



Policies on and Experiences of Foreign Domestic Workers in Canada

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Abstract

This paper reviews studies of government policies on, and the experiences of, foreign domestic workers in Canada. It provides an overview of changes in Canadian policies regulating foreign domestic workers and in their demographic composition in Canada over recent decades. It identifies three analytical themes in studies about their experiences such as: (1) conceptualizing citizenship in policy-making as contested; (2) documenting the inherently exploitative nature of the programme; and (3) examining the intersectionality of class, race, and gender. The review is guided by feminist scholarship on reproductive labour in the household. It identifies unaddressed issues and proposes future directions for studies of foreign domestic workers in Canada.

Over the past century, government policy on foreign domestic workers (FDWs) has undergone several major changes as FDWs enter into Canada as temporary workers to meet continuing demands of carework in the domestic sphere. Changes in policy regulating FDWs and in the national origin of FDWs are driven by domestic demand and international labour supply on one hand and dictated by Canada's efforts at nation-building on the other.

This paper reviews key studies that have examined government policies on, and the experiences of, FDWs in Canada. Based upon comprehensive reports on policies, NGOs and FDWs in Canada, (Boyd 2004; Spitzer and Torres 2008), it begins by providing an overview of changes in the Canadian policies regulating FDWs and in the demographic composition of FDWs over recent decades. This is followed by a review of studies about FDWs' experiences, drawing on social sciences, with an emphasis on sociology. Specifically, we identified three recent analytical themes such as: (a) conceptualizing citizenship in policy-making as contested; (b) documenting the inherently exploitative nature of the programme; and (c) examining the intersectionality of class, race, and gender in the case of FDWs.

Our review is guided by the wealth of feminist scholarship on reproductive labour in the household. Based on workers' narratives and researchers' comments and observations, we identify unaddressed issues and propose future directions for studies of FDWs in Canada.

Racialized policies of FDWs in Canada

Canadian demand for domestic workers has outstripped local supply since the 19th century, when middle-class Europeans, after settling in Canada, called upon their Canadian

working-class counterparts to assist in reproductive labour (Macklin 1992). The rise of industrialism, furthermore, combined with the undesirable nature of domestic work, prompted many domestic workers to seek factory work (England and Stiell 1997). Upper-middle-class women consequently organized in associations, such as the National Council of Women, to encourage the state to fill the new void in the domestic labour force by recruiting overseas. Based upon assumptions of the superiority of Anglo-Saxons, unmarried, unemployed working-class British women were targeted before the First World War (Bakan and Stasiulis 1994; Harzig 2003). They were seen as ideal future mothers and wives of the nation and were therefore granted landed immigrant status, contingent on their commitment to 6 months of live-in caregiving (Harzig 2003). By the end of the First World War, an insufficient supply of British workers prompted Canada to initiate recruitment of workers from the 'non-preferred' countries of Central and Eastern Europe, such as Poland, Romania, the Soviet Union and Hungary. This trend continued after the end of the Second World War, when workers from the Caribbean and elsewhere also began to be actively recruited. Despite similar formal recruitment efforts on the part of the Canadian state, non-British workers were not granted the same privileges as their British counterparts. Moreover, highly racialized practices were deployed as the domestic caregivers were admitted into Canada. Even though all Europeans had the same entitlement to be considered for citizenship status, Southern and Eastern Europeans were subject to an exceptional degree of scrutiny by immigration officials (Bakan and Stasiulis 1994).

In the 1950s, the Caribbean Domestic Scheme was established in Canada to circumvent complaints of racial discrimination from British Caribbean governments (Macklin 1992; p. 689). Under its terms, workers could apply for landed immigrant status after one year of live-in service. Caribbean governments coordinated their actions according to the Canadian regulations; a caveat in the agreement stated that any women found unsuitable for work (i.e., pregnant) would be sent back to their home nation at the expense of the home government. Caribbean workers were subjected to invasive gynaecological examinations to ensure their suitability, based on stereotypes of the promiscuity of black women (Macklin 1992; p. 689). The Scheme was generally regarded as a success by the Canadian government, based on the financial role of Caribbean nations and the likelihood of Caribbean workers staying in their positions longer because of restricted occupational mobility (Arat-Koc 1989; Daenzer 1993; Macklin 1992). Of particular significance about the introduction of the Scheme was that domestic work become specifically associated with women of colour from the Third World, and no longer understood as primarily European women's work (England and Stiell 1997).

The 1970s marked a rapid increase in Canadian women into the paid workforce. The state attempted to remedy the resulting deficit in care-labour by recruiting more domestic workers (Macklin 1992; p. 691). In 1973, the Non-immigrant Employment Authorization Program (NEAP) was launched, providing temporary visas to caregivers, with no promise of permanent residence consideration. It thereby further erodes citizenship prospect for domestic workers, many of whom were from the developing world (Bakan and Stasiulis 1994). Under the programme, they could only stay in Canada as long as they were employed as a domestic worker. Macklin referred to the programme as inherently exploitative and argued that it was comparable to indentured labour because the domestics were 'cheap, exploitable and expendable' (Macklin 1992, p. 691).

With mounting reports of abuse, domestic workers' rights groups began to emerge. In response to lobbying efforts, the federal government introduced a separate and new temporary foreign worker's programme called the Foreign Domestic Movement program

(FDM) in 1981 (Macklin 1994). While many of the exploitative features of the previous policy were maintained, under the FDM workers could eventually apply for permanent residence, although they needed to have 2 years of live-in service with the employer named on their authorization (previously, the live-in component was not explicitly required, but was generally expected). Moreover, workers were required to complete a set of criteria to prove their 'personal suitability,' 'cultural adaptation,' and 'self- and financial sufficiency'; these requirements included voluntary work in the community, educational upgrading, language skills and sufficient savings. Other groups were not subjected to similar criteria in their immigration application, which sparked further lobbying efforts from workers' rights groups.

In 1992, the Canadian government replaced the FDM with a slightly revised variation, the Live-in Caregiver Program (LCP); according to Macklin (1994) the government introduced the LCP in response to backlash against FDM. Under the LCP, which is currently in effect, domestic workers may come to Canada with an employment authorization visa that is valid for 1 year and renewable for 2 years. Although the worker may switch to another employer while working under employment authorization, she must apply for and receive formal approval Table 1.

Academic inquiries into Canadian policy on FDWs

Just as the policies regulating FDWs and their demographics have changed over time, so too have the content and analytical lenses of academic inquiries into foreign domestic work. Before 1973, when citizenship was more obtainable to FDWs, little academic

Table 1. Historical overview of Canadian government policy on FDWs

	Pre 1970s	Temporary Authorization Program	Foreign Domestic Movement	Live-in Caregiver Program
Time	WWII–1970s	1973–1981	1981–1992	1992–onwards
Targeted Europe, Caribbean	Caribbean	Philippines	Philippines	Countries/Regions
Citizenship Rights	Landed immigrant status for some groups	Temporary status, no citizenship	Apply for permanent residence after 2 years	Apply for permanent residence after 2 years
Length of programme	n/a	Until no longer performing domestic work	2 years, then apply for citizenship	2 years, then apply for citizenship
Live-in Requirement	Yes, but not explicit	Yes, but not explicit	Yes	Yes
Unique Characteristics	Unique provisions under the Caribbean Domestic Scheme Explicit racism	Temporary nature of programme because of increase in supply	Restrictive conditions for residence application	Restrictive conditions for residence application

attention was focused on the topic. The few published pieces from this time period are descriptions of domestic workers from particular ethnic groups (see Henry 1968; Leah and Morgan 1979; Turritin 1976). The community outcry and lobbying efforts related to the NEAP in 1973, which eliminated the prospect of citizenship for FDWs, led scholars to critically examine the politics of policy-making in the area. Three analytical themes have emerged from this academic attention such as: (1) conceptualizing policy-making in the area as reactions to incidents of contested citizenship; (2) documenting the inherently exploitative nature of the live-in requirement; and (3) examining the intersectionality of class, race, and gender in the case of FDWs.

Contested citizenship

Since the end of the Cold War, the issue of citizenship has become an increasingly popular topic across disciplines. In Canada, FDWs are considered a 'class of people good enough to do their dirty work, but not good enough to be permanent residents' (Martin and Segrave 1985, p. 121). The lack of citizenship rights afforded under the NEAP, FDM, and LCP not only led to lobbying efforts by domestic advocacy groups but also prompted academics to theorize about citizenship and its relationship to Canada's nation-building. Since this time, the notion of citizenship and how it pertains to policy on FDWs has been a key theme in academic investigation (see Arat-Koc 1997; Bakan and Stasiulis 1995; Cohen 2000; England and Stiell 1997; Welsh et al. 2006).

Much scholarly effort has been directed at juxtaposing the recruitment of FDWs to the Canadian domestic service sector and the lack of legal rights and protection granted to them. Macklin (1992, 1994) took an insider-outsider perspective, arguing that the domestic worker is 'admitted into Canada but barred from political membership, employed in a workplace but excluded from worker-protection laws, resident in a household but not a part of the family' (Macklin 1994, p. 13). This marginal existence is similar to what Pratt (1999) called 'non-citizen, not-yet-immigrant.'

Bakan and Stasiulis (1995), Stasiulis and Bakan (2005) challenged the conventional understanding of citizenship that emphasizes the formalized relationship between an individual and a nation-state within the territorial state. Joining other postnational theorists, they argued for an analytical framework that conceptualizes citizenship as consisting of multifaceted relationships that are constantly negotiated and contested not only within, but most evidently across, the state boundary. As a non-citizen in Canada, they argued, FDWs employment experiences under the LCP are shaped by the unequal power relationship between Canada and their home country, as played out in the peripheral, bureaucratic machinery of the respective nation-states, recruitment agencies, and individual employers.

Using this analytical lens, Bakan and Stasiulis examined the process and outcome of contestation between representatives of either side of the citizen/non-citizen divide from the international to personal domains. Their study of policy on and experiences of FDWs in Canada pointedly delineated how written regulations are infringed upon; how racial prejudice becomes systematic, discriminatory practices; and how terms of employment within private homes mirror patterned, macro inequalities (Bakan and Stasiulis 1994, 1995; Stasiulis and Bakan 2005). Based upon in-depth interviews with domestic placement agencies in Toronto, Ontario, the authors showed that in the effort to find potential foreign nannies to meet the caregiving needs of middle-class Canadian families, the placement agency not only constructs but also reproduces racialized stereotypes of employers and employees. Through their matchmaking function, placement agencies

simultaneously negotiate citizenship rights for foreign domestic caregivers and their employers.

Literature on the non-citizen status of FDWs depicts Canadian policy in a negative way: it has been based on a legalistic canon that emphasizes individual rights and entitlements. Analyses of policy implications for FDWs reveal this underlying theme. Discussions of the employment conditions for FDWs reveal how their entitlements as employees have been infringed upon and their rights violated. Terms such as 'surrogate housewife,' 'mail order maid,' and 'indentured labour' have been invoked to emphasize the institutionalized vulnerability of FDWs sanctioned by Canadian policy (Macklin 1992). As our review shows below, scholars have unanimously categorized the LCP as inherently exploitative because the Canadian government 'has under-regulated working conditions while over-regulating the workers' (Arat-Koc 2001 p. 367).

Employment experiences of the FDWs

Scholars have identified the live-in requirement, temporary employment status, and pending citizenship application as the key policy features that subject the FDWs to abusive and exploitative practices.

The live-in requirement By living in the employer's home, the domestic worker neither has nor can they insist on, a clear boundary between being on-duty and off-duty. Their physical presence makes them on call virtually 24 hours a day (Stiell and England 1997). Extra hours, flexibility of schedule, and additional care for sick children and baby at night are most often cited by the FDWs and researchers as exploitative demands (Aitken 1987; Silvera 1989). One study listed specific tasks, such as cooking, ironing, housecleaning, snow shovelling, doing the laundry, and mopping floors, and recorded the frequency and length of the performance of these tasks to document the scope and amount of reproductive labour performed by the FDWs (Stasiulis and Bakan 2005). Working hours ranged from 48–50 hours per week, making the hourly wage (\$4.53–\$4.73) significantly below the legal minimum wage at the time of the study (\$5.40–\$6.85) (Stasiulis and Bakan 2005, p.100).

These employment-related abuses are compounded by deprivation of autonomy and personal privacy. The live-in requirement subjects the FDWs to employer control over food, sleep, personal space, and social network (Pratt & Philippine Women Centre of BC 1998). Furthermore, the FDWs' reported feelings of being under surveillance and socially isolated, which coincide with their ambiguous status as a simultaneous outsider and insider. Without citizenship, the FDW is an outsider living in her Canadian employer's private home. As a domestic worker, she is expected to carry out her duty physically and lovingly as a devoted family member. This is probably why Grandea and Kerr (1998) found that many FDWs feel like they are living other people's lives and, consequently, harbour feelings of 'hate, fear and stress' (10).

Temporary employment status In the 1980s, FDWs were not explicitly protected by the Human Right Code and are barred from collective bargaining (Aitken 1987). Even though, for example in Quebec, FDWs are now covered by the human right provisions, their temporary and foreign status, unfamiliarity with the Canadian legal system, and scattered workplace and employers make collective bargaining an unpractical, if not completely infeasible, option to ensure their entitled protection and rights. Thus, the working conditions of FDWs are often unmonitored and the workers themselves

subjected to employment abuses. The common practice of 'nanny sharing,' for example, entails two or more families using the services of one nanny, which typically results in a large amount of unpaid overtime. FDWs are also compelled to do unpaid work when their employer abuses the unpaid trial periods for new employees (Grande and Kerr 1998). New employees are often compelled to complete an unpaid trial period whereby employers 'test' FDWs services to determine if they want to pursue a 1-year contract (Arat-Koc 2001; Grande and Kerr 1998; Spitzer and Torres 2008). Because the trial period occurs before, workers acquire a work permit (WCDWA 2005), the time does not count towards the 2-year employment period necessary to apply for permanent residence (Arat-Koc 2001). Although these practices obviously violate the LCP, they are grossly underreported because FDWs fear retaliation or have few alternative options.

Citizenship application The LCP requires FDWs to complete 2 years of live-in service with the employer listed on their employment authorization. It is within the employer's discretion to renew or cancel the position at any time, for any person not proscribed by minimum labour standards. Furthermore, upon completion of her 2-year, live-in services, if the FDW intends to apply for permanent residence, it is understood that a satisfactory employment record, including a favourable recommendation from her employer, will be well-received by the Citizenship and Immigration Canada. These stipulations make live-in domestic workers reluctant to confront any daily mistreatment or to file formal complaints through official means. Reports from numerous worker's rights groups including the Philippine Women's Centre of British Columbia (PWC), Community Alliance for Social Justice (CASJ), Filipino Women's Organization of Quebec (PIANY), West Coast Domestic Workers' Association (WCDWA), and International Coalition to End Domestic Workers' Exploitation for the Rights of Domestic Workers, Caregivers, and Newcomers (INTERCEDE), and the Philippine Women's Centre attest to the systematic vulnerability of FDWs (Spitzer and Torres 2008). Organizing efforts by these associations have led to the inclusion of workers from the LCP in Canada's workers' compensation scheme (Arat-Koc 2001), as well as their right to claim paid overtime. Nevertheless, the risk of deportation and denial of permanent residence is cited repeatedly as the primary obstacles to the workers taking advantage of those recent advancements.

Unquestionably, these three policy features define the structural parameters within which FDWs are bound to negotiate specific terms of employment with their employers. Nevertheless, such policy-driven orientation is not without shortcomings and oversight. This is particularly apparent in two thematic issues: workers' resistance and measurement of abuses.

Workers' resistance Researchers have used FDWs narratives to exemplify the relentless of structural injustices. Less attention has been directed to the nature of resistance that FDWs have exerted and transgressions they have made. A thorough reading of these stories and narratives revealed that FDWs are neither paralysed nor passive. We found many examples of workers so determined to get their citizenship that they have bitten their tongues, played dumb, or simply 'surrendered' until they get 'the paper' (Pratt & Philippine Women Centre of B.C. 1998; Schechter 1998; Silvera 1989). If situations made such self-imposed restraining tactics ineffective, they implored their social circle to find them an alternative employer. Although earlier ethnic immigrants, fellow domestic workers, or others in their social circle, have found themselves structurally marginalized, they often come through as resourceful, supportive allies (Pratt and Philippine Women Centre of B.C. 1998; Schechter 1998; Silvera 1989). It is particularly worth noting that the majority of the FDWs in Stasiulis and Bakan's (2005) study jointly rented an apartment unit over

the weekend to obtain a physical and mental break from their job and the employer's residence. A few of them were even able to bypass the live-in requirement entirely.

Cohen's study on the live-in caregiver's coping strategies is particularly informative (Cohen 1991). It illustrates the ways in which the caregiver utilizes community resources, personal networks, and personal, cognitive effort to defy abuses and isolation. Therefore, it is fruitful to systematically examine personal dissent, deliberate disengagement, and subtle or not so subtle transgressions that echo Scott's (1985) study of peasant resistance in rural South East Asia. The idea of 'weapons of the weak' can be a useful alternative paradigm by which to understand politics of the oppressed.

Measurement of abuses To document the unfavourable wages, lack of benefits, and oppressive working conditions for FDWs, researchers have mainly focused on legal grounds defined by the policy. They have quantified measurement of abuses by itemizing housework tasks and recording the frequency of their performance and overtime logged. Although this kind of study provides informative data to attest to abuses and exploitation, it inevitably yields a simplistic, narrow, and superficially well-defined notion of housework and caregiving. It ignores emotional labour, which, as has been well demonstrated by feminist scholarship, is an integral part of reproductive labour (DeVault 1991; Eichler and Albanese 2007; Hochschild 1983). A market-based assessment of FDWs contractual services further overshadows the social, unspoken expectation. Services provided by FDWs include a daily social exchange that is not limited to monetary transactions. The unspecified social obligation forms a vital, albeit invisible, part of the worker's employment contract. Romero's (1992) study of Chicana houseworkers in the United States suggested the importance of going beyond the legalistic model in policy analysis; Chicana workers reportedly to carry out household tasks for their employers, but reserve their 'love' for their own children and families.

Future research should therefore examine the conditions under which emotional labour is, or is not, withheld by FDWs, how such an exchange is understood, communicated, and sustained, and what norms are sanctioned, and by whom, and to accomplish which objectives. This research will fill a gap in the current understanding of the marketization of reproductive labour. It will also challenge Canadian policy makers, who have persistently failed to develop a comprehensive understanding of housework and reproductive labour in policy-making.

Full clarification of the employment experiences of FDWs in Canada will require recognizing the concurrent presence of oppressive practices and personal resilience and triumph. It will be equally important to incorporate feminist scholarship about emotional labour into policy analysis. Such effort should facilitate advancements similar to those made by theorists about the intersectionality of class, race, and gender, which addressed the interlocked complexity of those issues in policy on and experiences of FDWs in Canada.

The intersectionality of class, race, and gender

Early research about FDWs tended to address class, race/ethnicity, and gender as individual, independent concepts (Daenzer 1993; Turriffin 1976). More recently, however, an intersectional approach has been used to understand the experiences of FDWs (England and Stiell 1997; Langevin and Belleau 2000; Schecter 1998; Sharma 2000; Welsh et al. 2006). The following review includes both kinds of studies and illustrates how the use of intersectionality as a theoretical framework can help clarify the ways in which race, class,

and gender operate to create an interlocking system of hierarchy and oppression in the case of FDWs in Canada. It also clarifies how, because of the anomalous nature of citizenship under the LCP, discussion of citizenship has been incorporated into the intersectional framework.

Daenzer (1993, 1997) traced the evolution of programmes governing FDWs and found that these programmes have always been motivated by class interests. In contrast, restrictions to citizenship rights were instituted to thwart potential domestic labour conflict and further serve elite class interests (Daenzer 1997, p. 84). Palmer set out a similar class-based argument, claiming that middle-class professional women and their foreign domestic employees both contribute to the gentrification of Toronto's neighbourhoods (Palmer 2007): the former by participating in the labour force and by relocating their families to the increasingly gentrified downtown neighbourhoods, and the latter by carrying out the necessary reproductive labour for those affluent Canadian families. Similarly, Arat-Koc (1989) argued that by recruiting female workers from overseas to carry out reproductive labour for Canadian families, the LCP perpetuates, rather than eradicates, the on-going gendered division of labour within the Canadian heterosexual family, implicitly reproducing the devaluation of gendered work in the domestic sphere. But for the live-in caregiver, the LCP is one of the few options legally available to women without capital or formal certified professional skills to be qualified for consideration of entering Canada as immigrants (Oxman-Martinez et al. 2001); although their legal status is precarious and conditional.

The ethnic/racial dimension of the LCP has also been widely acknowledged. Access to citizenship rights was greatly restricted after the mid-1970s, when the source of FDWs changed from Britain to the Caribbean and the Philippines. Research has also shown that for example, the domestic labour market remains highly racialized, where a two-tiered system of British and Filipina nannies has emerged in Vancouver, BC. The former are praised by recruitment agents for their superior training and cold, disciplinary demeanour to children, while the latter are seen as affectionate but with a poor work ethic (Pratt 1997). These stereotypes have resulted in different wages for the two groups, with British caregivers receiving more.

While these studies are useful and informative, it is important to recognize too that FDWs are racially subordinated women positioned at the bottom of the class hierarchy in Canada. The complexity of their experiences cannot be fully captured simply by examining any single axis of their identity; it requires an examination of the intersections of race, class, and gender. An intersectional approach is more effective because it probes beneath a single identity to discover how other identities work to contribute to a situated disadvantage. In addition, not all Canadians have the funds to contract their reproductive labour out to foreign domestics. Thus, the LCP is not only gendered but also has class and racial implications for how family lives and reproductive labour are organized in Canada (Arat-Koc 1989, 1997; England and Stiehl 1997; Langevin and Belleau 2000; Schecter 1998; Sharma 2000). The intersectional lens also urges researchers to recognize a global trend in selling and purchasing domestic services across national boundaries in Europe, the Pacific, newly industrialized countries in Asia, oil-affluent Middle Eastern countries, and large cities in Africa and Latin America (Anderson 2000; CRIAW 2006; Hondagneu-Sotelo 2001; Lan 2006; Momsen 1999; Parrenas 2001).

The intersectional approach has also shed new light on subjective areas other than the labour market. A study by Welsh et al. (2006) about the sexual harassment of FDWs from three ethnic groups is a good example. Welsh et al. examined how women differently located in the intersectional matrix of race and citizenship

understand and react to sexual harassment. The authors compared and contrasted how three groups of women (white, black, and Filipina domestic workers) articulated sexual harassment. They found that white women often present a clear view of sexual harassment, stating that the behaviour is unwelcome and sexual in nature. They tend to frame their experiences in legalistic terms and many have taken legal action to address it. In contrast, black women tend to emphasize the racialized nature of such encounters. Rather than seeing workplace harassment as sexual, they see it as a 'mixing act' of power over race and gender. With citizenship rights, formal complaint and legal action are readily available to both groups. In contrast, Filipina domestic workers tend not to articulate an incident of sexual harassment within the framework of individual rights. They provide personal care inside their employer's private home and are without labour protection or citizenship rights; these facts have an important influence on their understanding and articulation of sexual harassment. They tend to be ambivalent about reporting the encounter, reluctant to confront their employer, and their efforts to minimize or ignore its impact speak volumes about the overlapping and crisscrossing effects of race and citizenship.

Literature about the intersectionality of class, race, and gender clearly indicates that the relationship between FDWs and a privileged class family involves interaction and negotiation far beyond a clearly insulated domain and/or well-defined household tasks. Even though only the privileged class families can afford to hire foreign domestic labour, it is erroneous to assume that women employers of those families are entirely free from all aspects of reproductive labour. The planning, organizing, and managing of family events/schedules and intra-familial care and support beyond the nuclear unit, which constitute a very significant, albeit invisible, aspect of reproductive labour, continue to fall upon the shoulders of the 'woman of the house.' These women are also expected to take on additional responsibility to designate, manage, and oversee deliberation of the FDW's labour (Lan 2006).

For example, the intersectionality of race, class, and gender clearly apply to an analysis of how a FDW is taught to cook 'healthy' and 'nutritious' meals for Canadian privileged class families. Grocery shopping was the single task that was not assigned to any FDWs in Stasiulis and Bakan's study; this might involve more complicated issues than financial concerns and regulatory measures about the worker's mobility (2005, p. 98). The meaning of cooking and caring is laden with gender-prescribed, class-based, racially/culturally defined values (DeVault 1991). In *Global Cinderellas: Migrant Domestic Workers and Newly Rich Employers in Taiwan*, Lan demonstrated that professional women in Taiwan make concerted efforts to negotiate and redefine femininity and domesticity when Filipina and Indonesian maids take up the bulk of the second shift (2006). This finding raises questions such as: What types of effort have been made by middle-class white Canadian women to address this issue? Have they used similar or different strategies? If so, what do the similarities or differences mean?

The literature also raises questions about how family life and daily living are re-negotiated and organized within the context of an influx of FDWs. Stiehl and England, for example, documented how employers asked their FDW to excuse herself from the family dinner as a way to preserve the privacy of their family life (1997). Stasiulis and Bakan (2005, p. 92) suggested that the emerging live-out arrangement may be a result of the employer's wish to carve out intimate 'family time' without the FDWs. As family lives continue to change, it may be time for policy makers to rethink their assertion that there is an unchanging shortage of waged domestic labour within the live-in market (Stasiulis and Bakan 2005, p. 50).

In the broader discussion of migration studies and nationalism, scholars have argued that the live-in caregiver is not only vulnerable to employment discrimination and exploitation, but is at risk of having to seek illegal migration pathways because legal means (i.e., temporary work permits, application for landed status and citizenship) are largely left in the control of their employers (Goldring et al. 2009). Although the official pamphlets and NGO documents persistently remind the live-in caregiver of their rights, the burden is on the caregiver to negotiate, assert, and safeguard their rights (Arat-Koc 2001; CASJ 2008). This assumption of individual responsibility means that FDWs access to social services and employment rights and protection are systematically curtailed. The likelihood for them to lose legal, migratory status led by discrimination and abuses speaks volume about the gendered and racialized nature of the LCP.

After this article is submitted for publication, new rules are issued for the FDW program in Ontario. For example, effective April 1, 2010, the LCP requires FDWs to complete a total of either 24 months or 3900 hours of authorized full-time employment to be eligible to apply for permanent residence. The FDWs have 4 years from their date of arrival to complete the employment requirement (Citizenship and Immigration Canada, 2010a). The employer is required to cover various application related fees as well as to keep a mandatory employment contract when they hire a FDW. The signed employment documentation is required when the FDW applies for consideration of permanent residence (Citizenship and Immigration Canada, 2010b). Canadian government has also recently introduced nation wide regulations that will allow the names and addresses of employers who have violated the NEAP and LCP to be posted on a government website and will ban such employers from participating in the programs for two years (Brazao 2009). While these are definite steps in the right direction, the onus remains on the FDW to bring complaints forward and potentially risk her employment status.

Conclusions

Our review illustrates that much Canadian scholarship focuses on documentation and analysis of the systematic abuses and institutionalized vulnerability of the FDW. Such scholarship critically challenges Canadian policy and policy-making in this area. It also supports FDWs and their political organizing. However, this policy-oriented framework is not without limitations.

For the FDWs, insufficient attention has been directed at systematically examining how they define and defend their terms of employment under constrained situations and unfavourable policy. Alternative theoretical frameworks sensitive to the politics of the oppressed may better capture the nuances of their situation. Furthermore, an integral part of the FDW's work calls for emotional labour, which is not easily measured or standardized. We need to understand not only the conditions under which FDWs sell their physical work but also their emotional labour. Incorporating the concept of emotional labour is necessary for a comprehensive, accurate understanding of the FDW's work in reproductive labour. Attention to emotional labour has been persistently ignored in Canadian policy and policy-making regarding caregiving in general.

For professional women in privileged Canadian families, the FDW shoulders a significant degree of housework and caregiving, but reproductive labour that is not assigned to the FDW still remains the responsibility of the 'woman of the house,' who must also take on the new responsibility of overseeing the work of the FDW. How they address and manage their domesticity and femininity in this new context and how their families

develop new routines to 'preserve' their family lives and daily living are issues awaiting scholarly attention.

On the whole, policy on, and employment experiences of, the FDW present challenges and opportunities for scholars, policy makers, and activists to reflect upon Canadian nation-building and its standing in the global context. Although providing and sustaining reproductive labour has never been an issue relegated solely to the private sphere, in our increasingly globalized economic-political context, it urgently requires a publicly mediated solution.

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Short Biographies

Ping-Chun Hsiung is an Associate professor in the Department of Sociology at the University of Toronto. She has contributed to the development of women's studies and qualitative research in China's universities through her contributions to professional training and academic debate. Her research areas are family and social change in Chinese societies, feminist epistemology and methodology, gender issues in comparative perspectives, and the women's movement and community organizing in China. She is currently working on a manuscript on practices and development of critical qualitative research in China.

Katherine Nichol's main research interests focus on gender, family, work and health. She recently finished her Masters of Arts in Sociology from the University of Toronto and her Bachelor of Arts (Honours) from McGill University in Political Science and Sociology. She is currently working as a research associate/study coordinator at the Arthritis Community Research and Evaluation Unit at Toronto Western Research Institute, University Health Network where she is researching the impact of arthritis on work and family life, as well as role participation.

Note

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