
INCREASED WAGES FOR RESIDENT CARETAKERS

The Government of British Columbia announced that as of June 1, 2023, minimum wage will be getting a boost. Although the minimum wage for resident caretakers is calculated differently than the general minimum wage, resident caretakers have also had a recent wage increase.

A caretaker's wage is outlined in section 17 of the *Employment Standards Regulation*. The wage is based on the number of suites in a building.

As of June 1, 2023, resident caretaker minimum wage has been increased to the following:

- for a building with nine to 60 residential suites, a caretaker will be paid \$1,002.53 per month plus \$40.17 for each suite. This is an increase of \$64.71 per month and \$2.59 for each suite from last year's wage; and
- for a building with 61 or more residential suites, a caretaker will be paid \$3,414.85 per month. This is an increase of \$220.42 per month from the June 1, 2022 wage.

If employers fail to pay the correct wage, employees will be owed the difference backdated to June 1st.

Who is a Caretaker?

A resident caretaker is a person who lives in an apartment building that has more than eight residential suites. This individual is employed as a caretaker, custodian, janitor or manager of the building. A building can have more than one caretaker.

An apartment building is defined as any building that has the appearance and characteristics of an apartment building (such as a common entrance and hallways) and is predominantly vertical in structure. Buildings that are horizontal with separate outside entrances such as townhomes or row housing are not considered apartment buildings.

Employer Obligations

The *Employment Standards Act* (the “Act”) and *Employment Standards Regulation* (the “Regulation”) apply to resident caretakers; however, caretakers are entitled to a different minimum wage from other professions since caretakers are excluded from the hours of work and overtime provisions of the Act. Section 35 of the Regulation indicates that Sections 36 and 39 of the Act apply to caretakers whereas the rest of Part 4 of the Act does not.

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.

Under the Act, an employer is required to ensure that either: (i) an employee has at least 32 consecutive hours free from work each week, or (ii) the employer pays an employee 1 ½ times the regular wage for time worked by the employee during the 32-hour period the employee would otherwise be entitled to have free from work.

An employer must ensure that each employee has at least 8 consecutive hours free from work between each shift worked (except for emergency situations). An employer must not require or indirectly allow an employee to work excessive hours or hours detrimental to the employee’s health or safety.

An employer is also required to display a caretaker’s hours of work (and days off) in an apartment building. It is important for an employer to keep a record of an employee’s hours in the event of a dispute.

Employment Agreement

There is no standard form of employment contract as between a landlord and employee. However, a caretaker’s employment is ideally documented in writing to avoid any misunderstandings regarding the terms of their employment. Such agreements could include: (i) that part of the resident caretaker’s wages be assigned as rent by way of a written authorization to their employer, or (ii) a requirement for the caretaker to keep a log of hours so their overtime can be properly reported and paid.

After a contract has been entered into, any changes (such as changes to wages or benefits) should be documented by adding an addendum in writing executed by the parties with sufficient consideration.

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