

# Domestic Employment

**October 2016**

Part 2, section 9(c) of the Employment Standards Regulation (Regulation) makes provisions for the minimum wage rate applicable to domestic employees. Part 1, section 6 of the Regulation exempts domestic employees from hours of work, overtime hours and overtime pay.

All other minimum standards prescribed in the employment standards legislation apply to domestic employees.

A domestic employee is a person employed to do work in the employer's residence, for the care, comfort and convenience of members of that residence.

Note: Casual babysitting is not considered domestic employment and falls outside the provisions of the *Employment Standards Code* (Code).

## Domestic employees who live in their employer's home

For employees who live in their employer's home:

- The minimum wage is \$2,316 per month, regardless of the number of hours worked;
- Pro-rating of the monthly minimum wage is permitted where the employee agrees to work for a portion of a month, such as mornings only; and
- There are limits to the deductions from the minimum wage for room and board that employers may take per month. The maximum allowable deduction per meal is \$3.35. The maximum allowable deduction for lodging is \$4.41 per night. Deductions may not be made for meals not consumed.

## **Domestic employees who do not live in their employer's home**

For domestic employees who do not live in their employer's home:

- The minimum wage of \$12.20 per hour applies for all hours worked. For example, an employee who works nine hours in a day is entitled to \$109.80 (\$12.20 x 9 hours), and
- Meal deductions from the minimum wage of \$12.20 cannot exceed \$3.35 per meal consumed.

The Code's general holiday and general holiday pay provisions apply equally, whether domestic employees live-in or do not live in their employer's home. Please see the "General Holidays and General Holiday Pay" Fact Sheet at <http://work.alberta.ca/esfactsheets> for more information.

## **Standards that apply to domestic employees**

Domestic employees are entitled to:

- the minimum wage,
- general (statutory) holidays with pay,
- a statement of earnings and deductions for the employee's retention each pay period,
- a rest period of at least 30 minutes, paid or unpaid, during each shift in excess of five consecutive hours,
- at least one day of rest in each week,
- vacations and vacation pay,
- notice of termination of employment, and
- maternity, parental and reservist leaves.

## **Standards that do not apply to domestic employees**

Domestic employees are exempt from overtime compensation and restrictions on maximum hours of work, but are not exempt from requirements for rest periods and days of rest.

The Code does not address benefits such as sick leave, dental coverage and bereavement leave. Such benefits are a matter of negotiation between an employer and the employee.

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