

Domestic Workers and the Law

You are a domestic worker if you:

- *work at an employer's private residence to provide cooking, cleaning, child care or other services*
- *live at the employer's private residence.*

As a domestic worker, you are covered under the *Employment Standards Act*, which allows for you to get overtime pay, statutory holidays and holiday pay, annual vacations and vacation pay, and the BC minimum wage.

Your employer cannot refuse to pay you for overtime or not allow you to take off holidays or to take vacations.

To qualify, you must have a written work agreement between you and your employer which lists your duties, hours of work, wages and what you are charged for

room and board. The **maximum** charge for room and board is \$325 per month. Your employer must give you a copy of this agreement.

For example, your employer can agree to pay you \$1,500 per month minus \$325 for room and board. This means you make \$1,175 per month. If your employer says you have to pay more than \$325 a month for room and board, contact the Employment Standards Branch to file a complaint.

If you work more hours than the agreement says, you must be paid

extra for these hours. If working more hours means you work more than eight hours a day or 40 hours a week, the extra pay must be paid at overtime rates.

For example, if your work agreement says you must work 30 hours a week and will be paid \$10 per hour and you end up working 37 hours, you must be paid \$370 for the week instead of \$300.

If you end up working 45 hours that week, you are paid \$400 for the first 40 hours plus \$75 for the 5 hours over 40 hours a week. For every hour after 40 hours worked,

you receive time-and-a-half (in this situation, \$15 per hour).

Within 30 days of when you start a job, your employer must inform the Employment Standards Branch of your name, address and telephone number. Every six months your employer must notify the Branch of any changes to your information.

This article is a brief introduction to some of the laws about working in BC. For more detailed information, go to the website of the Employment Standards Branch at:

www.labour.gov.bc.ca/esb/



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