

Employment Standards

Rights and responsibilities at work

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Caregivers (Home Care and Residential Care)

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Part 3, Division 9 of the Employment Standards Regulation (Regulation) sets the standards that apply to caregivers.

The Regulation defines caregivers to mean employees who provide home care services and residential care services, in accordance with the Co-ordinated Home Care Program Regulation (AR 296/2003).

Home care

Home care means the provision of health, personal or rehabilitation care services or routine homemaking services to clients. It does not include the following services: heavy housework service, handyman service, meals on wheels and wheels to meals, transportation service, or office or administrative services.

Home care is provided in the client's residence on a one-on-one basis in situations where the caregiver is **not** employed directly by the client. Most often these employees are employed by agencies (for example: – nannies employed by an agency).

Caregivers employed directly **by their clients** to provide home care services are domestic employees. For more information on employment standards applicable to domestics, please see the "Domestic Employment" Fact Sheet at <http://employment.alberta.ca/esfactsheets>.

Residential care

Residential care employees are employed to provide health, personal, or rehabilitation care services. It does not include employees hired to perform office work, menu planning and meal preparation, housekeeping, janitorial and maintenance services and other duties not directly related to client care.

Residential care is provided in a residential setting such as a group home or shelter where employees provide care to several clients at once.

Payment of wages and overtime pay for caregivers

Home care and residential care employees working a 24-hour shift

Home care employees working a 24-hour shift must receive an amount at least equivalent to the minimum wage for 12 hours. This is calculated as follows:

$$\$9.40 \times 12 = \$112.80$$

Residential care employees working a 24-hour shift must receive an amount at least equivalent to the minimum wage for 24 hours, which is calculated as follows:

$$\$9.40 \times 24 = \$225.60$$

In both home care and residential care, 12 hours of each 24-hour shift are considered regular hours of work. Regular hours worked in excess of 264 per work month are overtime hours. There is no daily overtime in a 24-hour shift.

Home care and residential care employees working less than a 24-hour shift

Employees working less than a 24-hour shift must be paid at least the minimum wage for each hour of the shift.

In each work month, hours worked in excess of 12 hours per work day or 264 hours per work month, whichever is greater, are overtime hours.

An employer may designate up to 8 hours as sleep time in each shift that are not counted as hours of work when calculating daily or monthly overtime hours. If an employee works during designated sleep time, the time worked is counted as hours of work and are included when calculating daily and monthly overtime.

Caregiver payment for outings with client

Unless the parties agree to other arrangements, when a caregiver accompanies a client on a vacation, recreational or educational outing or some other outing, the caregiver must be paid at least what would have been earned during the same period when not on an outing.

Caregiver working less than two hours and travel time

Home care may involve caregivers visiting several clients in a day, with time often spent travelling between clients or periods of inactivity. Travel time or breaks can last anywhere from less than an hour to several hours depending on the needs and location of the client.

When visits are separated by an **unpaid** break in work or travel time of any duration, the visit before and after the break or travel time each become a separate period of employment.

When there is a meal break of one hour or less between visits, the visit before and after the meal break are combined when determining whether an employee has received an equivalent of two hours at minimum wage. Meal breaks typically include breakfast, lunch and dinner.

For each separate period of employment, the employee must be paid an amount equivalent to at least two hours at the prevailing minimum wage or their actual work time spent with the client at their normal wage rate, whichever is greater. Provided that the greater amount has been paid for each separate period of employment, the employer is not required to pay for the break or travel time.

An employer may choose to pay through some or all breaks or travel time during the day instead of paying the two hour minimum for each separate period of employment.

It is Employment Standards' policy that the two hour minimum payment does not apply if the employee chooses to be only available to work for a shorter time.

Entitlement to other standards

Except for exemptions from hours of work and overtime hours and pay, home and residential care employees are entitled to other standards set out under the *Employment Standards Code*. Such standards include vacation pay, general holiday pay and termination pay, etc.

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