



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.

August 2017

Live-in Home Support Workers

The *Employment Standards Act* provides that under certain circumstances, persons with a physical or mental illness or disability may hire a live-in home support worker at a flat daily rate. In order to have the employee classified as a live-in home support worker, government funding must be in place.

Definition

A live-in home support worker is defined in the Employment Standards Regulation as a person who

- is employed by an agency, business or other employer providing, through a government funded program, home support services for anyone with an acute or chronic illness or disability not requiring admission to a hospital, and
- provides those services on a 24 hour per day live-in basis without being charged for room and board.

A live-in home support worker is not the same as a domestic, who is employed on a live-in basis at a private residence to provide cooking, cleaning or child care services, by an employer who does not receive government funding.

Minimum wage

The minimum wage for a live-in home support worker is:

- September 15, 2016 - \$108.50 per day
- September 15, 2017 - \$113.50 per day

Hours of work and overtime

A live-in home support worker is excluded from the hours of work and overtime provisions of the *Employment Standards Act*. The daily rate applies to all hours worked on any day that work is performed, whether the work day is more or less than eight hours.

“Government funded program”

In order to be considered a “government funded program”, funding for the care of the individual must come primarily from the government and must be specifically provided for the purpose of purchasing home support services. Money the person is entitled to receive regardless of what it is used for is not considered to be government funding for the purposes of this regulation.

“Acute or chronic illness or disability”

An acute or chronic illness or disability can be any condition that incapacitates a person physically or mentally.

“Live-in”

Live-in home support workers stay at the home of the person they provide support to while they are on shift. While at the residence, there is no charge for room and board.

