



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and Regulation for purposes of interpretation and application of the law.

October 2016

Resident Caretakers

A **resident caretaker** is a person who

- lives in an apartment building that has more than eight residential suites; and
- is employed as a caretaker, custodian, janitor or manager of that building.

If an employer employs more than one resident caretaker the employer may designate one or more of them as the resident caretaker and treat the other(s) as hourly employees. If the employer fails to designate any of them, all resident caretakers are entitled to be paid as resident caretakers.

Coverage under the Act and Regulation

The Regulation provides for a monthly minimum wage for resident caretakers instead of the normal hourly minimum wage and excludes resident caretakers from the hours of work and overtime provisions of the Act.

If there are two or more resident caretakers

If there are two or more resident caretakers in a building, the employer may decide to designate one or more of them as the resident caretaker and treat the other(s) as regular hourly employees.

If the employer decides to designate an employee(s) as the resident caretaker, the employer must tell the employee(s) in writing and provide a copy. If that is done, the other employees can be paid an hourly rate and are entitled to the hours of work and overtime provisions of the Act.

If the employer does not designate at least one of the employees to be the resident caretaker, all of the employees are covered by the resident caretaker provisions of the Act and Regulation and all are entitled to the monthly resident caretaker minimum wage.

Minimum wage

The minimum wage for resident caretakers is a monthly wage based on the number of suites in the building. This wage applies to a resident caretaker who is the only resident caretaker in a building. If there is more than one resident caretaker, it applies to the designated resident caretaker(s) or if the employer did not designate one, all resident caretakers in the building.

For a building with nine to 60 residential suites:

- Sept. 15, 2015 – \$627.00/month, plus \$25.13/suite
- Sept. 15, 2016 – \$651.00/month, plus \$26.09/suite

For a building with 61 or more residential suites:

- Sept. 15, 2015 – \$2,135.71/month
- Sept. 15, 2016 – \$2,217.46/month

Where a resident caretaker works less than a full month, wages are pro-rated based on the number of days worked.

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Example

An employer hires two people who live in the building to be resident caretakers. One of them is hired to work from Monday to Friday and the other is hired to work weekends.

The employer designates the person who is hired to work Monday to Friday as the resident caretaker. The employer puts the designation in writing and gives the employee a copy. That employee is covered by the resident caretaker provisions of the Regulation and is entitled to be paid the monthly minimum wage for resident caretakers.

The other person who is hired to work weekends is not designated as a resident caretaker. That employee is entitled to be paid regular minimum wage for all hours worked and is covered by the hours of work and overtime provisions of the Act.

Hours of work and overtime

Resident caretakers are not entitled to daily or weekly overtime. Resident caretakers are entitled to 32 consecutive hours free from work each week. If a resident caretaker is required to work during this time they must be paid one and a half times their regular wage.

Statutory holidays and annual vacation

Resident caretakers are covered by the statutory holiday and annual vacation provisions of the Act. Please see the *Statutory Holidays* and *Annual Vacation* factsheets for further information.

Suite Rental

Employers may not include the cost of suite rental as part of a resident caretaker's wages. Resident caretakers may assign part of their wages directly to their employer to pay their rent. This is done by way of a written authorization to the employer to deduct the amount of rent owed from wages paid.

Employer to post work schedule

An employer must post a notice in the apartment building specifying the resident caretaker's hours of work and days off, and give the resident caretaker a copy of the notice.

Definition of apartment building

Any building that has the appearance and characteristics of an apartment building, such as a common entrance and hallways, and is a predominantly vertical structure, is considered to be an apartment building under the Act.

Buildings that are predominantly horizontal with separate outside entrances, such as townhouse units or row housing, are not considered to be apartment buildings.

The Act applies to resident caretakers regardless of whether a building has one owner and the units are rented to tenants, or the building is strata-titled and the units are owned individually.