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# **Standing Committee on Citizenship and Immigration**

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**EVIDENCE**

**Thursday, May 14, 2009**

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**Chair**

**Mr. David Tilson**

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## Standing Committee on Citizenship and Immigration

Thursday, May 14, 2009

● (0905)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** I call this meeting to order. This is the Standing Committee on Citizenship and Immigration, meeting number 17, Thursday, May 14, 2009.

We have two items on the agenda for today. The first is committee business. It is a motion by Monsieur St-Cyr, and you have all received his notice of motion. The second, pursuant to Standing Order 108(2), is a study of ghost consultants and migrant workers.

The first item, as has been agreed, is the motion by Monsieur St-Cyr.

Monsieur, if you would, read your motion and say a few words, please.

Did you have a point of order, Mr. Karygiannis?

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** I wanted to ask, Chair, wasn't this sent to the subcommittee?

**The Chair:** I got a notice of motion, which I received last week, and we're going to allow Monsieur St-Cyr to proceed.

[Translation]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Thank you, Mr. Chairman.

This is the motion I introduced:

That, notwithstanding the referral motion adopted Thursday, May 7, the committee proceed immediately and without further delay with the clause-by-clause consideration of Bill C-291 and that this clause-by-clause consideration be completed before the committee undertakes any other business.

When we met on Tuesday to prepare the committee's agenda, I agreed that we would study the issue of ghost consultants and migrant workers, which is underway this week, provided that we completed the clause-by-clause consideration of my Bill C-291 on the Refugee Appeal Division on Thursday. However, last Thursday, once our business was completed and there remained only about five minutes to vote on the one and only clause in the bill, the Conservatives introduced a dilatory motion, seconded by the Liberals. They had obviously consulted each other in advance since there wasn't even any debate on the matter. The purpose of the motion was to defer to a much later date the study of Bill C-291, on which Parliament has ruled on a number of occasions.

Parliament spoke once eight years ago, when it decided to implement the Refugee Appeal Division. In 2004, this committee unanimously held in favour of implementing the Refugee Appeal

Division. In the last Parliament, an identical bill was passed with the support of the Liberals and the NDP. This time the Liberals supported the bill again in committee.

We have to be consistent. We can't support this bill in the House on the one hand and, in committee, accept a dilatory tactic designed merely to conceal a certain hypocrisy. Ultimately, you support the bill because that looks good in public, but you don't intend to pass it.

I understand why the Conservatives are trying to delay this bill. It's legitimate in their case, since they oppose it. So they are doing it in good faith. Nevertheless, today I'm asking the Liberals to show that they are in good faith as well when they say they support Bill C-291. We have five minutes left, which is enough to conduct the clause-by-clause consideration and to adopt this bill.

Although we often like to do nice things for the media that have good show value, I would like to remind you that our primary duty is to vote on and pass laws. I am opposed to deferring this item until the fall. Rather than devote time to making presentations that are often more for show than the work of a legislator, let's use the five minutes we have left to study my bill.

For all these reasons, I invite the members, particularly the Liberals, to show their good faith in this matter and to proceed immediately with the clause-by-clause consideration of the bill. It will take us five minutes, and we can refer the bill back to the House.

● (0910)

[English]

**The Chair:** Just give me a moment.

The motion contradicts a motion of last Thursday, but the chair holds the motion to be in order.

I have a list of speakers.

Mr. Dykstra.

**Mr. Rick Dykstra (St. Catharines, CPC):** I'm going to be supporting what I think is a motion to move this back to the steering committee.

**The Chair:** That isn't what the motion says.

**Mr. Rick Dykstra:** I didn't really have my hand up to speak.

**The Chair:** Mr. Karygiannis.

**Hon. Jim Karygiannis:** I didn't hear what Mr. Dykstra just said; I'm sorry.

**The Chair:** He's passing; he's not speaking.

**Hon. Jim Karygiannis:** Chair, we had a motion to send this to the subcommittee. It was voted upon and agreed upon. Mr. St-Cyr, coming back and dumping all over his colleagues and the Liberal Party and the Conservative Party, is certainly not greatly appreciated. This is like a little child who says "If you're not going to play my way, I'm going to take my marbles and go home." That is not what we're here for.

This motion was sent to the subcommittee. It should be studied there and then brought back for us to take another look at it. It was clear; it was passed. Why are we rehashing the same old thing again?

So I would make a motion, Chair, that we send this motion to the subcommittee.

**The Chair:** Well, there is a motion on the floor.

Ms. Mendes.

[Translation]

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Chairman, I would like to point something out to my colleague Mr. St-Cyr. I'm one of those persons who requested that this motion be transferred to the subcommittee, for the simple reason that we have addressed the question as to how we can ensure that individuals awaiting status are properly assessed once they have appeared before one, two or three board members.

I think the Refugee Appeal Division issue is extremely important. I am still in favour of implementing that appeal division. However, as some witnesses told us that the structure or bureaucracy could complicate the process, it might perhaps be better to defer this study.

[English]

**The Chair:** Ms. Mendes. I'd like you to speak to the motion.

**Mrs. Alexandra Mendes:** I am speaking to the motion. I'm just saying that our intention in sending it off to subcommittee was to study it better. Is there a possibility?

I'm not in any way against the basic motion. I was one of the ones who proposed that we send it to subcommittee to study it a little more, because I thought there were alternatives to strictly the border patrol. That was my point.

**The Chair:** Monsieur Saint-Cyr.

[Translation]

**Mr. Thierry St-Cyr:** Mr. Chairman, I'm criticized for going back over an already established agenda. I will point out that we are here precisely because we've done it. It was agreed that we would complete the clause-by-clause consideration at our Thursday meeting. If we want to reverse our agenda once, we can do it a second time.

The study is completed, and no further witnesses are scheduled because that's not necessary. Parliament has already studied this bill in the last Parliament. In 2004, the members of this committee voted unanimously in favour of implementing the Refugee Appeal Division immediately. We clearly have before us a dilatory manoeuvre by the Conservatives. We can understand why they are opposed to it, but we don't understand the Liberals' cooperation. No meeting of the Subcommittee on Program and Procedure is scheduled this spring or summer. At best, that takes us up to the

fall. You can see that the sole purpose here is to push back adoption of this bill by a number of months, whereas it's been awaited for eight years.

For all these reasons, I think this is a good opportunity for the Liberals to show their good faith and to support this motion so that we can finish with this matter and refer the bill back to the House.

Mr. Chairman, I'm going to request a recorded vote on this motion.

● (0915)

[English]

**The Chair:** Does everyone understand the motion?

We'll have a recorded vote, Mr. Clerk.

**Mr. Rick Dykstra:** Could you read the motion, please?

**The Chair:** The motion is as follows:

That, notwithstanding the referral motion adopted Thursday, May 7, the committee proceed immediately and without further delay with the clause-by-clause consideration of Bill C-291; and that this clause-by-clause consideration be completed before the committee undertakes any other business.

(Motion negated: nays 6; yeas 3)

**The Chair:** We're now going to continue, with the second item of our agenda.

Mr. Dykstra.

**Mr. Rick Dykstra:** We had agreed that we were going to spend an hour with these witnesses and another hour with the following witnesses. We are now into this by about an additional 10 to 15 minutes. I want to make sure that we are going to have an hour and will get all our rounds of questioning in, even if we need to extend.

**The Chair:** Well, it's a tough division, Mr. Dykstra. We also agreed that Monsieur St-Cyr would have his motion, and I followed those instructions. I'm at the mercy of the committee, whatever it wants to do.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** In order to accommodate everybody, can I make a friendly motion that the first round be five minutes and every other round after that four minutes, so that we all get our chance to go in?

**The Chair:** Five and four; I see no opposition to that.

We're now proceeding with some witnesses, some guests we have invited.

I'm going to assume who you are. I see Migrant Ontario, represented by Aimée Beboso, and we have Agatha Mason, who is the executive director of Intercede.

Welcome to the committee. I'm going to suggest that each of you have five minutes to make introductory comments. We're pressed for time, so if you could stick to that, I would appreciate it.

Ms. Beboso, you are first on the list, so we'll let you proceed. Welcome, again.

**Ms. Agatha Mason (Executive Director, Intercede):** We have someone here, my colleague, who went to the washroom.

**The Chair:** We'll wait for that person to proceed, but we'll carry on with the meeting. When that person returns....

Ms. Beboso.

**Ms. Aimée Beboso (Member, Migrante Ontario):** Good morning. Thank you for having us.

My name is Aimée Beboso. I'm a board member of the Philippine Migrants Society of Canada, a grassroots organization here in Ottawa. We're a member of Migrante Ontario.

We represent migrant workers. A majority of our membership are live-in caregivers who work under the live-in caregiver program.

**The Chair:** Ms. Mason, did you wish to make some introductory comments?

**Ms. Agatha Mason:** I can't hear you. I had a terrible flight coming in here. My ears are blocked up; I'm not hearing you clearly.

**The Chair:** You can't hear me? Did you say you cannot hear me?

**Ms. Agatha Mason:** Okay, I'm hearing you now.

**The Chair:** I draw to the attention of both of you that there are earphones. Sometimes we will speak English; sometimes we will speak French.

Do you hear me now, Ms. Mason?

**Ms. Agatha Mason:** Yes, I do, clearly.

**The Chair:** If Ms. Quash attends, she is welcome, but we have to keep moving.

So do you have some introductory comments, Ms. Mason?

• (0920)

**Ms. Agatha Mason:** Actually, she was going to do the introductory comments.

**The Chair:** We're going to proceed with questions.

We'll suspend for a minute, Ms. Mason. We'll suspend until Ms. Quash returns.

• (0920)

(Pause)

• (0920)

**The Chair:** We're going to reconvene.

Ms. Eunice Quash of Intercede, welcome to the committee.

When you were away, I indicated you would have up to five minutes to make some introductory comments, if you wish to make any. You may not wish to make any, but you're quite welcome to make some introductory comments.

As you know, we're here to study ghost consultants and migrant workers.

Welcome.

**Ms. Eunice Quash (Intercede):** Thank you.

My apologies for being late.

**The Chair:** It's quite all right.

Go ahead, Ms. Quash.

**Ms. Eunice Quash:** My name is Eunice Quash. I'm the secretary of the board of directors for Intercede and a member of the executive committee.

Intercede for the Rights of Domestic Workers, Caregivers and Newcomers is a non-profit agency that is funded through the contribution agreement from the immigration settlement and adaptation program, ISAP, and a grant from the City of Toronto community service program. We are governed by a board of directors who represent a broad cross-section of the community to include persons who have been through the live-in caregiver program. An executive director and a five-member staff provide service 9 a.m. to 5 p.m. from Monday to Friday and twice monthly on Saturdays and Sundays.

The mandate for Intercede is to provide free and confidential service to domestic workers, caregivers, newcomers, and their families. Our services include immigration counselling, job search, newcomer orientation workshops, special workshops, referrals, advocacy, educating clients on their rights and responsibilities as stipulated in the Ontario Employment Standards Act, and accompaniment.

An increasing number of caregivers under the live-in caregiver program have disclosed various forms of violations, ranging from unpaid wages to sexual abuse. In collaboration with other agencies, we have always sought to provide support to all our clients where possible. We have had many successes and we have also had a myriad of challenges.

Approximately 60% of Intercede's clients are from the Philippines, while the remainder are from many countries around the world, including China, Japan, India, Jamaica, Peru, Ecuador, Sri Lanka, Pakistan, Nigeria, Ghana, Mauritius, St. Lucia, St. Vincent, Trinidad, Guyana, Hong Kong, Venezuela, St. Kitts, Antigua, and Russia. Many clients have used the service of employment agencies to enter Canada under the live-in caregiver program and in some instances have been released upon arrival. That means facing unemployment, creating stress and anxiety.

The live-in caregiver program allows caregivers only three years in which to work and pay taxes for 24 months, in order to become eligible to apply for landed immigrant status. The live-in caregiver program, as it is currently structured, poses many challenges for caregivers. Many caregivers find it difficult to succeed in the program.

Intercede has always taken the stand that ideally caregivers should be allowed to enter Canada as landed immigrants. Failing that, the program should be reviewed and allow for the following changes: caregivers should have the option to live in or out of the employer's home; work permits should not specify a particular employer, so as to facilitate easier change of employers for caregivers who are already legally permitted to work in Canada; OHIP numbers should not be different, to help eradicate discrimination; special consideration should be given to caregivers who have experienced violations from employers; the waiting time for the renewal of permits should be reduced; the processing of labour violation claims should be expedited; ensure that the employer or potential employer is equipped to house caregivers; the process of permanent residence for family members should be expedited; work contracts for caregivers should clearly state the duties and responsibilities; the three-year period should be extended; and caregivers should be allowed to attend school if their work schedule allows them the time to do so.

The live-in caregiver program is broken, and all the bandages may be just a temporary fix.

Thank you.

• (0925)

**The Chair:** Thank you.

A hand is up. Ms. Beboso, yes.

**Ms. Aimée Beboso:** Hi. This is my first time as a witness in a standing committee. I wasn't clear that our introduction needed to be extensive. If you need more information on our organization—

**The Chair:** Sure, I'll give you a few minutes.

**Ms. Aimée Beboso:** I wasn't clear on how extensive....

**The Chair:** No, I understand that. If you're new, you're quite right, it's a new experience.

You can give some introductory comments, Ms. Beboso.

**Ms. Aimée Beboso:** The Philippine Migrant Society of Canada, or *Pilipinong Migrante Sa Canada*, has more than 100 women who are under the live-in caregiver program. Our objectives are to organize and mobilize overseas Filipinos on issues faced by Filipino migrants and the Filipino people; launch education campaigns aimed at raising the political consciousness of migrant Filipinos in Canada; provide assistance and services to Filipino migrant workers to improve their living and working conditions in Canada; and support the struggle of the Filipino people for social justice, genuine freedom, and democracy.

Key activities of our organization are organizing and education, which means PMSC raises awareness about issues of migrant Filipinos through orientation sessions, discussion and study groups, video showings, information workshops and public forums that highlight the common issues faced by migrant Filipinos in Canada, campaigns, networking and alliances wherein PMSC is actively seeking changes to programs and policies that lead to the abuse and exploitation of migrant workers. A key focus is Canada's live-in caregiver program.

Difficult working conditions faced by live-in caregivers can be traced to the fact that they are required to live and work in their

employers' homes, which makes them vulnerable to forms of abuse other workers in Canada do not experience. Common problems are long working hours and unpaid overtime. Given that live-in caregivers work under temporary work permits, they are tied to their employers' names. Their ability to get out of difficult situations is severely constrained.

In launching its campaigns, PMSC works with organizations and networks that share its vision. We also do information and research wherein PMSC gathers information and conducts research in order to keep migrant Filipinos in Canada aware of their rights. It publishes a regular newsletter to share information, news, and stories of migrant workers. PMSC also conducts surveys and focus group discussions to learn more about the issues faced by migrant workers in Canada. Lastly, we also provide services wherein PMSC provides assistance to migrant Filipinos who seek help and justice for abuses committed against them. The organization also provides a range of services to its members including know-your-rights workshops, English as a second language classes, tax services, computer training, job placement, and CPR training. As part of building social networks among migrant Filipinos, PMSC also organizes social events for its members.

As well, we have ongoing campaigns currently, and I'm sure you guys, if anything, have heard of Bill 160 for recruitment agencies and the Juana Tejada law. That deals with removing the second medical examination once a live-in caregiver has finished the program and is applying for landed immigrant status.

Thank you.

• (0930)

**The Chair:** I'll just explain to you what we're going to do now. Each of the four political party representatives will ask you questions on this topic. That will take five minutes for the questions and answers.

We will start off with Mr. Karygiannis.

**Hon. Jim Karygiannis:** Good morning, and welcome to the committee.

Ms. Eunice, you've said you're getting funding from ISAP, I believe it is, and you're there to intercede and to help caregivers. And you're employing  $x$  number of people, and there are board members. Are any of your board members on the payroll?

**Ms. Eunice Quash:** No.

**Hon. Jim Karygiannis:** Okay. How much money per year do you receive, and this year and last year how much money did you receive from ISAP?

**Ms. Eunice Quash:** I'll let Agatha answer that, if you don't mind, as the executive director.

**Ms. Agatha Mason:** The contribution agreement allows for \$319,000, and we had a slippage of about \$50,000.

**Hon. Jim Karygiannis:** And this is strictly to provide assistance for migrant workers and caregivers?

**Ms. Agatha Mason:** We provide services for what are referred to as ISAP-eligible clients, meaning people who come through immigration in Canada and are eligible to work legally under the temporary foreign worker program. Our focus, though, is on live-in caregivers and caregivers who are—

**Hon. Jim Karygiannis:** Of the percentage of the funding that you get and the amount spent, how much of it is strictly for caregivers, percentage-wise?

**Ms. Agatha Mason:** When you are asking about caregivers, are you talking in terms of programs? All of it is for programs—

**Hon. Jim Karygiannis:** So 100% of your focus is on caregivers?

**Ms. Agatha Mason:** Yes.

**Hon. Jim Karygiannis:** So a caregiver comes in and she or he has three years in order to work and then apply for an H and C, humanitarian and compassionate grounds, in order to land permanently, right?

**Ms. Agatha Mason:** A caregiver has to work for 24 months and pay taxes within three years to be eligible to apply for landed status.

**Hon. Jim Karygiannis:** And then they apply from Vegreville?

**Ms. Agatha Mason:** Yes.

**Hon. Jim Karygiannis:** And then their family gets processed overseas?

**Ms. Agatha Mason:** Yes.

**Hon. Jim Karygiannis:** And Vegreville takes about three to four years?

**Ms. Agatha Mason:** Yes, it can take up to three to four years.

**Hon. Jim Karygiannis:** Okay. And by the time the family gets reunited, it could be up to six years.

**Ms. Agatha Mason:** Yes. For example, many of the caregivers we are seeing from the Philippines have migrated to countries like Hong Kong, Japan, Israel, so by the time they come, the unification—

**Hon. Jim Karygiannis:** Ms. Mason, I'm fully aware of the numbers and the migration. I'm talking about Canada. Can it take up to six years before a family can be united?

**Ms. Agatha Mason:** Yes.

**Hon. Jim Karygiannis:** So if a lady has a two-year-old, by the time that two-year-old gets united with the mother in Canada, he or she can be eight years old.

**Ms. Agatha Mason:** Yes.

**Hon. Jim Karygiannis:** There's an injustice right there. The present system does not work.

• (0935)

**Ms. Agatha Mason:** Actually, I was going to address that—

**Hon. Jim Karygiannis:** The present system does not work. Correct?

**Ms. Agatha Mason:** It is broken.

**Hon. Jim Karygiannis:** Okay. So let me offer you something else. Every caregiver who comes in gets what an entrepreneur gets: they get landing status, and at the end of two or three years, after

they're able to fulfill their conditions, they go and remove conditions. So if you're coming into this country to start a business, you have two years to start the business, you go to Immigration Canada, you prove that you started the business, and then they relieve the conditions.

So what I'm saying to you, and I just want to get your opinion if this would work, is a caregiver is given landed status and she or he has an opportunity of two to three years to work in the field, provide proof that they work in the field, and then they go and remove their conditions. Will something like that work?

**Ms. Agatha Mason:** Something similar to that will work.

**Hon. Jim Karygiannis:** Okay. That will put you out of business.

**Ms. Agatha Mason:** Not necessarily.

**Hon. Jim Karygiannis:** No, but in the problems we're facing—abuse, OHIP, and everything else—as soon as you come in as a landed immigrant, you have your regular OHIP, you have your SIN number, and you have an open work permit because you're a landed immigrant. That would definitely put you out of business.

**Ms. Agatha Mason:** Put me out of business? No. And you know —

**Hon. Jim Karygiannis:** No, no, but in the problems that we're facing.

**Ms. Agatha Mason:** Do you know what, though? I believe that everyone who works in the social field should work themselves out of a business as part of proving success. So if that's what you're alluding to, that's not a bad thing.

**Hon. Jim Karygiannis:** No, what I'm trying to tell you, Ms. Mason, is that the problems we're facing right now, you won't face any more.

**Ms. Agatha Mason:** No, because a lot of the problems that we're facing have to do with the relationship between the employer and the caregiver. And you know in this society, even for people who are landed immigrants and citizens, they have problems in the workplace. So caregivers come into an extraordinary or different workplace when they live in someone's home.

**Hon. Jim Karygiannis:** Ms. Mason, if they're landed, they will face less difficulty.

**Ms. Agatha Mason:** What would change, though, is that it will put them in a more just and equal position to come in as landed immigrants, like Europeans did years ago.

**The Chair:** Thank you, Mr. Karygiannis.

Mr. St-Cyr.

[Translation]

**Mr. Thierry St-Cyr:** Thank you, Mr. Chairman.

Thank you for being here today.

I get the impression that history is repeating itself. I took part in the committee's consultations across Canada. Those consultations focused on temporary foreign workers and resident household workers. Consequently, across the country, I've often heard the proposals you've made. That's why many of them appear in the report we adopted a week ago. Among those proposals, there is the one concerning the open permits enabling an employee to switch from one employer to another once he arrives in Canada. He wouldn't be assigned to a single employer. There is also the recommendation that the obligation for household workers to live at the home of their employer would be abolished.

Having regard to those two recommendations, are you satisfied with the committee's report on the whole?

[English]

**The Chair:** You need to direct that to some of the witnesses, unless they have no comment.

**Ms. Agatha Mason:** Actually, I only heard the last part of the second question, in relation to whether we agree with the report.

[Translation]

**Mr. Thierry St-Cyr:** I wasn't talking about the report as a whole. There are a number of points in the report that I wanted to examine. I believe that Ms. Quash spoke to me about an open permit enabling domestic workers to switch between employers. That idea was taken up by committee members, as was the idea of abolishing the residence requirement.

The report also contains a proposal that I had put forward, and I thank my colleagues for supporting it. We require that temporary foreign workers, including domestic workers, meet with an organization such as yours or an NGO a few months before they arrive to enable them to leave their work place and to make sure that everything is going well.

The problem we've often observed is that these people often live at their employer's homes and are cut off from society. They have no way of knowing their rights or of saying what is going on in their work place. By compelling them, in a way, to meet with an organization, committee members thought that might help them report situations of abuse and gain a better understanding of their rights.

Do you think that measure adopted by the committee is a good one?

• (0940)

[English]

**Ms. Agatha Mason:** Yes, I agree with the process. In fact, we run orientation sessions, and I see a direct relationship between the people who have the information, who know about their rights and responsibilities within the first year of arriving in Canada, and the success after 24 months. Definitely, if people who come into the country under the program are allowed to get the information from the start, that will make a big difference.

[Translation]

**Mr. Thierry St-Cyr:** The purpose of that recommendation was more than simply to enable them to meet with an organization; it was to make those meetings systematic. Currently, you can give these

people training, but some of them escape you because they are still living with their employers and have no contact with the outside world. So they never go to see you.

The purpose of this recommendation was to include in the program a mandatory meeting after three months, for example, with an organization of that kind.

Do you think that could be useful for these people?

[English]

**Ms. Agatha Mason:** Yes, I think that would be useful. In fact, we had a caregiver who was imprisoned in a house for 14 months and not allowed to leave. So definitely, when she got the information in terms of her rights and responsibilities, she was in a better position to make an informed decision that improved her condition.

[Translation]

**Mr. Thierry St-Cyr:** All right.

Another proposal made during our consultations, for which we did not get our colleagues' support, was that the employer be assigned responsibility for ensuring that recruitment agencies abide by the laws. We know that certain unscrupulous recruitment agencies do not comply with the laws by, among other things, illegally charging workers fees. These individuals have trouble getting their money back because the agencies are often hard to trace. They can operate from outside the country.

[English]

**The Chair:** You're well over, Monsieur St-Cyr. Please wind up.

[Translation]

**Mr. Thierry St-Cyr:** Would you be in favour of enabling workers who have been cheated by their agency to turn to their employers for reimbursement of the fees that the agency has illegally collected and of those employers subsequently being reimbursed?

[English]

**Ms. Agatha Mason:** I agree with the fact that the agency should be regulated. The problem, however, is that a lot of the caregivers we see who complain about the high fees that they pay—and some of them pay up to \$10,000—have no receipt. There's no proof, because it's cash in most instances. So in terms of being able to get that money back, I don't know how we'd be able to go about doing it. There is actually no proof. It's just word of mouth. We believe them because the stories have been very consistent.

**The Chair:** Thank you.

Ms. Mathysen.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Thank you, Mr. Chair.

Thank you, witnesses, very much for coming here. I know this is a very intimidating environment sometimes, and I appreciate your being here.

I'm going to direct my questions to Ms. Mason. How often does your office receive complaints from temporary workers, and what are the most common complaints that you hear?



**Ms. Agatha Mason:** The vast majority of clients come into our office because they have complaints. Several other agencies help caregivers, and they usually help them fill out forms to extend permits. Most of the caregivers we see come because they have some irregularity regarding their immigration documents—misrepresentation, for example. A lot of them come because of violations of the Employment Standards Act.

In most instances, we try to resolve the issue if we can. In some instances, we make referrals to other agencies. In some instances, we help them retrieve documents, with the help of the police. In other instances, we provide them with guidance on making claims through the Ministry of Labour.

As to categorizing and looking at what the most common violation would be, I would think it's people who are working long hours and not being paid adequately. Most of them, for example, work on statutory holidays 12 hours a day and only get paid for the regular 40 hours per week. Most of them don't receive overtime.

• (0945)

**Ms. Irene Mathysen:** Thank you.

Ms. Tongson, one of the caregivers who testified on Tuesday, told the media that she was concerned because she'd given her passport and documents to Ms. Ruby Dhalla, and that she'd called to ask for help. Are you aware of this call from Ms. Tongson?

**Ms. Agatha Mason:** Yes, I'm aware of the call.

**Ms. Irene Mathysen:** How were you involved, if you were involved at all?

**Ms. Agatha Mason:** This is a copy of the Bell phone bill that indicates the call was made from my office. I was the actual person who made the call and spoke with Ruby at the time.

**Ms. Irene Mathysen:** What was the substance of your conversation?

**Ms. Agatha Mason:** I called her because I received a phone call from a woman who sounded very upset on the phone. In fact, she was crying. Usually, staff do not deal with crisis calls and caregiver calls. I usually take the call and treat it as a crisis call. In this situation she was crying, and she gave a lot of information pertaining to the situation in her workplace. Based on my determination, I got her permission to make a phone call. She gave me the number in Ottawa; I made the call and had a conversation.

**Ms. Irene Mathysen:** A conversation with Ms. Dhalla?

**Ms. Agatha Mason:** I had a conversation with Ms. Dhalla relating to allegations about breaking the law, essentially. As I said to her, when we get calls from employees who say their personal documents were taken away for whatever reason and intent, we have a standard response. We first ask the employee, in this situation the caregiver, to ask the employer to give the documents back. She said she had asked for the documents on several occasions and was refused. The next step is to ask for permission to make a call on behalf of the person. She gave me permission, and I made the phone call. As far as I know, based on my phone call, the documents were returned the following day. To me, that was the end of the story, until it resurfaced in the press a year later.

**Ms. Irene Mathysen:** Ms. Dhalla told the committee that she could not understand why the caregivers would wait 15 months to

come forward with their information. Do you have any insight into that? Why would they wait 15 months?

**Ms. Agatha Mason:** I must say, before I respond to any questions, that we're talking about something that happened a year ago. Actually, my call was on May 29 last year, so I want to point out that moving a situation out of context makes it hypothetical. I just want to say that as a broad statement before responding specifically.

**The Chair:** We have a point of order.

**Hon. Jim Karygiannis:** Does Ms. Mason have permission from the person she's talking about to release these documents? Having documents, as an agency or as a member of Parliament, you must guard them, and you cannot speak about them unless you have authorization. Chair, on a point of order, through you, can we find out if Ms. Mason has that authorization from the individual she's talking about?

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Point of order, Mr. Chair.

**The Chair:** On the same point?

**Hon. Maurizio Bevilacqua:** That's right.

Ms. Mason, you understand that—

**The Chair:** No, you're speaking to me, not to the witness.

**Hon. Maurizio Bevilacqua:** Mr. Chair, Ms. Mason has made a comment in reference to one particular case, mentioning the member of Parliament for Brampton—Springdale, Ruby Dhalla. She has mentioned only that case. Is she concerned about the fact that...? Perhaps a fair question from this committee would be to—

**The Chair:** I know where you're going. Mr. Karygiannis raised an issue of privacy. You're going somewhere else.

**Hon. Maurizio Bevilacqua:** It's a privacy issue as well, because if she's going to make public one employer, is her next step to make public all the employers that she's called with complaints?

Is that what you're going to do, or are you going to talk just about one particular case?

• (0950)

**Ms. Agatha Mason:** I don't have to talk about this case—

**The Chair:** Ms. Mason, I would rather just deal with the members.

**Hon. Maurizio Bevilacqua:** There are privacy concerns here.

**The Chair:** Mr. Bevilacqua is in the middle of his point, and we'll let him continue.

**Hon. Maurizio Bevilacqua:** I have made my point.

**The Chair:** Thank you.

Mr. Dykstra.

**Mr. Rick Dykstra:** Mr. Chair, these folks are here at our request. They're presenting at our request to talk about this issue overall. Ms. Mason is free to speak about the issues she wants to speak to. I do not think it is our responsibility to try to intimidate these people while we're sitting here trying to work through this issue. I don't accept that. I think as we move through this, we need to keep that in mind.

We want to move through and do things properly.

**The Chair:** Okay, Mr. Karygiannis, it may be a point, but it's not a procedural point. I don't think the chairman is in a position to comment on something that's not a procedural point. I'm therefore going to rule that it is not a point of order.

Ms. Mason, you may continue.

**Hon. Jim Karygiannis:** Mr. Chair, just a word—

**The Chair:** We're not going to debate my ruling.

**Hon. Jim Karygiannis:** No, sir, I'm not debating your ruling. It's just a word of caution. You might want to tell the witness, just caution the witness—

**The Chair:** No, I'm not doing that. Enough has been said.

Ms. Mason, you can continue.

**Ms. Agatha Mason:** When I introduced myself, did I say I had no ambition to be a politician? I needed to state that.

**The Chair:** After what's going on here, you probably don't.

**Ms. Agatha Mason:** After this exchange, I am certain about that.

**The Chair:** We're going to start the clock again. If you wish to answer the question that was asked by Ms. Mathysen, you may. If not...

**Ms. Agatha Mason:** Can you repeat the question?

**The Chair:** Ms. Mathysen, try to be brief. We seem to have lost all control of time here.

**Ms. Irene Mathysen:** I was asking why a caregiver would wait 15 months in order to come forward. Do you have any insight into that?

**Ms. Agatha Mason:** I think the most appropriate person to answer that question would be the caregiver, but I can give you my take, based on what I know. As far as I learned, there was a forum in Toronto. I wasn't at the forum, actually. I was at another forum with caregivers at that particular time.

From my understanding, at that forum where several caregivers were present, whoever was conducting or chairing the meeting invited caregivers to come forward and talk about their experience as caregivers. This particular caregiver came forward and related a story that involved a public figure.

I must point out, though, that prior to this whole political melee, I had no idea that the person involved was of that stature, a politician. I remember the name only because it was the name of a birthstone. That's it. I didn't know who she was.

**The Chair:** Mr. Karygiannis, please...

Mr. Dykstra.

**Mr. Rick Dykstra:** Thank you, Mr. Chair.

I want to continue to pursue this line. On Tuesday we had just under two and a half hours of testimony from Ms. Dhalla, Ms. Tongson, and Ms. Gordo. There's no question that the two sides do not have any harmony whatsoever in terms of what happened with respect to the situation in the Dhalla home.

I understand now, after Tuesday's meetings, that the leader of the Liberal Party has determined that Ms. Dhalla's side of the story is the one that he's going to pursue and believe. I think it was a little early for anyone to make that kind of determination.

And Ms. Mason, Ms. Beboso, and Ms. Quash, I really appreciate your being here this morning to assist us with the greater good. We're trying to make sure that the report we present to the House is one that will assist you in your work and assist us in making sure that the rules and legislation we have in place are good for the work that you do and the folks you take care of.

Ms. Mason, I was the one who asked the question specifically to Ms. Dhalla about her conversation with you. She indicated to me that the only call she'd ever had with you was to redirect you to speak with her brother. I understand from what you said this morning that this is simply not the case, that you in fact did have a conversation with Ms. Dhalla specifically about the passports that were being held by the Dhallas.

● (0955)

**Ms. Agatha Mason:** I just want to say that I was not privy to Tuesday's hearing. I only got a snippet on the news, what everybody else saw. I have not had a conversation with any of the parties who were involved in the hearing.

But to answer your question, I clearly recall that, as I do routinely when employers break the law, I gave her clear directions that she was breaking the law and she had 24 hours in which to return the documents. I remember that clearly.

As far as I remember, the documents were returned the following day.

**Mr. Rick Dykstra:** So nowhere in that conversation did Ms. Dhalla indicate to you that you should be speaking with her brother.

**Ms. Agatha Mason:** No. In fact it was the opposite. I had a conversation with her brother and I was directed to her. I remember that clearly because we are a small agency with a very tight budget, and I am always hesitant to make long-distance calls, so I made a local call first.

I have the numbers. I have a 905 number in Mississauga. Then I had a call to Ottawa.

**Mr. Rick Dykstra:** Ms. Mason, when you spoke with Ruby Dhalla's brother, did he indicate to you that he had full and complete responsibility for that file?

**Ms. Agatha Mason:** No. I spoke to him. In fact when I made that call, the caregiver had indicated.... I asked her routinely who were the adults in the house, what was the job she was doing. She indicated that she was taking care of an elderly woman. She mentioned some of the chores she was doing. Some things were appalling to me, even if I thought I had heard it all. But I don't want to put any subjective spin on this. I just want to stick to the facts.

**Mr. Rick Dykstra:** I appreciate that.

**Ms. Agatha Mason:** So the caregiver gave me the numbers of Ms. Dhalla and the other man in the house. At that point in time, when she mentioned his name, having the same last name, I assumed that they were husband and wife. I didn't know at the time that they were brother and sister. I know that now.

So I called him. He was very busy, as he has indicated, and I told him why I was calling. He said I should speak with her. I proceeded to make a phone call to her and we had a conversation. In fact, if she checks her phone records she'll realize that.

I made a call that lasted a very short time. I didn't get to reach her. I left a message, one I knew would get her attention, and she phoned me back and we had a conversation.

**Mr. Rick Dykstra:** So to be clear, you actually left a phone message for her to call you and she did in fact return your phone call.

**Ms. Agatha Mason:** Yes.

**Mr. Rick Dykstra:** How long was that conversation?

**Ms. Agatha Mason:** Her phone records will tell how long the conversation was. My phone conversation was with the person who answered the phone in her office, who left and came back and said she was busy and wanted to know what the call was about. I told her—the person who answered the phone—what the call was about. Shortly after, I received a phone call from her.

**Mr. Rick Dykstra:** As we sort of move through this process, the one thing that we had passed.... I want to turn this into a more general question, because we obviously had the caregivers here, who presented through video conference. Do you think that through this process the Dhallas have given them every opportunity to be able to respond and question the issues that they faced while in the employ of the Dhallas?

**Ms. Agatha Mason:** I don't know the answer to that question because I was not privy to the hearings. I don't know what the caregivers.... I spoke to one caregiver, by the way, a woman by the name of Richelyn Tongson, I think it was. I have her name written down.

**Mr. Rick Dykstra:** Ms. Mason—

**The Chair:** No, no, that's it, unless you finish your answer.

**Ms. Agatha Mason:** To answer your question, I think it is their call to answer that question. I am not sure what they presented and how justified they feel in the time that was allotted to them and the process. I wouldn't be able to answer that.

**The Chair:** Okay. It's now ten o'clock. Members of the committee, I need direction to stop and then start with the next round of witnesses or to continue.

Mr. Dykstra.

**Mr. Rick Dykstra:** Based on what we're hearing, Mr. Chair, there is absolutely no way we can.... We've only been at this for about 35 minutes. We have had one shortened round. These folks have flown in here to sit with us. The taxpayers have paid for them to be here. I want to hear a little bit more of what all three of them have to say.

I think we need at least another couple of rounds. I'm suggesting that we extend this by 30 minutes.

**The Chair:** I'm at the mercy of the committee again. We also have witnesses who I think are sitting at the back, and they were scheduled for an hour. But it's whatever the will of the committee is.

Ms. Mathysen.

• (1000)

**Ms. Irene Mathysen:** Mr. Chair, I have another committee at 11 o'clock, so my time is constrained.

**The Chair:** So that's it for you.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** Chair, other people want to present, and I'm sure their testimony is equally important. I think we should thank these witnesses—

**The Chair:** All those in favour of concluding our time now with this group of witnesses, raise your hand. Those opposed?

We are going to continue, I don't know for how long. It's agreed we're going to have one more round of four minutes for each caucus. I'm going say to Ms. Mathysen and Monsieur St-Cyr, I was very generous with you guys, so don't expect too much from me.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** Thank you, Chair.

Ms. Mason, when an agency is looking for some funding and assistance, they usually go to a municipal member, a provincial member of Parliament, or a federal member of Parliament and ask if they will write a supporting letter when they apply for funding. Have you asked any elected politician to write a letter for you? How long has your agency been up and running and supporting caregivers?

**Ms. Agatha Mason:** I would say around 20 years.

**Hon. Jim Karygiannis:** You are the executive director, and you are a volunteer with the agency?

**Ms. Agatha Mason:** No. I am working part-time as the executive director and have a salary.

**Hon. Jim Karygiannis:** You are working part-time?

**Ms. Agatha Mason:** Yes, 28 hours a week.

**Hon. Jim Karygiannis:** Are you also on the board?

**Ms. Agatha Mason:** No, I'm not on the board. The board is independent. I attend board meetings to present reports and updates.

**Hon. Jim Karygiannis:** Do you actively pursue all calls such as this with other employers too?

**Ms. Agatha Mason:** Yes.

**Hon. Jim Karygiannis:** How many employers have you called in the last year in a similar situation?

**Ms. Agatha Mason:** In the last year...? Many. I don't know.

**Hon. Jim Karygiannis:** You don't know?

**Ms. Agatha Mason:** Many calls.

**Hon. Jim Karygiannis:** How many, Ms. Mason?

**Ms. Agatha Mason:** I don't know exactly. I don't keep every phone record. I can go back—

**Hon. Jim Karygiannis:** You don't what? You don't keep every phone record?

**Ms. Agatha Mason:** I don't keep a record of every call that—

**The Chair:** Point of order from a whole bunch of people.

**Ms. Agatha Mason:** I can go back to files—

**The Chair:** Excuse me, Ms. Mason, just give us a minute.

Mr. Dykstra.

**Hon. Jim Karygiannis:** Stop the clock, please.

**The Chair:** Mr. Dykstra.

**Hon. Jim Karygiannis:** Chair, stop the clock.

**The Chair:** I don't know how to.

**Some hon. members:** Oh, oh.

**The Chair:** How do you stop this?

**Mr. Rick Dykstra:** I understand Mr. Karygiannis's right to ask questions. He can ask those questions in a way that is not demeaning to our witness, and also is in a respectful way that doesn't lead her to believe there's intimidation involved here. I'm asking you, Mr. Chair, to make sure we are polite and fair to these folks.

**The Chair:** I'm sure Mr. Karygiannis will be polite.

Carry on, Mr. Karygiannis.

**Hon. Jim Karygiannis:** Ms. Mason, how many employers have you called in the last year to caution them?

**Ms. Agatha Mason:** I can check back and see. If you want accuracy, I don't have the number. I can tell you, many employers.

**Hon. Jim Karygiannis:** Many employers?

**Ms. Agatha Mason:** Yes.

**Hon. Jim Karygiannis:** Chair, I'd like to share my time with Ms. Mendes.

**The Chair:** You've got about two minutes left, so two minutes, Ms. Mendes.

**Mrs. Alexandra Mendes:** I would like to know in how many cases caregivers who have been brought to your attention have had formal complaints filed in any court or institution.

**Ms. Agatha Mason:** In any court or institution....

**Mrs. Alexandra Mendes:** The provincial labour level, or federal level.

**Ms. Agatha Mason:** Do you want me to give you a number?

**Mrs. Alexandra Mendes:** If you have any idea...percentages, 20%, 10%, 100%?

**Ms. Agatha Mason:** Based on the number of complaints we've had, I would say conservatively 40% in terms of direct intervention, probably another 40% of referrals to legal people or agencies, and 20% in terms of what we deal with and get results.

• (1005)

**Mrs. Alexandra Mendes:** So for formal complaints with your assistance, you'd say about 40%.

**Ms. Agatha Mason:** Yes. Just as I said, the vast majority of clients that we see come in with complaints. They don't come to us just for routine—

**Mrs. Alexandra Mendes:** No, no, absolutely, I understand that. But are those complaints usually directed at the provincial labour code or the immigration law?

**Ms. Agatha Mason:** It varies. The majority of them, I would say, are violations of Ontario's Employment Standards Act.

In terms of immigration, we wouldn't know it's an immigration issue until a client, say, applies for landed status and misrepresentation is cited. That's when we would know about it. But in terms of the process itself, we don't handle those processes. Once it becomes a situation regarding immigration, Immigration Canada deals with that, because people are applying for open permits and landed immigrant status.

**The Chair:** Thank you.

Monsieur St-Cyr.

[Translation]

**Mr. Thierry St-Cyr:** Mr. Paillé.

[English]

**The Chair:** Mr. Paillé, I apologize.

[Translation]

**Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ):** First, thank you for being here. If I have any time left, I will hand over to Mr. St-Cyr. But since he wasted your time, I won't dare ask him to continue.

[English]

**The Chair:** Be good.

[Translation]

**Mr. Pascal-Pierre Paillé:** You said you wonder how you could get reimbursed for the \$10,000 that some agencies charge, which is often paid in cash.

Why does anyone have to pay that kind of amount? Is it paid in cash?

[English]

**Ms. Agatha Mason:** I don't know for sure. The trend has been that agencies recruit caregivers overseas who want to come to Canada. Most of them promise the caregivers an employer on arrival, and that has not been the case. In fact, the trend for the last year has been one of caregivers coming here and it's almost become a cliché to hear of them being "released upon arrival".

I can only assume the reason they take cash is that it's a way of making the money untraceable. That's my judgment.

I am not sure what the money is paid for. I have asked that question of caregivers: when you pay that money upfront, are you given a contract saying this is what I'm paying for? It varies. In some instances, the agencies offer a package that would include the airfare. In some instances, the caregivers pay just to get employed.

Two days ago I received an e-mail from someone overseas who said they had paid \$5,000, and they were trying to make a phone call and the number was not in service. So they wanted me to check to see if that agency existed in Toronto.

So it varies.

[Translation]

**Mr. Pascal-Pierre Paillé:** All right.

I understand why some people who enter the country don't have a bank account. In general, do employers pay workers in cash when they arrive in Canada?

[English]

**Ms. Agatha Mason:** For the caregivers who go through our orientation program, I usually advise them to open an account. They can open an account, and most caregivers do have an account. I advise them usually to take cheques, or to get a pay slip that would indicate the gross pay and the deductions, so they have these as proof in case they're no longer with that employer and they want to prove that the record of employment they've given is accurate.

[Translation]

**Mr. Pascal-Pierre Paillé:** Apart from the recommendation, do you see this proposal being made by the workers, or is there a problem opening an account, as a result of which employers generally pay in cash? Do you know how many people are paid in cash and how many have a bank account so that they can cash a cheque?

[English]

**Ms. Agatha Mason:** In our experience, the number of caregivers who usually receive money in cash varies. It's a situation in which the employer chooses to pay them in cash. Most of the time it's a situation in which the employer is waiting on authorization to employ that caregiver.

In situations like that, our stand has always been to say to the caregiver that if an employer chooses to employ you illegally, it means that the employer is breaking the law, but when you accept that employment, it means that you are also breaking the law. I say to them that it's a risk, because I know most caregivers look forward to the day when they become landed immigrants. In some instances an employer would say, "I want to see what you can do in a probationary period before I employ you", which also is not right and is illegal, and I say to caregivers that if an employer pays you by cash and that person is employing you illegally, there is no trace of payment. What happens usually when employees or caregivers apply for landed status is that if the record of employment shows that they were working during the period when they were not authorized to work, it jeopardizes their chance of getting landed status, so I usually advise caregivers not to take that risk.

The reality is, though, that someone who comes here sometimes has no relatives or very little support. If they are offered a place to

stay, there are very few alternatives in terms of choices, so they will choose to stay at that employer and condone the illegal act.

• (1010)

**The Chair:** Merci, Monsieur Paillé.

Go ahead, Ms. Grewal.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Thank you very much, Mr. Chair.

Thank you so much to our witnesses for coming. I really appreciate that.

Ms. Mason, have you received any threats since the media started reporting on these very serious allegations against Ruby Dhalla, or are you aware of any person related to this situation who has received any threats?

**Ms. Agatha Mason:** Not yet.

**Mrs. Nina Grewal:** Are you aware of any cases of employers confiscating the passports of temporary workers, as has been alleged in these allegations against Ruby Dhalla? Do you think the police should have been involved in getting these passports back for Ms. Tongson?

**Ms. Agatha Mason:** That usually would have been the next step. Yes, we've had situations in which staff actually accompanied caregivers to the police to have them make that report and then go to the house to retrieve documents. We have not had 100% success in terms of that. In fact, I recall a case only two months ago in which the police actually went in, and the employer stated that they didn't have the documents; they only had copies. I remember saying to the officer, "Well, in order to have the copies, they probably must have had the original at one point." Nonetheless, that caregiver had to go through the process of reapplying to several places to replace the documents.

**Mrs. Nina Grewal:** Mr. Chair, I would like to share my time. Thank you.

**The Chair:** Go ahead, Ms. Wong.

**Mrs. Alice Wong (Richmond, CPC):** Thank you again for coming to our committee.

This is actually not a question for just Ms. Mason, because there are other organizations around here as well. What are the pressures on caregivers to work illegally when they arrive in Canada? I ask that question to Ms. Beboso, Ms. Quash, or Ms. Mason. Any one of you can pick this up.

**Ms. Aimée Beboso:** The pressure lies on these women, for example, who come here and have families in the Philippines that depend on them—

**Mrs. Alice Wong:** No, my question is about working illegally. They are here already.

**Ms. Aimée Beboso:** Yes, they are here already, and they're working illegally. They need to be constantly working because they are supporting families in the Philippines. Sometimes that's why they choose to work illegally. It's because they need income coming in.

**Mrs. Alice Wong:** What are the pressures on them? Oh, that's the pressure. Right.

What else is there?

**Ms. Aimée Beboso:** They sometimes have to pay agencies to come into this country. They owe so much money and they need to pay back that money, so they have to be working constantly for that reason as well. Those are the kinds of pressures.

**Mrs. Alice Wong:** The second question is for all three of you. And Ms. Quash, please feel free to answer, because you haven't had the chance yet.

Would caregivers ever face any repercussions with discussing their negative experiences publicly?

•(1015)

**Ms. Aimée Beboso:** Yes. I've been involved in the organization since 2000, and we've seen three deportation cases that we walked through the system. If they go through the black letter of the law, then they will take the side that this individual violated the law and therefore they need to be deported. Under the program, any violation of the law can result in deportation. So even in the public light, people can pursue the individual, and the live-in caregiver can be deported.

**The Chair:** Thank you, Ms. Wong.

Mr. Dykstra.

**Mr. Rick Dykstra:** Ms. Mason, I have two very quick questions and then I want to give Mr. Del Mastro an opportunity to ask a couple.

Ms. Dhalla actually claimed on Tuesday that she had never spoken to you other than referring you to her brother. How do you feel about that? It's more a question of your personal integrity.

**Ms. Agatha Mason:** How do I feel about it? I don't care, frankly. It's her word and she has a conscience. This is one of the occasions when I wish the childhood story of Pinocchio was true.

**Mr. Rick Dykstra:** Thank you. You see, I know exactly what you're referring to.

The other question I have, perhaps Ms. Quash or Ms. Beboso, either one of you could answer. It was confirmed by Ms. Dhalla that the two individuals were paid in cash, and one of the difficulties we have when we're in a situation like this—and there are lots of difficulties I have with that—is the fact that they would not be paying or receiving OHIP coverage. Is that one of the things you let the caregiver know about, to ensure they are being paid properly? Because the difficulties that surround that are, for example, OHIP coverage may not be available to them because they wouldn't have been able to achieve it through the income that they have.

**Ms. Agatha Mason:** Yes. That is one of the things we point out also in the orientation.

**Mr. Rick Dykstra:** Okay. Thank you.

**The Chair:** Mr. Del Mastro.

**Mr. Dean Del Mastro (Peterborough, CPC):** Thank you very much.

I am very concerned with some of the things that I've seen here today, frankly. I think I've seen intimidation tactics on display right here at this committee, and I want to thank these three ladies for their courage. You are representing people in our society who are frankly the most vulnerable, people often without status, people who are

often working for people who are quite wealthy and have high-powered lawyers, and they can pick up the phone and get them behind them.

On Tuesday we heard two distinctly different testimonies. The opposition leader came out immediately and said he believed one was absolutely accurate, despite the fact that Ms. Dhalla couldn't remember if that's where she lived or not. In fact she had to be asked three times if that's where she lived. Apparently that was more believable than vulnerable witnesses who came forward who gave dates, times, exact people they spoke to, exact conversations they were involved in.

If vulnerable people in this society can't come to this Parliament and find somebody who will defend them and somebody who will stand for them, isn't that disturbing? Isn't that something that you fear? Who can these vulnerable people turn to here in Canada if they can't turn to elected officials, the very people who are elected to stand for rights here in Canada, for the Charter of Rights of Freedoms? If they can't turn here and not be intimidated, where can they turn? That's my question.

**Ms. Agatha Mason:** I'm supposed to answer this?

**Mr. Dean Del Mastro:** Yes. Who can you turn to—

**The Chair:** There's a question in there somewhere.

**Voices:** Oh, oh!

**Mr. Dean Del Mastro:** Who do you have to turn to if you can't turn here? If you can't find support here, who can you turn to?

**Ms. Agatha Mason:** That's a very loaded question. Some probably turn to their beliefs in God, because I always say the people who call themselves leaders and assume what we call power can't change the weather, and that's where true power lies.

I have a statement that I was going to ask if I can present. It will only take a few minutes in the context of that, Mr. Chairman.

**The Chair:** No, we're going to go to Mr. Bevilacqua. We'll see how it goes, as to whether the committee will let you do that.

**Hon. Maurizio Bevilacqua:** Thank you very much, Mr. Chair.

I want Ms. Mason to know that I'm an immigrant to this country as well. My first job was sweeping sawdust in a factory as a young man, and I understand the struggles of immigration. I'm the product of Canada's immigration system and spend a great deal of time, as Ruby Dhalla does, protecting the rights of individuals who in fact need the help of legislators.

You said you represent the live-in caregivers and the whole issue of confidential services, rights, and responsibility. You have obviously focused on one particular case. I am wondering whether you're going to bring many more cases in front of this committee, supposing we as a committee, according to the questions raised by Mr. Dykstra and others, have taken up a role that is going to analyze all violations in relationship to the caregivers program.

I want you to know on behalf of the Liberal Party of Canada that we want to improve this program. If you take the time to read our report—as I'm sure you may have done, since you represent an agency that takes care of caregivers—then you will find that the Liberal Party has actually stood as a party that cares about caregivers for many, many years.

Why have you chosen only to represent these particular caregivers and not the many others who I'm sure have faced the same types of violations that they allege? Why is it just these two? Why has it become just an issue related to Ms. Ruby Dhalla? Why is there that focus?

• (1020)

**Ms. Agatha Mason:** I don't think we are focusing on it. This is a story that happened a year ago. We are responding to your inquiry; I don't think we focused on that particular story. In the report, I said that we've had issues of sexual assault and other issues. So this is not the story we're on; this is an inquiry that you're asking for.

**Hon. Maurizio Bevilacqua:** No, actually there was a—

**Ms. Agatha Mason:** I just want to remind you that the idea of coming forward with this particular story did not originate with Intercede. I just want to remind you of that. I still hold that with all the other stories I alluded to, we still have a commitment to privacy —

**Ms. Eunice Quash:** And confidentiality.

**Ms. Agatha Mason:** —and confidentiality.

Had this individual, the caregiver, not come out and chosen.... And everybody has that right; this is still a free country. She has the right to do so and she exercised that right. Had she not mentioned in that presentation, in that forum, that she had contacted us, we wouldn't be here today.

**Hon. Maurizio Bevilacqua:** So you're basically representing them here, because I'm sure—

**Ms. Agatha Mason:** I'm not representing—

**Hon. Maurizio Bevilacqua:** Have they signed a waiver?

**Ms. Agatha Mason:** No.

I just want to correct here. I'm not representing them. In light of the fact that she mentioned that she spoke with somebody from our agency—it happened to be me, at the time—I am responding to this committee in relation to your inquiry about what happened.

I still have not broken confidentiality. I still have not given you details about the conversation with the caregiver. I still choose not to do so.

I just want to give you one tip, though. If I had chosen to do so, the story would have been a lot more detailed and probably hair-raising.

I want to say that I have no bias in this issue. As I stated, I have no motives. I didn't know who Ruby was at the time. If you're alluding to there being some bias on our part by supporting the caregiver and her story, as I said, I did not even hear what she said on Tuesday. I was not privy to the hearings. I am just being frank and honest in this.

It's a pity, though, that this has become a big political issue. I joked about it and said that in my 20 years in Canada, this is the first time the press has been so consistent about a political story. Usually we are interested in stories in the U.S. about their politicians.

**The Chair:** Thank you.

Mr. Dykstra.

**Mr. Rick Dykstra:** Ms. Mason, you made a comment that I want to be clear about. You said that there are other parts of this story that would make our hair rise. I'm going to be very direct. What do you mean by that?

• (1025)

**Ms. Agatha Mason:** I mean that from what the caregiver said to me, I put what she endured in the case in the category of abuse. As I said, I don't know what she told you, but, for instance—

**Mr. Rick Dykstra:** Well, I can tell you. I can repeat what she said. She said she was mentally tortured and physically stressed—that's what she said to this committee—and that she felt like a slave while she was under the employment of the Dhallas.

**Ms. Agatha Mason:** Well, to someone like myself, who comes from an African ancestry, who knows historically what slavery meant to my ancestors, for someone to put the experience in the category of slavery I think is appalling and is an extreme, hair-raising case, because we live in a developed country, and you don't expect to hear those stories in Canada, frankly.

**Mr. Rick Dykstra:** Ms. Mason, I want to tell you that this committee is going to do everything it can to ensure that the report we submit to the House of Commons takes into account the recommendations the three of you have brought here. I want to assure you that you can continue to have faith in the political process and in the federal government. I appreciate what you've said today, and I want to assure you that we are going to take everything you've said today into account. I'm hoping that at the end of the day, when I get a chance to speak with you again, you will see that changes have been made because of the witnessing that you have done today.

**Ms. Agatha Mason:** I'm still asking for two minutes, if it's okay with the chairman.

**Mr. Rick Dykstra:** Ma'am, you can have the rest of my time.

**Ms. Agatha Mason:** Okay, thank you.

**The Chair:** Ms. Mason, go ahead.

**Ms. Agatha Mason:** Thanks.

As you know, the world is now a global village, and Canada is highly regarded on the pinnacle of that village. If we believe that Canada is part of the global village, then no one is a foreigner; we belong in the places where we choose to live and work and which we call our home.

If we believe that Canada is part of the global village, then no one is illegal. There are illegal acts, not illegal people.

If we believe that Canada is part of the global village, then we ought to change our mind-sets and discard the labels we place on those who choose to call this country home too, regardless of the date of arrival.

If we believe the strength of a chain is its weakest link, then we should take time to examine the ways we treat those who help to care for the weakest ones among us: children, seniors, and those with special needs. These weak ones are entrusted in the care of those we label “temporary foreign workers”, men and women from around the world who have chosen to come to this country hoping for the chance of a better life for themselves and their families. We label them “temporary workers”, yet we entrust them with shaping permanence, such as the impressions that they make in the lives of our children. When we treat caregivers with disrespect, then we also disrespect those they care for.

If we believe that the children are the future, then let us show a little respect for those who are helping to raise the future of Canada. Are the children who live in Canada more deserving than the children of the men and women who are raising them? Caregivers are people too. They pay taxes, they abide by the laws, and they have hopes and dreams.

If those of you in authority here want to do the right thing, then I propose a win-win situation. We can offer those who are now on the socio-economic peripheries of Canada the chance to be included in our global village. Those men and women, who travel from around the globe, are living among us. Many of them are caregivers. Some have temporary status; others, for a variety of reasons, have lost status. If they all are offered landed immigrant status, then they will pay landing fees and taxes based on their income. After all, they are working—

**Hon. Jim Karygiannis:** Point of order, Chair.

**The Chair:** Yes, Mr. Karygiannis?

**Hon. Jim Karygiannis:** We have agreed on four-minute rounds.

**The Chair:** You're absolutely right.

**Hon. Jim Karygiannis:** I have to point out to you, sir, that we're way over that.

**The Chair:** You're absolutely right. We've been way over almost with every question.

Mr. Shory, you have time for one question.

I'm sorry, Ms. Mason. I have to follow the rules of the committee.

**Ms. Agatha Mason:** Okay. Can't handle the truth.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair, and thank you, witnesses, for coming out this morning.

I won't waste too much time, but I'll put in one line, which is that just as my colleague, Mr. Bevilacqua, has done some hard jobs, I definitely also did sweep floors, unload trucks, drive taxis—all kinds of work. This is a great country, where with honest, hard work, we can achieve anything we wish.

I want your comment on the Liberal leader's quote here: “It is my belief that [the caregivers] were not abused in this case. He also said further in the quote, “But we want to make darn sure we don't have

unpleasant stories like this again.” I'd like you to make a comment. Is that comment true?

• (1030)

**Ms. Agatha Mason:** I would want to know what his definition for “abuse” is. It's a broad term, so the answer probably lies in that context.

**Mr. Devinder Shory:** Okay.

**The Chair:** I'm going to give you one more question, Mr. Shory, and then we're going to cut this off. I'm sorry.

One more brief question.

**Mr. Devinder Shory:** In your definition, was this an abuse to any extent?

**Ms. Agatha Mason:** Most definitely. I must say to you also that I worked as a program manager in a shelter for women and children, and I know what abuse is to the most extreme. I would classify what I was told in that allegation from the caregiver that she was experiencing abuse. It takes a lot to break down and sob on the phone, unless you are a very good actor or actress.

**The Chair:** Thank you very much.

Ms. Mathysen, you have a point of order?

**Ms. Irene Mathysen:** Yes. Since Ms. Mason was unable to finish her statement, could she submit it so that the committee could read it?

**The Chair:** That's a very good point, Ms. Mathysen.

Your statement that I interrupted you on, if you could make that available to the clerk, that would be appreciated, and we would distribute it to members of the committee.

A point of order, Mr. Karygiannis?

**Hon. Jim Karygiannis:** On the same point of order, Ms. Mason also held up, I believe, a phone bill and some records of conversations. Could that also be submitted to the committee?

I believe it was a phone bill that you had. Do you have the phone bill with you?

**Ms. Agatha Mason:** I have a copy, yes, and the original, here, yes.

**The Chair:** Okay. If you could give it to the clerk, we would appreciate that.

I want to thank Ms. Beboso, Ms. Mason, and Ms. Quash for coming and going through a difficult time. We appreciate that.

I will suspend this meeting. Thank you very much.

• (1030)

(Pause)

• (1035)

**The Chair:** We are going to reconvene the meeting.

Committee members, I need your assistance. We have a bit of a problem. Normally we have a panel and normally we give them an hour. This meeting is going to end at eleven o'clock because members have to go to other committees. So I need guidance. We have roughly 20 minutes.



We can do a number of things.

Mr. Clerk, where have they all come from?

**The Clerk of the Committee (Mr. Andrew Chaplin):** Two of the gentlemen are here from the Golden Horseshoe area. The Canadian Labour Congress, I believe, has come from Ottawa.

**The Chair:** I need some guidance from the committee as to what we're going to do now.

Mr. Dykstra.

**Mr. Rick Dykstra:** First, I want to apologize to our witnesses. We obviously had some testimony that we needed to listen to in the previous witnesses. So my apologies to each of the four of you. I know you are here under the same regard and have made the same time commitment to give to us.

I would suggest, if the witnesses would agree, that we not have introductory comments but just go directly to questions. That would give us a little bit more time to be able to interact with our witnesses. If they do have presentations, we could accept them as submitted to the clerk. They could be distributed through to us.

**The Chair:** Is that agreed?

**Some hon. members:** Agreed.

**The Chair:** Gentlemen, I want to welcome you to the committee. I won't repeat what Mr. Dykstra said; we do apologize for the time problem.

I assume, hopefully rightfully, that you have written introductory presentations. If you could make those available to the clerk, that would be appreciated. He will distribute those to the committee members.

We are going to jump right into questions. I am going to suggest it's the same as the last time, five-minute rounds.

Ms. Mendes.

**Mrs. Alexandra Mendes:** Good morning, and thank you very much for being with us this morning.

Besides very general questions, since I haven't read at all what you have presented to us, have you had time to look at the report that this committee tabled in the House last week? Do you have any impressions on it, any suggestions from our recommendations? I would appreciate hearing from you, if you've had time to look at it.

**Mr. Hassan Yussuff (Secretary-Treasurer, Canadian Labour Congress):** Yes, we have had some time to look at the committee's work and recommendations. We appreciate much of what the committee has said in regard to the many points we have been articulating, especially on the temporary foreign workers program, that need to be initiated.

Of course, there are some gaps in terms of some specific recommendations that the committee has made. There are a number of recommendations we would concur with.

Given the subject matter you were dealing with prior to us, the broader argument should be made that what is really lacking in the temporary foreign workers program, as it is, along with the live-in caregivers program, is the consistent application of regulatory

regimes across the country. It does not exist, and despite all of the debate and dialogue you've been having here, it still does not exist. I think we need to put our minds to how we can facilitate that process to happen as soon as possible.

• (1040)

**Mrs. Alexandra Mendes:** Would you agree that applies to the refugee situation, the lack of consistent criteria?

**Mr. Hassan Yussuff:** At least on the refugee situation it is purely the role of the federal government in regard to the process for hearings and determination. That does not fall within the provincial jurisdictions. Whatever needs to be done there is purely within the federal government, and it is much easier for them to fix the deficiencies and the flaws.

Certainly within the temporary foreign workers program, the live-in caregivers program, and also for undocumented workers, the federal government certainly has a larger role to play in assisting and facilitating the province to do what I think is right in many of the recommendations the committee has made.

**Mr. Peter Leibovitch (Liaison Officer with Independent Workers Association, District 6, United Steelworkers):** I just wanted to add something based on the recommendations.

I'm obviously with the United Steelworkers, and I work with the Independent Workers Association.

When we came together, we were very close to Juana Tejada. She was the first member of our organization, actually, when we set up last year. We did a lot of work trying to change the law on the second medical. I want to get rid of the second medical. I want to compliment the committee for putting that as a recommendation. And I'm assuming that all parties are in agreement with changing the law so that live-in caregivers don't have to go through a second medical.

We did make a bunch of submissions. I want to say something, and I'm going to pass it to Rafael Fabregas after me, who was Juana's lawyer and has been working on many of the immigration issues here.

It is interesting that we need more regulatory protection for live-in caregivers. We need a situation where they're treated properly. At the same time, the one thing that wasn't dealt with in the report, and I want to bring it up, because it's not about individual employers, is the fact that live-in caregivers come in as temporary residents. As a result of that, they will always be vulnerable.

Even if you bring regulatory controls, even if you put in 1-800 numbers, even if you have laws that sound good on the books, when you're in a temporary situation and you are by yourself, and you're basically in what you would say is an indentured situation because you're living with your employers, you depend completely on them, whether those employers are being fair to you or not. To take a chance to complain, when you're in another country, in a different situation, and would maybe lose your right to stay in this country or lose your job, whatever.... You're continuously exposed.

At the end of the day, we believe strongly that we have to get back to landed status for live-in caregivers. If they had landed status, you wouldn't need all these other laws to protect their rights. Unfortunately, the temporary migrant worker program is a form of indentured labour. We got rid of indentured labour over a hundred years ago, and now we're back at it.

I haven't seen movement on that. It wasn't dealt with as a recommendation. As far as I know, only the NDP report agreed to that. I might be wrong about that. No, I'm not wrong. It was the only report I saw that agreed to that position. I would ask the other parties to take a look at that, because I think, at the end of the day, that eliminates abuse.

**The Chair:** Monsieur St-Cyr.

[Translation]

**Mr. Thierry St-Cyr:** Thank you, Mr. Chairman.

I'm going to continue talking about the report we adopted last week. It contains a series of recommendations on the mechanisms that should be adopted to issue working permits to temporary foreign workers. Among other things, it recommends a way of ensuring that those temporary foreign workers ultimately do not become cheap labour, that the current working conditions in the market are met and that wages and working conditions are not lowered.

I imagine the workers' representatives are as concerned as I am about this. On the whole, are you satisfied with the recommendations that were made in this area?

• (1045)

[English]

**Mr. Hassan Yussuff:** There are some recommendations we would concur with. Again, coming back to what I think would be the mechanism for protecting temporary foreign workers, which is the issue I think the committee has dealt with.... It is under provincial jurisdiction. We have no regulatory regime, except for Manitoba, which has now brought in legislation, to specifically deal with the situation. In many parts of the country we have no specific mechanism to deal with specific investigations. We have no process to protect these workers, because they do fall under provincial jurisdiction. Despite the fact that the federal government is one arm of government that issues a permit for temporary workers to come here, we don't have an agreement with the provinces on how the provinces will protect these workers. There's a big gap in terms of the regulatory regime right across the country.

More importantly, if we were to achieve a regulatory regime, we'd need an enforcement mechanism. As has been stated by my colleague just recently, we need to ensure that these workers aren't going to be intimidated and afraid to speak up to demand that their rights be protected. Again, it is not very clear how that will happen, because it is within provincial jurisdiction.

[Translation]

**Mr. Thierry St-Cyr:** As you emphasized, this is a provincial jurisdiction. That's why this report does not contain any mechanisms. As we are in Parliament, we concern ourselves with matters that come under federal jurisdiction. All parties must make submissions to the government of their province for it to establish protection mechanisms. It is not up to the federal government to address this

kind of jurisdiction, particularly since there are a number of things that it is not doing to protect foreign workers, both temporary and otherwise.

I thought I understood that the enforcement mechanism wasn't a problem for you.

You talked about a province that prohibited recruitment agencies from billing fees to temporary foreign workers who come to Canada. And you said that it must be solely the employer who pays those fees.

During our consultations, we suggested transferring to the employer responsibility for recovering those illegally collected fees. In other words, workers who have been forced to pay fees to an agency, even before leaving Canada, whereas that is illegal, could ask their employer, on arrival, to be reimbursed for those fees. Then the employers would be responsible for telling the agencies they have broken the rules and that they want to be reimbursed for what they've had to pay.

Would you be in favour of that kind of mechanism?

[English]

**Mr. Hassan Yussuff:** Well, it's easier said than done. The worker certainly doesn't have the power, nor should they raise objection to paying fees, which might further jeopardize their status to remain in the country, and for that matter, remain an employee of that employer. So it's critical that we have a clear mechanism to ensure that in no way, shape, or form should the worker be forced to pay a fee in the context of coming here to work as a temporary foreign worker. The burden should be on the employer. More importantly, if it should be investigated and found that there are fees being paid, I think the employer should bear the responsibility of reimbursing those workers.

But again, we need a mechanism to ensure that would happen. In the absence of a provincial regulatory regime, we're just talking in circles. It's not going to resolve in the workers' being put in a better position unless you have some mechanism to enforce such a regulatory regime.

**The Chair:** Merci.

Ms. Mathyssen, you have five minutes.

**Ms. Irene Mathyssen:** Thank you, Mr. Chair.

Thank you very much to the witnesses for being here today. I appreciate the expertise that you bring to this.

We talked about the federal government's having an obligation to make sure that migrant workers and live-in caregivers are better protected. I've read through some of your material. You have advocated that there be health and safety coverage, better housing standards, minimum wage, the right to collective bargaining, a complete orientation, and overtime—at least time and a half—for those people compelled to work beyond the normal work week. Could you comment on that? In addition, I understand you are calling for landed status for migrant workers.

Are these important components that must be there if we're going to do the job right?

•(1050)

**Mr. Rafael Fabregas (Barrister and Solicitor, Mamann Sandaluk, Immigration Lawyers):** Thank you for that question.

First of all, I'd like to comment on the previous question about general opinion on the report. I'd like to applaud the committee's recommendation on the passage of the Juana Tejada law. I knew her as a client and eventually as a personal friend. I maintain close ties with her family. I can tell you they're very happy to see action is being taken to correct this manifestly unjust system right now.

In regard to your question, Ms. Mathysen, currently live-in caregivers who are on what they call implied status are not eligible for OHIP coverage. That period of implied status is when they're in between work permits, when they're applying for an extension, or when they apply for permanent residence and apply for an open work permit at the same time without renewing their existing one. Their OHIP coverage ends as soon as their current work permit ends, notwithstanding the fact that they continue to be legally in Canada, continue to be legally authorized to work in Canada.

That's why we are recommending that the federal government step in and fill that gap. That gap could be at least six months. It could be longer should there be a question on whether or not this applicant is eligible for permanent residence. It could go up to two years. In fact Juana Tejada did not have OHIP coverage from August 2007 until December 2008. She became a landed immigrant in September 2008. But for whatever reason that she did not wish to challenge, OHIP still denied her coverage when she became a landed immigrant.

Something needs to be done about medical coverage for live-in caregivers. This needs to be looked at very closely, and the provincial government has to respond to that.

**The Chair:** Mr. Flecker, we don't mean to leave you out. If you want to jump in at any time, please do.

**Mr. Karl Flecker (National Director, Anti-Racism and Human Rights Department, Canadian Labour Congress):** Fine, thanks.

**The Chair:** Ms. Mathysen.

**Ms. Irene Mathysen:** Mr. Yussuff, do you have something to add?

**Mr. Hassan Yussuff:** I just want to make one point. Ms. Mathysen has raised a point regarding what degree of protection temporary foreign workers and live-in caregivers should have.

I think it is generally assumed that we, as Canadians, don't distinguish among workers, that we don't have one set of rules for these workers and another set of rules for those workers. But that is the reality to a large extent in our country. It is important to state, in terms of this committee's roles and responsibilities, that we should treat workers equally and the same in every jurisdiction they work in. In other words, the law should apply. If workers work overtime they should be given overtime pay. They should be able to access the same health and safety protection as other workers who are born here in this country. More importantly, the benefits that derive from employment should flow equally to temporary foreign workers and live-in caregivers, because they shouldn't be different.

What we're essentially saying is we've got two sets of rules. Given the Charter of Rights in this country, it is fundamental we apply it equally across the board without distinction.

**The Chair:** Thank you.

Mr. Calandra.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** I have a lot of questions. I guess I'll focus on you, Mr. Fabregas. I'm sorry, I'm going to go very quickly because we're running out of time, so they might be yes or no answers. I'm not being rude; it's just that I want to get some of these questions out.

In order for someone to work as an employee, a temporary foreign worker, they must be legally resident in Canada, right?

**Mr. Rafael Fabregas:** They need to have a work authorization from Citizenship and Immigration Canada, yes.

**Mr. Paul Calandra:** And the employer must have an LMO?

**Mr. Rafael Fabregas:** Generally speaking.

**Mr. Paul Calandra:** I'm assuming they need to have a work permit to work for that employer.

**Mr. Rafael Fabregas:** That's correct. Generally there are employer-specific work permits. There are also open work permits where they can work in any occupation.

•(1055)

**Mr. Paul Calandra:** Both today and last Tuesday we heard a lot of disturbing comments with respect to working conditions, in particular in this instance at the Dhalla home. I'm assuming it's obvious there must be acceptable working and living conditions when somebody takes on a temporary foreign worker.

**Mr. Rafael Fabregas:** Certainly that's a question of whether or not the minimum employment standards have been met. That's really within the area of the provincial government.

**Mr. Paul Calandra:** Obviously fair wages will need to be paid.

Are temporary foreign workers eligible for—

**Mr. Peter Leibovitch:** The fair wages are based on.... It's a government responsibility. I just want to be clear.

**Mr. Paul Calandra:** Sorry, I hear you. I have some questions, but I'm going to get to you. I will get to you. I promise I'll get to you. I'm not trying to leave you out. I just have a lot of questions on process that I need to have answered.

Are the temporary foreign workers eligible for overtime?

**Mr. Rafael Fabregas:** Absolutely.

**Mr. Paul Calandra:** They are? And I'm assuming that their wages must meet the minimum wage, which in Ontario I think is \$9.50 an hour.

**Mr. Rafael Fabregas:** Well, quickly, minimum wage is exactly what it is: it's the baseline. It's the minimum standard. They're entitled to at least that amount or more.

**Mr. Paul Calandra:** Yes, okay. Now, with respect to the employers, I'm assuming that the employers are responsible for deductions—for instance, for income tax.

**Mr. Rafael Fabregas:** That's a tax question. There is a responsibility on the employer side to remit taxes after a certain period.

**Mr. Paul Calandra:** Okay. Are they responsible for employment insurance premiums?

**Mr. Rafael Fabregas:** My knowledge on that is very limited.

**Mr. Paul Calandra:** Is there anybody else who can answer that?

**Mr. Hassan Yussuff:** I don't think they're required to pay employment insurance, but I might be wrong on that.

**Mr. Peter Leibovitch:** Sorry. They're required under employment insurance. Caregivers are under employment insurance. In Ontario, they're under WSIB, they're under employment insurance, and they're eligible for overtime.

**Mr. Paul Calandra:** And Canada Pension Plan contributions as well?

**Mr. Peter Leibovitch:** That one I'm not sure about.

**Mr. Paul Calandra:** I know when I get paid, I get a statement of earnings—what I was paid, the deductions that are made. Is it reasonable to expect that the caregivers get the same type of—

**Mr. Peter Leibovitch:** First of all, yes on the CPP. Second of all, they need a record of their hours in order to get their immigration status. So there has to be a record of the hours worked, because it's based on the number of days that they have, and there has to be a record of it.

Rafael, you could probably explain what happens sometimes when an employer doesn't give records.

**Mr. Rafael Fabregas:** Let me just point to the document checklist for live-in caregivers when they apply for permanent residency. It lists, under required documents, a record of wages and deductions that is sent to Canada Revenue Agency by your employer, among other things. That is form IMM 5282, which is readily available on Citizenship and Immigration Canada's website.

**Mr. Paul Calandra:** So obviously record-keeping is extraordinarily important for both the employer and the caregiver.

Would you ever advise an employer to pay in cash, or a caregiver to accept in cash?

**Mr. Rafael Fabregas:** Nobody has asked me whether they should, but I wouldn't recommend it.

**Mr. Paul Calandra:** Yes, it stands to reason that the employer is in a much more powerful position than the caregiver. If the employer wants to pay in cash, it's somewhat difficult for the employee, the caregiver, to reject it because of the way the system is.

**Mr. Rafael Fabregas:** I think it's generally accepted that the employer has most of the power in that relationship, and the caregivers are, generally speaking, at the whim of their employers' needs, I guess.

**The Chair:** I'm afraid we've run out of time, Mr. Calandra.

Gentlemen, Mr. Fabregas, Mr. Leibovitch, Mr. Yussuff, Mr. Flecker, we haven't given you much time, but I do thank you for taking the time to give your views on this very important subject. So thank you very much for coming.

Excuse me, Mr. Leibovitch?

**Mr. Peter Leibovitch:** We do have a submission.

**The Chair:** Yes. Please make that available to the clerk. Thank you very much.

This meeting is adjourned until May 26 at 9 a.m.







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