A Brief History of Racism in Immigration Policies for Recruiting Domestics

by Rina Cohen

L'auteure trace l'histoire du racisme au sein des politiques de l'immigration canadienne au vingtième siècle en ce qui a trait au recrutement des travailleuses domestiques. Son examen de ces pratiques révèle une régression au niveau des droits de citoyenneté et des droits au travail pour les travailleuses domestiques immigrantes qui coïncide avec des changements au niveau de la composition raciale des femmes qui obtiennent la permission de venir travailler au Canada.

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

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

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

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

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

Throughout the Depression, and until World War II, there was a decrease in the demand for domestic labour and, as a result, most of the available jobs were filled by local women. Homeless and unemployed women, reformed prostitutes, single mothers, and wives whose husbands were unemployed were usually directed toward domestic work. A few domestics, however, still immigrated from northern Europe as contract workers.[1]

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

After the World War II, as a result of both international pressure and the transition into a growing economy, the exclusionary immigration policies were modified. The demand for domestics increased again. Since British and North-European immigrant women entering Canada as domestics preferred other occupations, moving quickly into different professions, the Canadian government had to recruit immigrant labour from other countries. Between 1950 and 1954, Canada admitted about 15,000 Central European domestics, mainly from Germany,

Italy and Greece (Daenzer).

Until 1955 Canada's immigration policy was explicitly racist, restricting the number of black immigrants to Canada. This racist immigration policy was changed to respond to the acute post-war shortage of domestic workers.

In 1955 Canada and the United Kingdom signed a bilateral agreement which allowed women from the British West Indies to immigrate to Canada as domestic servants. This program was called the *West Indies Domestic Scheme.* Three thousand black women were allowed to enter Canada between 1955 and 1967. Unlike the previous regulations for white domestic immigrants (the only requirement being that they had to agree to work as a domestic for one year), the domestic workers from the West Indies were required to have a grade eight education, be single and in good health, be between the ages 25 and 40, and be willing to work for one year as a domestic for a particular employer, after which time they could move to a different occupation (Calliste). Although they acquired "landed" status and became permanent residents of Canada upon being accepted as domestics, the government reserved the right to expel any person accepted into the program if she proved to be unsuitable.

The *West Indies Domestic Scheme* represented a major shift in Canadian immigration policies. Source countries for domestic immigrants changed from predominantly Great Britain between the years 1880 and 1939, to Asia and the West Indies after World War II. Yet, while allowing more Asian and black domestics into Canada, the federal government also reduced the benefits available to them and restricted their rights as foreign domestics.

The Immigration Act of 1967 brought an end to the *West Indies Domestic Scheme.* A point system was devised that was intended to universalize immigration by admitting people on the basis of individual occupation, education, and personal circumstances. While domestics were no longer required to remain in domestic service for one year, it became almost impossible for women of colour to accumulate the number of education or occupation points needed to obtain landed status. At the same time domestics continued to be excluded from labour legislation regarding minimum wage, hours of work, vacation, Unemployment Insurance, and Workers Compensation.

In spite of improvements, domestics continued to be exploited. Since domestics were reluctant to complain for fear of being deported, employers could easily violate the terms of employment contracts.

In 1973, in order to satisfy the growing needs of middle-upper class employers and to keep immigrants in domestic service, the government introduced a new policy called the *Employment Authorization Program.* This program only gave domestics *temporary* admission into Canada for a period of one year by issuing them a special work permit or visa. This permit could be renewed for up to five years but there was no possibility to apply for landed status. The domestic "visa" worker had to stay within the parameters of the domestic job assigned to her. She could not obtain a non-domestic job or permanent residential status. Although the program provided some employment protection, it reversed the 1967 Immigration Act and decreased the opportunities available to domestics to settle permanently in Canada.

After 1973 about 80 percent of domestics entered Canada with employment visas and only about 20 percent, mainly Europeans, were allowed entry through the points system. Most of them were selected and placed by private employment agencies. The average stay for a foreign domestic worker in Canada was three years after which she was ordered to leave the country. The co-ordinator of the International Coalition to End Domestic Exploitation (INTERCEDE) describes the *Temporay Authorization Program* as "a revolving door of exploitation", stating that "live-in domestic work has become the preserve of third world women—a captive labour force which could be disposed of at will..." (Ramirez 1).

While immigration regulations and the mobility rights of foreign domestic workers deteriorated, labour standards theoretically improved. Employers were obligated to pay Canada Pension Plan, Unemployment Insurance premiums, minimum wages, and to adhere to prearranged working hours.[2] In spite of the improvement of labour regulations, many domestics continued to be exploited, overworked, and underpaid. Since domestics were reluctant to complain of employers' non-compliance for fear of losing their jobs or being deported, employers could easily violate the terms of the employment contracts (Cohen).

In the fall of 1979, several organizations began to petition the government for a new immigration policy which would enable domestic workers to settle in Canada permanently. Church groups, along with women's groups such as the YWCA, Labour Advocacy, and immigrants' organizations supported a new community coalition called INTERCEDE. The pressure led the then Minister of Employment and Immigration to set up a task force to examine the regulations and practices concerning foreign domestics. The task force submitted a lengthy report and recommended a new policy called *The Foreign Domestic Movement* (FDM). The main provision of this policy was that domestics who had worked continuously in Canada for two years were permitted to apply for landed status from within Canada.

In addition, the new policy required employers to pay foreign domestic workers at least 25 percent

above the minimum wage, extended the services of Canada Employment Centres to foreign domestics, and required a written agreement signed by the employer and employee, specifying pay, hours of work, duties, and boarding conditions. However, despite these formal requirements, the policy continued to restrict the mobility of foreign domestics, subjecting them to the benevolence of immigration officers in determining their status after completion of their contract, and still denying them basic labour rights such as the right to unionize (INTERCEDE 1983).

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

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

In 1988, new policy guidelines were established to evaluate whether an applicant entering Canada as a domestic could adequately perform her duties. The applicant was required to have skills related to the job and, also, at least one year of related experience and/or a one year training course in a related area. After one year in service, domestics were assessed to determine if they were eligible to continue in the program. After two years of employment, the domestic became eligible for permanent resident status. To become a permanent resident a domestic had to demonstrate that she had attended upgrading courses, had a satisfactory record of employment history, was proficient in English or French, displayed a capability for money management (savings, lack of debts), and showed that she had become integrated into the community. These assessments were highly dependent on employers' recommendations and the discretion of immigration officers (INTERCEDE 1992).

Rush Hour *Erica Findlay*

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

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

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

fact discriminatory on the ground of racial or ethnic origin.

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

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

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

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

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

---

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

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

References

Barber, Marilyn. "Sunny Ontario for British Girls, 1900-1930." in J. Burnet,. ed. *Looking Into My Sister's Eyes: An Exploration in Women's History*. Toronto: The Multicultural History Society of Ontario, 1986.

Calliste, A. "Canadian Immigration Policies and Domestics from the Caribbean: The Second Domestic Scheme." *Socialist Studies* 5 (1989): 1-8.

Canadian Press. "Domestic Worker Treated Like Slave" *Globe and Mail* August 6, 1992.

Cohen, Rina. "Women of Colour in White Canadian Households: Coping Strategies of Live-In Domestic Workers." *Qualitative Sociology* 14 (2) (1991): 197-215.

Daenzer, P.M. "Ideology and the Formation of Migration Policy: The Case of Immigrant Domestic Workers 1940-1990." Ph.D. dissertation. Department of Social Work, University of Toronto: 1991

INTERCEDE. *Implementation of the Special Policy on Foreign Domestic Workers. A Brief to the Minister of Employment and Immigration Canada.* March 1983.

INTERCEDE. *Report to the General Meeting.* 1990.

INTERCEDE. *Response to the Proposed Reform of the Ontario Labour Relations Act.* February 1992.

Jackman, Barbara. "Admission of Foreign Domestic Workers: An Overview of the Program. A Feminist Analysis." January 1993 (unpublished).

Ramirez, Judith. "Good Enough to Stay." *Currents* 1 (4) (1983/84): 16-20