



Caregiver Connections Education and Support Organization (CCESO)

NEWSLETTER

Volume 4 Issue 1

COALITION FOR CHANGE : A NATIONAL DAY OF ACTION

Cities and towns across Canada have organized local actions. In Toronto, a mass rally was held on December 2, at 11am at King and University - the regional office of Immigration Minister, Jason Kenney.

Regulations introduced on October 9, 2009 essentially deny the right of full status to temporary migrant workers by restricting them to working four years in Canada and barring them from returning to the country for six years. **The regulations come in to force on December 9, 2009. Unless we can stop them!**

These regulations are part of a larger shift towards creating a disposable migrant workforce with few rights. Refugee quotas for 2010 have been slashed by 60%, and deportations have doubled in the last decade. The number of permanent residents is decreasing each year. Funding for family reunification programs has been cut. Only people in 38 occupations have some access to citizenship through skilled worker programs.

On December 2, communities across Canada took to the streets and made it loud and clear to Immigration Minister Jason Kenney that a disposable workforce with no rights is not good for Canada! They demanded real protections for migrant workers!

CCESO joined a coalition called Coalition for Change: Caregivers and Temporary Foreign Workers. This coalition is comprised of different organizations across the province in support for the rights of temporary workers' including caregivers in Canada.

Below are the recommendations that the coalition had submitted to the government and the government's response.

This section responds to recommendations #4, #5 and #34 of the Federal Standing Committee on Immigration report. Although most recommendations of the Standing Committee to enhance protections of TFWs also apply to live-in caregivers, some specifically address the Live-in Caregiver Program (LCP). While the Standing Committee's interest in LCP issues related to protections and support for live-in caregivers has been demonstrated on other occasions since the release of its report on Temporary Foreign Workers and Non-Status Workers, the Government of Canada limited its response to the recommendations put forward in this report. Extending the three-year period by one year

The Committee Recommends Extending by One Year the Current Three Year Period to Acquire the Work Experience Needed to Meet Permanent Residence Requirement, which would allow more time for live-in caregivers caught in abusive situations or by circumstances beyond their control, such as health problems, to change employers without jeopardizing their chance for permanent residency.

As of November 14, 2008, work permit applications from all TFWs requesting a new employer now have priority processing over extensions of work permits with the same employer. Between January and July 2009, the processing times for these priorities consistently took 20 working days or less. With estimated processing times for LMOs taking approximately three weeks, the time required for approval of all stages could take up to approximately 10 weeks, including mailing time. Depending on how long it takes a live-in caregiver to find a new employer, these new processing times would allow most of them the opportunity to undergo three to four changes in employers over three years without jeopardizing their application for permanent residence due to lack of work experience. Nonetheless, the Government of Canada recognizes that in some cases it may take some weeks to find a new employer, particularly in remote or rural areas, and those other circumstances beyond the control of the



L to R: Genie, Martha, Salima, Sedef, Coco, Estela at Mass Rally



Coco Diaz as being interviewed by TV OMNI

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live-in caregiver may arise to restrict his or her employment, such as serious health issues. The Government of Canada is prepared to consider options related to permanent residence requirements. Additional analysis will be undertaken to explore possible alternatives to facilitate permanent residence applications from live-in caregivers who have experienced these extreme circumstances.

Removing the Second Medical Exam

CIC is developing options for other improvements to the LCP, including consideration of the Committee's recommendation to remove the requirement for permanent residence medical examination. As with other permanent resident applicants, a medical examination is required for LCP permanent resident applicants and their dependents. This ensures that both they and their dependents do not have a condition that would pose a danger to public health and safety or would create an excessive demand on Canadian health or social services. Currently, live-in caregivers who are medically inadmissible or have medically inadmissible family members abroad may request an exemption based on humanitarian and compassionate grounds. These are assessed on a case-by case basis. Implications of the various options and consistency with requirements for other immigrant categories will need to be assessed before any changes can be considered.

Removing the Live-In Requirement. The Government of Canada does not support this recommendation. The LCP, as is the case for other streams under the TFWP, is a demand-driven program. It facilitates the employment of foreign nationals when Canadians or permanent residents are not available to provide in-home care for children, seniors or disabled persons. The live-in requirement is a vital component of the LCP, given the continuing shortage of caregivers in Canada willing to live in the home of those they are caring for. There may be enough caregivers in Canada to satisfy labour market needs related to live-out care. Should the live-in requirement be eliminated, there would likely be no need to hire TFWs.

Statement by the Coalition for Change

Prime Minister Harper
Immigration Minister Kenney

As community, women's, immigrant rights and trade union organizations we strongly oppose proposed changes to the temporary foreign worker program that entrench a disposable workforce with few rights. We call on the government to scrap these proposed amendments immediately and ensure real protection and justice for migrant workers.

Under a smokescreen of protection for workers, where bad employers could be banned from hiring workers for 2 years and their names made public, the regulatory changes would limit migrant workers time in Canada to four years and bar them from re-entering Canada for the next six years. Workers could be denied entry at the border if an immigration officer decides their job offer is not genuine.

These changes do not strengthen protection for migrant workers. These changes only make workers even more vulnerable and continue the government's efforts to build a disposable workforce through the **Temporary Foreign Worker Program (TFWP)**.

The government states it is responding to extensive consultations, however our organizations and countless workers have told Jason Kenney that to address systemic violations of workers rights in the TFWP, fundamental changes are needed, including ensuring migrant workers have permanent status. Imposing limits on workers time in Canada makes workers status even more precarious and is an unjust and arbitrary provision.

Giving immigration officers arbitrary powers in denying workers admission to Canada penalizes migrants rather than targeting recruiters and employers who should be held accountable for the exploitation that workers face.

Prohibiting employers from hiring workers for 2 years does nothing to address the reality that migrant workers who are tied to one employer and who are denied full immigration status often cannot speak out against the widespread violation in the TFWP without risking deportation.

This policy change is part of an ongoing trend of exclusion within the Canadian immigration system where the government has created more temporary programs and less access to citizenship rights. Today, people from only 38 professions are able to immigrate to Canada under the Federal Skilled Worker points system. Refugee acceptance rates have declined sharply and there is talk of further dismantling the system. Deportations have increased 50%.

The government's press release states that these changes "strengthen the protection of temporary foreign workers." They do not.

Real protection means enforcing standards on employers and agencies hiring migrant workers. Real protection means allowing migrants to bargain collectively, with full coverage under labour legislation. Real protection means access to citizenship benefits and responsibilities. Real protection means permanent residence on arrival. Real protection means regularization for all. Real protection means prohibiting fees migrant workers are forced to pay to find work, a fair appeals process for repatriations and an end to deportation. Real protection that Canada's immigration system has as yet failed to ensure.

We call on the government to scrap these proposed amendments and move to ensure real protection and justice for migrant workers immediately.

NEW PROTECTIONS FOR TEMP AGENCY WORKERS! EFFECTIVE NOVEMBER 6TH, 2009

Is your agency following the new laws? Under the new changes:

- Temp agency workers have the same rights to public holiday as other workers.
- Temp agencies cannot charge temp agency workers fees.
- Temp agencies cannot stop a company from hiring a temp agency worker directly or from giving a reference. Temp agencies can only charge a company a fee for hiring a temp agency worker in the first 6 months of a workers' assignment with the company.
- The agency must give temp agency workers information about your assignment.
- Temp workers will have the same rights to termination and severance pay as other workers.
- Temp agency workers can go after both the company and the temp agency if they are penalized for trying to enforce their basic rights.

If your agency is not following the law call the Workers Action Centre for more information on what you can do!

**Source:
Workers' Action
Centre**



Sonia Singh of WAC on ESA information session at CCESO

PROFILE

COCO Diaz's 25 years of experience as counselor assisting caregivers is a living testimony of how dedicated and committed she is to her craft. Her firm commitment started from way back when Live-in Caregiver Program which was then known as Foreign Domestic Movement (FDM). Her involvement was featured in a documentary film called "Foreign Domestic." This film had been shown at CBC and is aired from time to time at Omni Television. During FDM time, caregivers yearly renewed their contracts but could not apply for permanent residency. Coco, together with the late Fely Villasin (former ED of Intercede) and with other committed caregivers and activists; they worked side by side rallying for caregivers' rights and improving their condition here in Canada.

With the motto of "Good Enough to Work-Good Enough to Stay", the group went out to the streets of Toronto and as far as Ottawa and Vancouver and tirelessly worked hard to be heard by the Law Makers in the Parliament. Thanks to their joint efforts, caregivers now are able to apply for PR upon completion of the 24/36 requirement.



One-on-one counseling



Community Outreach

MEET THE REST OF THE CCESO VOLUNTEERS



Anita one of the counselors in a group information session



Martha Ocampo CCESO's mentor (far right) at Vancouver as invited Facilitator on Mental Health.



Vicky on Resume making workshop



Genie on administration & computer skills



Board of Directors, L to R clockwise: Bong, Joefer, Johna, Mila, Cheryl, Armi, Steph, Noemi

