the Ontario District Council of the International Ladies' Garment Workers' Union, *Meeting the Needs of Vulnerable Workers: Proposals for Improved Employment Legislation and Access to Collective Bargaining for Domestic Workers and Industrial Homeworkers* (February 1993) <<http://equalpaycoalition.org/wp-content/uploads/2016/01/Meeting-the-Needs-of-Vulnerable-Workers-1993-Intercede-and-ILGWU-1993-Report-C1497550xA0E3A.pdf>>

- a. Exclusion from the Ontario Act and the Ontario Act's requirement for at least two persons in a bargaining unit. This is not a concern in BC. Caregivers as a class of workers are not excluded from the *Code*. Furthermore, the Board has confirmed that the "*Code* contemplates the possibility of certifying a bargaining unit of one person."¹⁴
 - b. The inherent vulnerabilities associated with being a migrant caregiver (eg. sole employee at the worksite, worksite as residence, cultural and linguistic barriers, precarious immigration status, etc.) exacerbate the inequality of bargaining power that is inherent in any employment relationship. This makes collective bargaining at a single worksite completely impractical.
 - c. Trade unions, for the most part, do not have the resources to negotiate and administer multiple collective agreements at single-employee worksites. That is simply not feasible.¹⁵
20. Aside from the first concern, the concerns cited with respect to access to collective bargaining in the Intercede Report remain relevant today in the British Columbia context.

Broader Based Bargaining is Needed

- 21. Although the Special Advisors in the Ontario Review rejected broader based bargaining on the basis that Ontario simply did not have experience with these type of bargaining structures, the same cannot be said for British Columbia.
- 22. One of the primary reasons for extending broader based bargaining to other sectors of the economy, including the caregiving sector, is the fact that we have experience with broader based bargaining in health care and community social services in British Columbia.
- 23. The MWC advocates for adding provisions to the *Code* which would create broader based bargaining for migrant caregivers in a system that is patterned on the *Health Authorities Act* (the "*HAA*") and the *Community Social Services Labour Relations Act* (the "*CSSLRA*").

Health Sector and Community Social Services Sector

- 24. Broader based bargaining is not new in British Columbia. Broader based bargaining is used in the publicly funded health sector and community social services sector. The *Code* does not specifically provide for broader based bargaining in these sectors. Instead, specialized

¹⁴ *Fleetwood Sausage*, BCLRB Decision No. B364/2000 (upheld on reconsideration in BCLRB Decision No. B104/2001) at para. 104.

¹⁵ *Supra*, Note 11 at p. 26.

sectoral labour relations legislation (ie. the *HAA* and the *CSSLRA*) created the broader based bargaining systems in these sectors that have been in place for approximately two decades.

25. Part 3 of the *HAA* sets out a system for health sector labour relations that was first conceived by Arbitrator James Dorsey, QC as part of his recommendations to government in 1995.
26. Section 19.4 of the *HAA* sets out five appropriate multi-employer bargaining units in the health sector (residents, nurses, paramedical professionals, facilities subsector and community subsector).
27. Section 19.4(3) of the *HAA* requires that all unionized employees in the health sector. The "health sector" is defined as all employers who are members of the Health Employers Association of BC ("**HEABC**"). Generally, this includes employers who receive public funding to provide health in BC.
28. Additionally, unions representing unionized health sector employees under the *HAA* must be members of bargaining associations (eg. the Community Bargaining Association): section 19.9. These bargaining associations are governed by articles of association which set out rules for negotiating and administering the sectoral collective agreement for each of the five statutory bargaining units.
29. Vice-Chair Saunders (as he then was) provides the following description of the multi-employer health sector labour relations:

22 I begin by briefly elaborating on the two tier representational model established under Part 3 of the Act. Bargaining unit structure and union representation in the health sector is more complicated than in the usual private sector context. The "first tier" of health sector representation is relatively simple; the "second tier" is less so.

23 With respect to the first tier, which concerns collective agreement negotiation, there are five statutorily mandated bargaining units. Each of those units has its own statutorily mandated bargaining association. Each of those bargaining associations negotiates a collective agreement with HEABC and each of those collective agreements covers all of the employees in that first tier bargaining unit. Thus, for example, the Facilities Bargaining Association negotiates the Facilities Collective Agreement which covers employees of PHC in the facilities subsector bargaining unit ("FBU").

24 With respect to the second tier, which concerns collective agreement administration, multiple unions belong to each of the bargaining associations. Those member unions are certified to represent employees within a second tier unit. Pursuant to that certification entry, the union administers the

collective agreement on a day-to-day basis with the "collective agreement employer": *Interior Health Authority, et al.*, BCLRB No. B97/2012, at para. 45. IUOE's second tier unit includes employees at two of PHC's worksites as noted above.¹⁶

30. A similar scheme was implemented in the community social services sector in 2003. Following the recommendations of public administrator, Peter Cameron, the government of the day enacted the *CSSLRA*. The effect of the *CSSLRA* was to consolidate a number of individual bargaining units held by a number of bargaining agents into three bargaining units. A system similar to the *HAA* was implemented involving a multi-employer agent and union bargaining associations.
31. Section 2 of the *CSSLRA* makes the Community Social Services Employers' Association ("**CSSEA**") the bargaining agent for all community social services providers who are members of CSSEA and who have unionized employees. Membership in CSSEA is tied to a number of criteria, including the percentage of funding received by the social services agency in question.
32. Section 4 of the *CSSLRA* requires the formation of a bargaining association (eg. the Community Social Services Bargaining Association or CSSBA) composed of unions representing employees in one or more of the three statutory bargaining units under section 3 of the *CSSLRA* (eg. Community Living Services, Aboriginal Services and General Services).
33. The CSSBA negotiates a single collective agreement with CSSEA for each of the three statutorily mandated bargaining units. It also plays a role in collective agreement administration on major issues impacting the entire bargaining unit. The conduct of the CSSBA with respect to negotiating and administering sectoral collective agreements is governed by articles of association.¹⁷

Past Proposals for Broader Based Bargaining for Migrant Caregivers

34. The Baigent, Ready and Roper Report, the MWAC/CAC Submission and the Intercede Report and Quebec's 2009 *Home Childcare Providers Act* ("**HCPA**") also provide fruitful guidance on tailoring a broader based bargaining system for migrant caregivers.
35. Osgoode Hall Professor Sara Slinn reviewed these broader based bargaining models in her report for the Ontario Review.¹⁸

¹⁶ *Providence Health Care Society (Mount Saint Joseph Hospital)*, BCLRB No. B31/2014

¹⁷ *Certain Support Services Inc.*, BCLRB No. B118/2008 at para. 24.

¹⁸ Sara Slinn, *Changing Workplaces Review Research Projects: Collective Bargaining* (November 30, 2015) <<http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1177&context=reports>>

36. Professor Slinn described the Baigent-Ready Model as follows:

The Baigent-Ready model is based on “sectors”, which are defined geographic areas, such as a neighbourhood, city, metropolitan area or province, containing similar enterprises with employees performing similar work. An example of such a sector would be “employees working in fast food outlets in Burnaby” (Government of British Columbia, 1992, pp. 31). This model would apply only to sectors the labour board declares to be “historically underrepresented by trade unions”, and when the average number of full-time employees, or the equivalent number of part-time employees, at all work locations within the sector is less than 50. Therefore, the model targets small workplaces with low rates of unionization.

Initial sectorial certification would operate as follows. If a union had support from at least 45% of employees at each work location within an eligible sector, the union could apply for certification of that multi-workplace bargaining unit. If the board declares the sector historically underrepresented, is satisfied that requisite support exists, and that the unit is appropriate for collective bargaining, then it would order a representation vote of all employees in the unit...The Baigent-Ready model contemplates that multiple unions may be certified within a single sector, each union administering its own collective agreement. The majority of the sub-committee explained: “This feature has several advantages. It ensures that unions who are certified within a sector are not granted a monopoly on representation rights while offering employees within a sector the option of choosing from more than one union” (Government of British Columbia, 1992, p. 31).

37. Professor Slinn’s summary of the HCPA is also worth reproducing:

The HCPA established a new sector-based collective bargaining regime for home childcare workers in the province. Associations are certified, based on majority support, as exclusive bargaining agents for home childcare workers (who are deemed to be “own-account self-employed” workers) in a given territory who are affiliated with the same home childcare coordinating office. Certified associations’ rights and obligations include defending and promoting “the economic, social, moral and professional interests of home childcare providers” and bargaining a “group agreement” under the HCPA, and they may bargain in groups of associations.

Negotiations take place between the Minister Responsible for Childcare Services and associations, and may be initiated by either side...¹⁹

38. The MWAC/CAC Submission proposes the following three elements for broader based bargaining for caregivers:

The necessary elements of a broader based bargaining system would include:

- i. designation of the regions for bargaining (whether it is on a provincial basis or designated regions with the province);
- ii. designation of an employer bargaining agent; and
- iii. recognition of workers' bargaining agents, including the ability of migrant workers' unions to operate union hiring halls.²⁰

39. The Intercede Report proposed the following structure for broader based bargaining for domestic workers:

1. For the purposes of certification, domestic workers would be organized into two separate sectors, live-in and live-out workers.
2. Domestic workers would be then classified on the basis of geographic or regional designation (ie. the Greater London area or some other region that makes sense).
3. The certification process would be initiated by the signing of a majority of domestic workers registered in a specific geographical region.
4. Once a preponderance of a regions have been certified, a conference would be called by the Ministry of Labour between the employers and union representatives regarding extension of the collective agreement to all domestic workers.
5. Collective agreements would be enforced through monthly reports submitted by the employer, the Union's inspection of the employer's records, and collective agreement negotiations.²¹

MWC Proposal for Broader Based Bargaining

40. The sectoral bargaining structures in the health sector and community social services sectors in this province provide a strong basis on which to extend broader based bargaining

¹⁹ *Ibid*, at p. 82

²⁰ *Supra*, Note 5 at p. 11.

²¹ *Supra*, Note 12 at 78-79.

in other sectors, including the private caregiving sector. This is particularly so given the underlying similarities between health, social services and caregiving work.

41. Additionally, the Baigent-Ready Model, the MWAC/CAC Submission, the Intercede Report and Quebec's *HCPA* provide fruitful guidance on tailoring a broader based bargaining system for migrant caregivers.
42. Based on the foregoing, I provide the following recommendation for adding provisions in the *Code* to facilitate broader based bargaining for migrant caregivers:
 - a. Multi-employer and multi-union bargaining associations should be statutorily created for the private caregiving sector. Those associations should be similar in structure to HEABC and CSSEA (on the employer side) and the various bargaining associations (on the union side).
 - b. Statutory bargaining units defined by geographic regions should be created. For example, a sample bargaining unit could consist of all caregivers working in private residences in Burnaby, BC.
 - c. Certification would have two phases:
 - i. The first phase is at the level of an individual employer and worksite. An individual union (eg. the BCGEU, HEU, CUPE, USW, UFCW etc.) would apply for certification.
 - ii. The second phase is at the sectoral level. This involves all worksites in the broader geographic region defining the bargaining unit. Before sectoral bargaining structures via the employer and union associations are implemented, the unions having certified the individual worksites would have to show that a majority of the caregivers within the geographically defined bargaining unit support unionization.
 - d. Once two-phase certification is achieved, the "first tier and second tier" labour relations scheme utilized in health care would apply. At the first tier, the employer and union bargaining associations would negotiate a single sector-wide collective agreement which would apply all employers with employees in the broader geographically defined bargaining unit. At the second tier, the individual unions in the bargaining association would then be responsible for day to day administration of the collective at the individual worksites wherein they have certified as bargaining agent.
 - e. Collective bargaining and collective agreement administration by constituent unions in the bargaining associations would be defined by articles of association.

43. The advantages of this proposed system is that it is largely based on a model that has already been implemented in British Columbia for decades.
44. Additionally, employers of caregivers are already required to participate in uniform legal processes as part of being legally eligible to hire and employ migrant caregivers. For example, all migrant caregiver employers have to apply for a Labour Market Impact Assessment from Employment and Social Development Canada prior to being eligible to apply for a work permit for a migrant caregiver. Additionally, employers of caregivers are required under section 15 of the British Columbia *Employment Standards Act* to register live-in domestic workers with the Employment Standards Branch (the “**ESA Registry**”).²²
45. The additional step of registering with an employer association is comparable to the LMIA and ESA registration process. Moreover, it is a paltry requirement when compared to the principle of affording collective bargaining to a vulnerable group of workers.
46. Additionally, the ESA Registry provides a ready-built employee list for the Board to assess whether there is sufficient support within the entirety of the statutorily created and geographically defined bargaining unit described above to warrant certification on a sector-wide basis.

Conclusion

There is a need to address the vulnerabilities in the working lives of migrant caregivers. Access to meaningful collective bargaining is a means to address these vulnerabilities. Unfortunately, the current system Wagner Act model under the *Code* does not provide meaningful access to collective bargaining for migrant caregivers.

In these submission, the MWC has proposed additions to the *Code* which could provide meaningful access to collective bargaining for migrant caregivers. The MWC proposal does not re-invent the wheel. Instead, it makes use of existing legal mechanisms (eg. the *HAA*, the *CSSLRA*, the LMIA and the ESA Registry) to facilitate broader based bargaining for migrant caregivers.

Migrant Workers Centre

Per:



Rene-John Nicolas
Board of Directors

²² <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/specific-industries/information-for-domestic-workers-and-their-employers>