As the demographic composition of domestic migrants changed from predominantly white women to primarily women of colour, Canada's admission policies became more complex.

The phenomenon of paid domestic work stems from the existence of gender and class inequality. Traditionally, domestic helpers have been recruited by the privileged class from the underprivileged sectors of society. Since the middle class need for adequate child-care increased and working class women historically preferred factory or office work, domestic workers had to be recruited from other countries. Thus, over the last 100 years female migrant workers were admitted to Canada as servants of middle class families.

A brief analysis of Canada's admission and citizenship policies since Confederation reveals that they have been shaped by three guidelines: the wish to populate Canada with British people; the demands of the economy and the labour market; and internal and international pressures. It is only when the Canadian economy desperately needed certain labourers, such as domestics, that Canada began to allow immigration from countries other than Britain. Yet, as the demographic composition of domestic migrants changed from predominantly white women to primarily women of colour, Canada's admission policies became more complex, eventually denying foreign domestics citizenship rights and social entitlements bestowed on other immigrants.

During the late nineteenth century, the period of expansion throughout the Canadian prairies, domestic workers were recruited by immigration officers from rural areas in England, Scotland, Ireland, and Wales. The employer would sign a contract agreeing to pay for the servant's passage to Canada in return for the domestic's guarantee of work. Town families recruited child care workers, cooks, housekeepers, launderers, maids, servants, and cleaning women. Ninety thousand British domestic workers came to Canada before the Great War and about 80,000 came between 1917 and 1930. Sixty percent came from England, 29 percent from Scotland, ten percent from Ireland, and one percent from Wales (Barber). Government immigration officers and steamship booking agents promoted Canada as a British country with better economic opportunities and an easier life. Housework in Canada, claimed the advertising pamphlets, was effortless, especially in city homes (Barber). The Empire Settlement Act of 1923 enabled qualified domestics to obtain very low fares and loans to finance the move to Canada. This act was in force until 1937. Most of the British domestics, however, eventually left private homes to work in restaurants, hotels, or other institutions (Barber).

During the 1920s, many immigrant women were recruited for the Canadian northwest, not only as domestics, but also as future wives for Canadian farmers. Under the Servants-Turn-Mistress Program many domestic employees became employers. The image of the servant-turned-mistress is an example of the fine line between paid and unpaid domestic labour and the importance of domestic labour in the capitalist development of the west.

Throughout the Depression, and until World War II, there was a decrease in the demand for domestic labour and, as a result, most of the available jobs were filled by local women. Homeless and unemployed women, reformed prostitutes, single mothers, and wives whose husbands were unemployed were usually directed toward domestic work. A few domestics, however, still immigrated from northern Europe as contract workers.

During World War II Canada's immigration laws were exclusionary, resisting immigration from anywhere other than from Great Britain. This policy was rationalized by the federal government as necessary to save jobs for Canadian women and men who may need to be re-allocated into non-military industries during de-mobilization at the end of the war.

After the World War II, as a result of both international pressure and the transition into a growing economy, the exclusionary immigration policies were modified. The demand for domestics increased again. Since British and North-European immigrant women entering Canada as domestics preferred other occupations, moving quickly into different professions, the Canadian government had to recruit immigrant labour from other countries. Between 1950 and 1954, Canada admitted about 15,000 Central European domestics, mainly from Germany,
In spite of improvements, domestics continued to be exploited. Since domestics were reluctant to complain, for fear of being deported, employers could easily violate the terms of employment contracts.
above the minimum wage, extended the services of Canada Employment Centres to foreign domestics, and required a written agreement signed by the employer and employee, specifying pay, hours of work, duties, and boarding conditions. However, despite these formal requirements, the policy continued to restrict the mobility of foreign domestics, subjecting them to the benevolence of immigration officers in determining their status after completion of their contract, and still denying them basic labour rights such as the right to unionize (INTERCEDE 1983).

According to the “Landing Program,” temporary domestic workers were allowed to apply for landed status if they could demonstrate “self sufficiency” or the “potential to achieve self sufficiency.” Domestic workers judged lacking in “self sufficiency” were given an extension of one or two years in which to upgrade their skills. When the extension expired they were reassessed in an interview with the immigration officer. If they were not able to demonstrate “self sufficiency” after the second extension, they were required to leave the country.

While the “Landing Program” gradually increased the total number of domestics granted landed status, there was a wide range of interpretations of the policy on a regional, local and individual basis. Greater discretion was given to immigration officers to assess experience, education, language, financial security, skill upgrading, social and personal suitability. The subjective weighing of these factors by individual immigration officers was often called into question. But, the major problem with this policy was the inclusion of additional criteria, not stipulated in the original policy. For example, immigration officers required domestics who wished to sponsor their children or spouses to provide them with employment offers for these family members. This jeopardized black domestic workers from the Caribbean who were usually older and tended to have more than three dependents (INTERCEDE 1990; Dunn).

In 1988, new policy guidelines were established to evaluate whether an applicant entering Canada as a domestic could adequately perform her duties. The applicant was required to have skills related to the job and, also, at least one year of related experience and/or a one year training course in a related area. After one year in service, domestics were assessed to determine if they were eligible to continue in the program. After two years of employment, the domestic became eligible for permanent resident status. To become a permanent resident a domestic had to demonstrate that she had attended upgrading courses, had a satisfactory record of employment history, was proficient in English or French, displayed a capability for money management (savings, lack of debts), and showed that she had become integrated into the community.

These assessments were highly dependent on employers’ recommendations and the discretion of immigration officers (INTERCEDE 1992).

In April 1992 the FDM became the Live-in Caregivers’ Program (LCP). Like the FDM program, the current LCP program imposes two sets of conditions: one for being admitted into the program and one for becoming eligible for landed status. The LCP regulations include: graduation from grade 12 or equivalent to grade 12, fluency in one of the two official languages, a contract of employment certified by a Canada Employment officer, and graduation from a six month course in a related field. Furthermore, the domestic must agree to live in the employer’s house. The “live-in” requirement, the most discriminatory element in the program, continues to exist and the standards for admission continue to rise.

In January 1993 the Legal Education and Action Fund (LEAF) presented a Charter challenge raising some important issues. Their challenge claimed that the new criteria violates section 15(1) of the Canadian Charter of Rights and Freedoms by denying women equal benefit of the law and discriminates on the basis of national and ethnic background.

According to statistics collected, the source countries for foreign domestics are the Philippines, the Caribbean Islands, and Latin America (Canadian Press). The requirement that persons applying to the program have a minimum of Grade 12 education eliminates many of the women from these countries in which highschool may end in grade ten (i.e., the Philippines), and girls are simply discouraged from attending school or from graduating (Jackman). In most of the source countries female family members are expected to take care of the elderly, the young, and the sick. Even if the women were able to complete Grade 12, it is highly unlikely that courses such as early childhood education or geriatric care are offered in third world countries. Thus, the new regulation requiring 12 years of schooling and related training is in
fact discriminatory on the ground of racial or ethnic origin.

The demand that domestics be able to speak English or French also violates the Charter. In other categories of immigrants (such as refugee claimants, entrepreneurs, self-employed persons, and independents), the requirement to speak one of the official languages is only a single component among other considerations and not a pre-requisite.

The LCP is the most intrusive program created by the state's immigration authorities. (Jackman). This is evidenced by the following:

- Neither the employer nor the domestic worker has the power to change the "live-in" requirement to a live-out arrangement. This "live-in" requirement was placed on domestics only when the racial composition of source countries changed from predominantly British/European to West-Indian/Asian. This requirement places the domestic in an extremely vulnerable position, prone to working overtime without pay, lacking personal space, having less independence, and increasing the likelihood of being harassed and abused.
- Job changes are allowed only if a "release letter" from the previous employer is provided. This reinforces the paternalistic relationship between the domestic worker and the state official, the immigration officer.
- In the assessment for landed status, the domestic worker must meet criteria that, if compared to the regulations concerning other independent immigrants entering Canada, are clearly discriminatory. Unlike other workers, domestics have to demonstrate "satisfactory employment history" and not simply possess a certain number of years in the field. Furthermore, requirements in the areas of financial security, language proficiency, skills upgrading, social adaptation, and personal suitability are not compulsory pre-requisites for independent immigrants but rather factors that may be taken into consideration in the calculation of the minimum 70 "points" required for acceptance.

An examination of Canadian immigration practices regarding foreign domestics reveals a gradual regression in both citizenship and labour rights for foreign domestics throughout the twentieth century. This regression coincides with changes in the racial composition of domestic workers. The primary objective of the different programs involving importing domestic workers was, and still is, to provide low-cost servants for rich Canadians. State intervention decreases the cost of domestic service by not allowing domestic workers to unionize and/or forcing employers to compete for their services in a free market. The needs of privileged Canadians together with the needs of poor women in third world countries, as well as the need of source countries to reduce surplus population, contributes to the preservation, and even intensification, of racist, classist and sexist policies.

Rina Cohen teaches sociology and social sciences at York University. Her doctoral dissertation analyzed feelings of deprivation among foreign domestics.

1Domestic workers and farm labourers were the only two classes of contract workers exempt from the general 1929 Immigration Regulations which prohibited any Non-British immigration to Canada (Daenzer).

2In fact, the inclusion under Unemployment Insurance Program benefitted Canada and not foreign domestics. Although required to contribute to Unemployment Insurance, most domestics were not eligible for any benefits in case they lost their jobs or completed their term and left Canada.

References


INTERCEDE. Report to the General Meeting 1990.

