

Title: Employment Standard Violations and Live-in Caregivers' Characteristics in British Columbia

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WP Number: 10-08

Research Question:

What factors explain employment standards violations against live-in caregivers and in particular, are their personal characteristics sufficiently heterogeneous to explain these violations?

Importance:

Many studies have identified clear shortcomings in the Live-in Caregiver Program that lead to violations of their rights. The reasons for abuse are often linked to the design of the program in that some administrative rules foster caregivers' dependency on employers. For example, the conditions to be fulfilled to access permanent residency may increase caregivers' tolerance toward employers' violations of rules. However, self-confidence can encourage caregivers to stand up for their rights, and many factors affecting self-confidence are related to personal characteristics. For example, financial commitment to family members left in the home country or job experience in countries with little legal protection for domestic workers are likely to increase tolerance for abuse and dependency, while knowledge and information such as mastering the Canadian national languages or knowing their rights can decrease it. Clearly if weaknesses in caregivers' characteristics are responsible for violations of employment rights, they must be addressed by changing administrative rules or by developing adequate policies to alter those characteristics.

Research Findings:

The statistical analysis of data from a survey of 161 caregivers, mostly from the Philippines and collected in Metro Vancouver in the Fall of 2009, shows that about two-thirds of them suffered from at least one kind of employment standards violation (i.e., violation of contract and administrative rules or living condition requirements). Generally speaking, different employers commit different types of violations, thus many employers do not respect a few rules (rather than a few employers violating many rules). Concerning the possible causes for violations from the viewpoint of caregivers' characteristics, very few matter. In fact, most personal characteristics are very homogenous among caregivers in part because of the conditions set by the program and they cannot justify the type or level of abuse that occurs. Two, however, significantly impact the possibility of violation: higher proficiency in English and better information about employment rules and rights.

Implications:

There is some possibility to decrease live-in caregivers' dependency and the risk of employment standards violation by reinforcing caregivers' confidence in their ability to speak English and by ensuring they have the necessary information about rules and regulations that govern their employment. However, this is not sufficient, and reforming some of the features of the program to eliminate adverse incentives to employers and directly addressing their reluctance to comply are necessary.