The alternative minimum wage for live-in home support workers in B.C.: An analysis

A report for the B.C. Fair Wages Commission

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Introduction
The role of home support services in the delivery of health and social care – especially care that supports the ability of older people and those with disabilities to stay in their homes - has expanded dramatically across Canada in recent decades. In 2012, 8 percent of Canadians over the age of 15 received homecare, and over 400,000 people had unmet care needs.\(^1\) These trends affect British Columbia: according to the 2016 Census, B.C. had the sixth fastest rate of population growth of all provinces and territories between 2011 and 2016, and had the joint fifth (with Quebec) highest proportion of the population aged 65 and over (18.3 percent).\(^2\) B.C. also has relatively low unemployment, and a tightening labour market.

Against this demographic and economic background, “In 2009/10 health authorities in B.C. provided home support services to more than 24,000 people and spent approximately $339 million on those services”.\(^3\) Evidence suggests that the need for homecare services is growing along with the ageing population and the shift from institutional care to care in the community, even though the actual level of publicly-funded home support has declined in the last 15 years.\(^4\) At the same time, research highlights understaffing and a shortage of workers in the long-term sector\(^5\), including in home support and homecare.\(^6\)

This report focuses on one group of workers in this sector in B.C., who provide government-funded home support services on a live-in basis. It examines the alternative minimum wage for of this group of workers, and briefly discusses the implications of retaining, abolishing or expanding the use of the alternative minimum wage.

Live-in home support workers in B.C.
Live-in home support workers are definitionally distinct from the group of workers referred to as live-in caregivers.

Definitions
Live-in caregivers who are citizens or permanent residents of Canada are covered by the category of domestics in the B.C. Employment Standards Act (ESA).\(^7\)

"Domestic" means a person who (a) is employed at an employer's private residence to provide cooking, cleaning, child care or other prescribed services, and (b) resides at the employer's private residence.

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\(^1\) Government of Canada, “Canadians with Unmet Home Care Needs.”
\(^3\) British Columbia and Office of the Ombudsperson, The Best of Care, 12.
\(^4\) Cohen, “Caring for BC’s Aging Population: Improving Health Care for All.”
\(^6\) “New Strategy Is Needed to Address Shortage of Continuing Care Workers”; Le Goff, “Home Care Sector in Canada: Economic Problems.”
\(^7\) Employment Standards Act, R.S.B.C., 1996; The Ministry of Jobs, Tourism and Skills Training “Domestics Factsheet - Province of British Columbia.”
Live-in home support workers, on the other hand, are:  

...[D]efined 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 thus 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. Live-in caregiver positions require public (government) funding to qualify for the minimum daily wage and are thus distinct from other categories of live-in workers. As the ESA states, “Under the Employment Standards Act and Regulation, there are several different categories of employees who provide care and home services and these other types of employees should not be confused with a “domestic”. They include: live-in home support worker, night attendant, residential care worker and sitter”.  

Currently, live-in home support workers belong to the broad category of Community Health Workers (CHWs), who provide care publicly-funded care in non-institutional settings. Home support workers make up more than 70 percent of the workers in this category, and CHWs are the third largest category of health care worker in B.C. CHWs in publicly funded health care settings in B.C. must be registered with the B.C. Care Aide & Community Health Worker Registry.

The specific category of live-in home support worker was established in 1995 following a recommendation of the 1994 ‘Thompson report’ on Employment Standards in British Columbia. In that report, Thompson recommended that 1) that the existing category of “live-in homemaker” be changed to “Live-in Home Support Worker”, and 2) that the exclusion of this group of workers from the hours of work provisions the ESA continue, but that they be paid for 12 hours per 24 hour period according to the requirements for premium rates. For the remaining 12 hours of the day, they should be paid the greater of 3 hours or time actually worked at their regular rate. Live-in homemakers were, at the time of Thompson’s report, being paid a minimum daily wage, calculated at 8 times the minimum hourly wage. They were excluded from the provisions for rest periods in Section 18 of the Employment Standards Regulation. It also appears that the category of homemaker was not limited to workers providing government-funded services.

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10 “Health Care Workers in BC.”
12 Employment Standards Regulation, B.C. Reg. 58/2017
Within the general framework of this Report, the most reasonable way of dealing with live-in homemakers is to require that they are paid a normal wage for the normal work day, **including premium pay to a maximum of 12 hours**. For the night time period, the arrangement now found in Section 18 of the Regulation has been found to be workable, with a pro-rata adjustment for the longer period off duty.\(^{13}\)

The recommendation was adopted in a modified form by the NDP government then in power, in the form of the minimum daily wage for in-home support workers, *and* the requirement that it apply only to workers providing services through a government funded program. The exclusion of these workers from Part 3 of the *ESA* was retained, meaning that they did not become eligible for rest periods stipulated by Section 18 of the Regulation (pertaining to residential care workers).

### The minimum wage for live-in caregivers in B.C.: history and present context

When adopted, Section 16 of the B.C. *Employment Standards Act* set the minimum daily wage for in-home support workers at $65 for each day or part day worked (the general minimum wage was $6.50 per hour in March 1995, rising to $7.00 per hour in October 1995). In other words, it was 10 times the general hourly minimum wage. Appendix 1 shows the history of increases to the minimum daily wage for live-in home support workers (Table 3). The minimum wage for this group of workers is currently (as of January 1, 2018) defined as follows:

**16 (1) The minimum daily wage for a live-in home support worker is $113.50 for each day or part day worked.**\(^{14}\)

Live-in home support workers are still exempt from hours of work and overtime provisions of the *Employment Standards Act*. The daily rate applies to all hours worked on any day work is performed, whether this amounts to more or less than eight hours. Workers in this category are *only* required to live-in while they are on shift, and they are not charged room and board. These stipulations are significant differences from definitions of live-in caregivers in other categories. While caregivers in the LCP were charged room and board under the old program, they are not now permitted to be charged for accommodation (in common with other categories of worker in the TFWP), but they are expected to live-in on a continuing basis *if* the employer stipulates that the position is a live-in one. A domestic, as defined under the *ESA*, may be charged up to $325 per month for room and board\(^ {15}\) and is expected to reside at the employer’s private residence.

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\(^{13}\) Ibid, 72, emphasis added.

\(^{14}\) B.C. Reg. 158/2017, s. 2.

\(^{15}\) The Ministry of Jobs, Tourism and Skills Training “Interpretation Guidelines Manual British Columbia Employment Standards Act and Regulations - Province of British Columbia- ESR Section 14 – Maximum Room and Board Rates for Domestics.”
The statutory framework for wages of domestics, live-in caregivers and in-home caregivers are also different. Domestics in B.C. are covered by the ESA; these provisions include overtime pay, statutory holidays and holiday pay, annual vacations and vacation pay, and the general minimum wage. In-home caregivers are in the low-wage stream of the TFWP, which means that they must be paid the local prevailing wage. “Under the Temporary Foreign Worker Program, the prevailing wage rate is identified as the median hourly wage (or annual salary as published on Job Bank) or higher for the particular occupation and work location.” This wage cannot be lower than the applicable federal or provincial/territorial general minimum wage rate. Given that in-home caregivers are categorically distinct from live-in home support workers, the minimum daily wage should not apply; however, it appears that clients approved for the publicly-funded Choice in Supports for Independent Living (CSIL) program may hire migrant workers as live-in home support workers. Advice provided online suggests that under these circumstances the worker is still considered an in-home caregiver for the purposes of coverage under the ESA, although there is relatively little information available from the provincial government on this situation. It is a complex area for employers and workers to navigate, for although the federal regulations on in-home caregivers would seem to regulate these positions, some of the information provided online suggests that CSIL employers can apply for variances and averaging agreements that allow employment contracts to contravene normal maximum allowable hours of work (for example) under the ESA. The Ministry of Labour reports that these are rare in the live-in home support sector, but it is not clear how many have been granted to CSIL clients.

What the daily minimum wage for live-in home support workers implies is that a worker in this category could be paid less than a domestic or in-home caregiver for the same work. For example, given live-in home support workers’ exclusion from working time provisions of the ESA, a worker in this category paid $113.50 for a 12-hour shift would be paid 71 percent of the normal pay of a domestic and 43 percent of the normal pay of an in-home caregiver. As the sections that follow show, wages for live-in home support workers are on average higher than the statutory daily minimum wage; nevertheless, the possibility exists for these workers to legally be paid below what a domestic or in-home caregiver might expect for the same shift (see Table 1) – and in-home caregivers are no longer required to live in on a permanent basis.

16 The Ministry of Jobs, Tourism and Skills Training “Domestics Factsheet - Province of British Columbia.”
17 Employment and Social Development Canada, “Program Requirements for Low-Wage Positions.”
18 See, for example, these information sources: “CSIL Modules”; “In-Home Caregivers for Senior Care Child Care, Disabled Care.”
19 Training, “Averaging Agreements Factsheet - Province of British Columbia” Averaging agreements can permit workers to work up to 12 hours per day, to a maximum of 40 hours per week, without overtime pay.
20 Personal communication, January 23, 2018.
Table 1: Comparison of potential minimum pay among live-in home support workers, in-home caregivers and domestics, 12 hour shift

<table>
<thead>
<tr>
<th>Category of worker</th>
<th>Maximum allowable shift</th>
<th>Statutory minimum rate of pay</th>
<th>Potential pay for a 12-hour shift***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live-in home support worker</td>
<td>N/A</td>
<td>$113.50/day</td>
<td>$113.50</td>
</tr>
<tr>
<td>Domestic</td>
<td>40 hours per week (regular time). Overtime paid after 8 hours.</td>
<td>Basic hourly wage: $11.43/hour (general minimum wage)</td>
<td>$158.92¹</td>
</tr>
<tr>
<td></td>
<td>At least 8 hours free from work between shifts and 32 consecutive hours free in a week.</td>
<td>Daily overtime*: Hours over 8/day = 1.5 x regular wage Hours over 12/day = 2 x regular wage Weekly overtime: Hours over 40/week = 1.5 x regular wage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Split shifts must end no more than 12 hours after they start.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-home caregiver</td>
<td>40 hours per week (regular time) Overtime regulated as per above.</td>
<td>Average wage for the category of Home support workers, housekeepers and related occupations (NOC 4412) for BC: $18.93** Overtime paid as per above.</td>
<td>$264.42²</td>
</tr>
</tbody>
</table>

*Daily overtime may not have to be paid under a variance or averaging agreement.
** Determined in accordance with the process stipulated by the Government of Canada using the federal job bank: [www.jobbank.gc.ca](http://www.jobbank.gc.ca).
***Gross hourly wage, before taxes and deductions.

¹ 8 hours @ $11.35/hour + 4 hours @ $17.03 = $158.92
² 8 hours @ $18.93/hour + 4 hours @ $22.25 = $264.42

The minimum wage for live-in caregivers in other provinces

How do B.C.’s regulations for live-in home support workers and their equivalents compare with other provinces? In-home caregivers are federally regulated, although the local prevailing wage may vary. As Table 2 (Appendix 2) illustrates, there is considerable variation among provinces as to: a) whether the categories of domestic worker or caregiver are defined in provincial labour law, and b) how such definitions, where they exist, connect with laws on the provincial minimum wage.

Whether domestic workers or live-in caregivers are paid minimum wage varies by province:

- Domestic workers are exempt from minimum wage legislation in New Brunswick, Nova Scotia, the Northwest Territories, and the Yukon.
- Live-in domestics in Alberta are paid a minimum of $2,582 per month, regardless of the number of hour worked.
• In Saskatchewan ‘come-in caregivers’ are exempt but live-in caregivers must be paid the general minimum wage for the first eight hours worked.

• In Ontario homecare workers are generally entitled to up to 12 hours at the prevailing minimum wage rate.

As this summary suggests, the definition of the daily minimum rate for live-in home support workers in B.C. is not an approach that is widely shared by other provinces, but exemptions and alternative minimum wages for domestic workers and caregivers are not uncommon.

**Average wages in the sector**

Although the minimum wage is an important ‘floor’ for wages in any sector, it is equally important to look at the average or median wage to understand whether this floor is also, effectively, the ceiling. In other words, how does the minimum wage relate to what most workers in these jobs are paid?

A challenge with accessing and comparing data on live-in home support workers is that the category is defined in the B.C. ESA and does not exactly correspond with a category in either of the main occupational or industry classification systems used by Statistics Canada. These are the North American Industry Classification System (NAICS) Canada 2012, and the National Occupational Classification (NOC) 2011. The closest categories in these systems to the category of live-in home support worker are NOC 4412 and NAICS 624120.

The federal job bank, which is used to determine the prevailing wage for low-paid positions under the TFWP, uses NOC 4412 to determine the low, median and high wages for home support workers, housekeepers and related occupations across Canada. As Figure 1 indicates, the median wage in B.C. in 2015-2016 was around $17/hour.

**NOC (2011), 4412 - Home support workers, housekeepers and related occupations**

Home support workers provide personal care and companionship for seniors, persons with disabilities and convalescent clients. Care is provided within the client's residence, in which the home support worker may also reside. They are employed by home care and support agencies, private households, or they may be self-employed. Housekeepers perform housekeeping and other home management duties in private households and other non-institutional, residential settings.

**NAICS (2012), 624120 - Services for the elderly and persons with disabilities**

This Canadian industry comprises establishments primarily engaged in providing non-residential social assistance services to improve the quality of life for the elderly, the developmentally handicapped or persons with disabilities. These establishments provide for the welfare of these individuals in such areas as day-care, non-medical home care, social activities, group support and companionship.
### Wage Estimates

<table>
<thead>
<tr>
<th>Location</th>
<th>Low</th>
<th>Median</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Canada</strong></td>
<td>11.00</td>
<td>15.00</td>
<td>21.25</td>
</tr>
<tr>
<td>Alberta</td>
<td>13.60</td>
<td>17.35</td>
<td>25.00</td>
</tr>
<tr>
<td>British Columbia</td>
<td>11.35</td>
<td>16.75</td>
<td>23.00</td>
</tr>
<tr>
<td>Manitoba</td>
<td>11.15</td>
<td>14.00</td>
<td>19.66</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>11.00</td>
<td>12.99</td>
<td>15.30</td>
</tr>
<tr>
<td>Newfoundland and Labrador</td>
<td>12.25</td>
<td>14.00</td>
<td>15.83</td>
</tr>
<tr>
<td>Northwest Territories</td>
<td>15.00</td>
<td>19.05</td>
<td>34.93</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>11.65</td>
<td>17.85</td>
<td>19.75</td>
</tr>
<tr>
<td>Nunavut</td>
<td>15.00</td>
<td>23.25</td>
<td>30.00</td>
</tr>
<tr>
<td>Ontario</td>
<td>14.00</td>
<td>16.00</td>
<td>22.00</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>11.30</td>
<td>13.78</td>
<td>18.00</td>
</tr>
<tr>
<td>Québec</td>
<td>11.25</td>
<td>14.00</td>
<td>20.75</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>10.96</td>
<td>15.00</td>
<td>36.75</td>
</tr>
<tr>
<td>Yukon</td>
<td>14.00</td>
<td>19.00</td>
<td>27.55</td>
</tr>
</tbody>
</table>


Looking at another measure, 2016 Job Vacancy and Wage Survey (JVWS) data indicate that the average lowest full-time hourly wage for workers in category NOC 4412 in B.C. was $15.25, while the average highest full-time hourly wage was $17.07.\(^ {21}\) The same survey, which also records job vacancies and the average offered hourly wage for NOC categories, suggests that the average hourly wage actually declined between the first quarter of 2016 and the third quarter of 2017 (from $17.10 to $15.02) in B.C., although these figures are based on a limited number of data points due to unreliable data in some quarters (and should therefore be treated with caution).\(^ {22}\)

NAICS data is used in the American Occupational Employment Statistics (OES), but the level 5 categories (Canadian industries) are not reflected in the Canadian studies that use NAICS, like the National Household Survey and the Census. These surveys use higher (less detailed) categories, like 6241 – Individual and

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Family Services, which includes Child and youth services, Services for the elderly and persons with disabilities, and Other individual and family services. Moreover, income data are only provided for an even higher category, 62 – Health care and social assistance, which includes nursing and residential care facilities, hospital workers, and ambulatory health care services, as well as 624 – Social Assistance, which contains 6241. This skews the average and median wages, due to the inclusion of more highly-paid categories of workers.

Finer-grained wage data also suggest that the average wage varies based on class of worker and job permanency. While Figure 2 is based on a snapshot of Statistics Canada Public Use Microdata Files (PUMF)

Figure 2: Usual hourly wages, employees only, class of worker, job permanency, March 2017 – NOC 44 – Care providers and educational, legal and public protection

![Bar Chart]


data from the March 2017 LFS, and is therefore not indicative of trends (and should be used with caution), it suggests that in the snapshot period public sector wages in NOC 44 were higher than private sector wages across all classes of worker, likely due to higher levels of unionization. Although not as robust as time series data, it does mirror the union wage advantage illustrated in Figure 3 for all employees in B.C. – which is particularly strong for part-time workers.
Figure 3, LFS estimates, average hourly wage rate by union status and type of work, B.C.

Average hourly wage


According to the provincial Ministry of Labour, the minimum daily wage is seldom used because most workers who provide publicly-funded home support services are unionized. The Health Employers Association of B.C. (HEABC) publishes some data on the ‘Community Subsector’, and notes that four main unions represent workers in community care roles: The British Columbia Government and Service Employees’ Union (BCGEU), which organized almost 70% of workers in this category in 2014; the Hospital Employees’ Union (HEU); the United Food and Commercial Workers’ Union (UFCW); and the Health Sciences Association (HSA).

The Community Subsector

Employees provide support services in various community settings including private homes, group homes, residential community living homes, supported employment programs, child development

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23 Personal communication, January 16, 2018.
Community health workers make up the largest classification group in this subsector. Community health workers are employed to provide home support services through contracted agencies and directly for the province’s health authorities.

Source: http://www.heabc.bc.ca/Page4307.aspx#.Wm63mUtG0UE

According to an HEABC Fact Sheet on bargaining, prepared using 2013 data, there were 15,100 Community Subsector workers in that year, of which 22% were full time, 12% part time, 23% regular Community Health Workers, and 43% casual. The HEABC notes that within this group “There are 8,000 community health workers in BC who care for clients in a variety of publicly-funded health care settings...Most community health workers work for home support agencies (74.4 percent) and community mental health services (19.4 percent)”. Research done since 2002 indicates increasing levels of part-time and casual work and declining levels of full-time, permanent employment – as indicated in the HEABC data on the Community Subsector - with more split shifts and less time per client. This means that increasing numbers of workers in the health and social assistance fields (NAICS 62) have to hold multiple jobs: among women in this sector the proportion of multiple job holders increased massively, from 5.7 percent in 1987 to 22.4 percent in 2017. Among men in the sector the proportion was 5.2 percent in 2017. Research also documents an overall decline in access to home support services, meaning that those receiving these services are more likely to have acute medical needs. The distinction between non-medical and medical homecare that exists, for example, in the NAICS 624120 definition, is thus becoming blurred in practice.

What is clear is that the median hourly wage for home support workers, housekeepers and related occupations in B.C. is above the minimum wage. The minimum daily wage is thus below what a live-in home support worker could make if not thus categorized. At the same time, home support workers or community health workers are increasingly part-time or casual and work with clients with higher medical needs.

Workforce characteristics
The home support workforce is majority female, mirroring the concentration of women in health and care-related occupations – women outnumbered men four to one in health occupations in the 2016

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25 HEABC, “Fact Sheet: Health Services & Support Community Subsector.”
26 “Community Health Workers.”
27 Cohen et al., From Support to Isolation.
29 Cohen, “Caring for BC’s Aging Population: Improving Health Care for All.”
Small-scale qualitative research on the home support sector suggests that racialized and immigrant women are over-represented, while HEABC data show that the average age of community health workers in B.C. in 2013 was 47 (with more than a third of workers aged 55 or over). These patterns of workforce composition and characteristics mirror international evidence on live-in caregivers and home support workers.

Both the people who rely on public home support and the workers who provide it are mostly low-income, economically-vulnerable individuals, mainly women.

There are surprisingly few sources of published data on immigrant and visible minority workers, by occupation or industry, in Canada and the provinces. An analysis of the immigrant labour market by Statistics Canada showed that in 2010-2011 the health care and social assistance industry had the largest proportional growth in immigrant workers of any of the industries in Canada with the largest shares of total employment. A snapshot of PUMF data from the March 2017 Labour Force Survey illustrates the distribution of immigrant and non-immigrant workers by industry for B.C. (Table 2). These data need to be treated with caution, given that they are only a monthly snapshot – more detailed analysis of a time series is necessary to establish any real pattern or trend. What they do suggest is that in March 2017, for female immigrants who arrived within the last 10 years, retail (21 percent) and health care and social assistance (20 percent) were the most common industries of employment, while female immigrants who had been in Canada for more than 10 years were most likely to be employed in health care and social assistance (22 percent), with retail a more distant second (11 percent).

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30 “The Daily — Labour in Canada: Key Results from the 2016 Census.”
31 Cohen et al., From Support to Isolation.
32 “Community Health Workers.”
33 Hussein, “’We Don’t Do It for the Money’ ... The Scale and Reasons of Poverty-Pay among Frontline Long-Term Care Workers in England”; Folbre, For Love and Money; Poo and Poo, The Age of Dignity.
34 Cohen et al., From Support to Isolation, p. 13.
35 Although microdata files can be downloaded for relevant variables, CANSIM tables do not examine industry or occupation and immigration status together.
Table 2, Percentage of workers by industry, immigration status, sex of respondent for B.C. – March 2017 Labour Force Survey

<table>
<thead>
<tr>
<th>Immigration status</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry of main job</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>2.1</td>
<td>1.1</td>
<td>1.3</td>
<td>1.2</td>
<td>1.2</td>
<td>0.7</td>
<td>1.1</td>
</tr>
<tr>
<td>Forestry and logging and support activities for forestry</td>
<td>0</td>
<td>0</td>
<td>0.1</td>
<td>0.1</td>
<td>1.8</td>
<td>0.4</td>
<td>0.8</td>
</tr>
<tr>
<td>Fishing, hunting and trapping</td>
<td>0</td>
<td>0</td>
<td>0.3</td>
<td>0.1</td>
<td>0.2</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Mining, quarrying, and oil and gas extraction</td>
<td>0.2</td>
<td>0</td>
<td>0.7</td>
<td>0.5</td>
<td>2.4</td>
<td>0.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Utilities</td>
<td>0.7</td>
<td>0</td>
<td>0.9</td>
<td>0.6</td>
<td>0.5</td>
<td>0.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Construction</td>
<td>14.7</td>
<td>1.3</td>
<td>12.9</td>
<td>0.9</td>
<td>16.5</td>
<td>2.3</td>
<td>9</td>
</tr>
<tr>
<td>Manufacturing - durable goods</td>
<td>3.8</td>
<td>1</td>
<td>5.2</td>
<td>3.7</td>
<td>5.3</td>
<td>1.2</td>
<td>3.5</td>
</tr>
<tr>
<td>Manufacturing - non-durable goods</td>
<td>3.5</td>
<td>3.5</td>
<td>5</td>
<td>6.2</td>
<td>3.4</td>
<td>1.9</td>
<td>3.4</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>4.6</td>
<td>5.2</td>
<td>5.3</td>
<td>3.6</td>
<td>4.8</td>
<td>1.8</td>
<td>3.7</td>
</tr>
<tr>
<td>Retail trade</td>
<td>12.4</td>
<td>20.9</td>
<td>9.5</td>
<td>11</td>
<td>10.2</td>
<td>13.7</td>
<td>11.9</td>
</tr>
<tr>
<td>Transportation and warehousing</td>
<td>8.6</td>
<td>1.1</td>
<td>8.9</td>
<td>4.2</td>
<td>8.1</td>
<td>2.8</td>
<td>5.7</td>
</tr>
<tr>
<td>Finance and insurance</td>
<td>3.9</td>
<td>2.7</td>
<td>5.9</td>
<td>5.4</td>
<td>2.1</td>
<td>5.1</td>
<td>4</td>
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<td>Real estate and rental and leasing</td>
<td>3.3</td>
<td>1.9</td>
<td>3.8</td>
<td>1.2</td>
<td>1.8</td>
<td>1.6</td>
<td>2</td>
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<tr>
<td>Professional, scientific and technical services</td>
<td>13.7</td>
<td>5.8</td>
<td>9.3</td>
<td>7.9</td>
<td>7</td>
<td>7.2</td>
<td>7.7</td>
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<td>Educational services</td>
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<td>3.2</td>
<td>5.2</td>
<td>6.7</td>
<td>4.9</td>
<td>10.5</td>
<td>6.8</td>
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<td>Health care and social assistance</td>
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<td>19.5</td>
<td>5</td>
<td>21.8</td>
<td>4.1</td>
<td>19.2</td>
<td>11.8</td>
</tr>
<tr>
<td>Information, culture and recreation</td>
<td>4.2</td>
<td>4.9</td>
<td>3.9</td>
<td>2</td>
<td>7</td>
<td>6.9</td>
<td>5.9</td>
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<tr>
<td>Accommodation and food services</td>
<td>10.7</td>
<td>13.5</td>
<td>6</td>
<td>7</td>
<td>6.7</td>
<td>9.2</td>
<td>7.9</td>
</tr>
<tr>
<td>Other services (except public administration)</td>
<td>0.8</td>
<td>7.6</td>
<td>4.6</td>
<td>6.5</td>
<td>3.9</td>
<td>5.3</td>
<td>4.7</td>
</tr>
<tr>
<td>Public administration</td>
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<td>1</td>
<td>1.9</td>
<td>3.1</td>
<td>4.1</td>
<td>5.4</td>
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<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

N= 109590  97859  310057  288586  975851  914661  2696604


B.C. government data from the Immigration Labour Force Survey, which are available for 2009-2013, show that the number of immigrant workers employed in health occupations was larger than the number of
Canadian-born workers for all of the years for which the survey was conducted: between 2009-2013, the gap between Canadian born and immigrant workers was an average of -1.7 percent in the health occupations (a negative gap means that Canadian workers have a lower value for that category than immigrants). On the other hand, the gap between part-time work and full-time work among Canadian-born and immigrant workers in B.C. increased during the same period, meaning that immigrant workers were more, and increasingly, likely to be employed part-time compared with Canadian-born workers.37

Although more analysis is needed of the characteristics of workers in the home support sector in particular, existing research and available data suggest that workers are more likely than average to be female, racialized and/or from an immigrant background, and employed on a part-time or casual basis. The 2016 Census data on individuals with low income status (after-tax)38 show that 20 percent of B.C. residents who identified as visible minorities fell into that category; for women, this rose to 21 percent.39 This proportion of workers in the low-income category is about 5 percent higher than among B.C. residents as a whole. Among immigrants in B.C. the prevalence of after-tax low income was 19 percent, compared with 13 percent among non-immigrants – again, this proportion was slightly higher for immigrant women, at nearly 20 percent.40 For non-permanent residents who are female, this rises to 45 percent.

Thus, while the average hourly wage in this sector may be above the general minimum wage, home support workers who are racialized or immigrant women also have an increased likelihood of working part-time and/or being in a low-income category. Given the relationship between unionization and wages, non-unionized home support workers in the private sector may be most at risk of low incomes. Even in the unionized sector, research by Cohen et al. highlighted that CHWs who provided home support services faced a 4 percent wage roll-back in 200441, and average hourly wages appear to have climbed slowly since then (HEABC data indicate an increase of about 5 percent above inflation between 2008 and 2013, which doesn’t account for the wage roll-back earlier in the decade).

38 The Low-income measure, after tax, refers to a fixed percentage (50%) of median adjusted after-tax income of private households. The household after-tax income is adjusted by an equivalence scale to take economies of scale into account. This adjustment for different household sizes reflects the fact that a household’s needs increase, but at a decreasing rate, as the number of members increases. Source: Data Tables, 2016 Census.
39 “Visible Minority (15), Individual Low-Income Status (6), Low-Income Indicators (4), Generation Status (4), Age (6) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data.”
40 “Immigrant Status and Period of Immigration (11), Individual Low-Income Status (6), Low-Income Indicators (4), Age (6) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data.”
41 Cohen et al., From Support to Isolation.
International evidence: live-in caregivers’ wages

Paid caregivers often face conditions of precarious employment, of which wages are one dimension. The international literature on live-in caregivers highlights three dimensions of precarity:

- the devaluation of care work, a lack of public funding, and related low-pay;
- legal status; and,
- exemptions from labour and employment rights, and the non-enforcement of those rights that do exist for caregivers.

While there is not the space here to provide an in-depth review of these literatures, it is worth noting some of the key insights from this body of research. First, paid care work, especially when provided in private households, is devalued both because it replaces unpaid reproductive labour that has historically been done by women ‘for free’, and because – when paid – it is racialized; caregiver jobs are disproportionately done by women of colour and migrant women in many countries. Second, precarious legal status contributes to broader worker precarity, including the likelihood of severe exploitation and low- or no- pay. In other words, temporary migrants and other workers without permanent status are less likely to be able to access secure and stable employment with fair terms and conditions of employment because their legal status is directly linked to conditions of employment that are inherently precarious (for example, when their work permit is tied to a sponsoring employer). Third, this precarity is exacerbated because work in private households is often not covered by labour law, and those rights that live-in caregivers do have are often not enforced. For all of these reasons, the International Labour Organization has focused on the rights of migrant domestic workers, on one hand, and the importance of robust minimum wage policies, on the other.

Given the differences between live-in caregivers and live-in home support workers in B.C. law, the literatures on homecare also warrant discussion. Research from the United Kingdom highlights the impacts of austerity policies and the casualization on wages and working conditions in the long-term care sector. In the USA, problems with recruitment, retention and quality of care – exacerbated by homecare workers’ low pay and exemptions from federal labour laws – have been addressed through worker

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44 Conaghan and Rittich, Labour Law, Work, and Family: Critical and Comparative Perspectives.


47 Hussein, “‘We Don’t Do It for the Money’ ... The Scale and Reasons of Poverty-Pay among Frontline Long-Term Care Workers in England”; Hayes and Moore, “Care in a Time of Austerity.”
organizing, higher wages, and the fight to bring homecare and domestic workers under the Fair Labor Standards Act. The relationship between pay and retention is particularly emphasized as one that is crucial to addressing the impending ‘care crisis’ implied by demographic ageing. A key argument made in a recent paper on the USA, however, is that long-term services including homecare are relatively poorly understood and suffer from “the streetlight effect”, which describes gaps in available data on homecare services (and workers).

Unrecognized data gaps, including the scope of home care provided by private hire and nonmedical providers, can distort knowledge and poorly inform long-term services and supports policy.

These literatures spotlight themes also relevant to Canadian research on homecare – the streetlight effect key among them. Existing research on homecare in Canada also illustrates some similar issues to the international literatures. For example, health problems related to the job, in particular stress and musculoskeletal disorders, are associated with leaving the sector; as research from Ontario has shown, non-standard hours and job insecurity need to be addressed to improve retention. Another important study that included homecare workers in British Columbia, Ontario and Nova Scotia found that job satisfaction was related to job scheduling, travel and safety; income security; and communication, support and respect. This study suggested that homecare positions should have wage parity with equivalent positions in long-term care facilities.

In these literatures wages are an important but not singular cause (or indicator) of dissatisfaction, attrition or even exploitation. Wages are thus one key dimension of income security, but need to be understood alongside job security, hours, scheduling and occupational health and safety (injuries and stress).

The future of the alternative minimum wage for live-in home support workers

The B.C. provincial government suggests that the minimum daily wage for live-in home support workers is seldom used, because live-in home support services are either a) performed by workers who are covered by collective agreements that stipulate higher wages, or b) because Health Authorities do not provide these services:

- Interior Health Authority: does not provide live-in home support services; contracted providers do not provide live-in care to any of their shared clients; if required, clients hire privately.

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50 Zeytinoglu et al., “Associations between Workers’ Health, and Non-Standard Hours and Insecurity.”
51 Panagiotoglou et al., “Job Satisfaction.”
• Fraser Health Authority: does not provide live-in or 24/7 home support services. Palliative clients have adequate hospice residence that can provide 24/7 care. If required, clients hire privately.
• Vancouver Coastal Health Authority: across much of this region (Richmond, North Shore, Vancouver), contracted providers provide short-term contingency if absolutely no family supports are in place, or urgent community stabilization is required (if a client is sent home from the ER with 24/7 home support until a community clinician can urgently assess the patient - within 1-5 days). VCHA reports that all workers are compensated as per collective agreements.
• Vancouver Island Health Authority: live-in home support services may be provided for end-of life-care, hospital discharges, as a bridge between home and admission to a facility, and respite (in situations of extreme caregiver burnout). For example, over a 2-week period in July 2015, 145 live-in overnight shifts were provided. VIHA reports that all workers are compensated as per collective agreements.
• Northern Health Authority: does not provide live-in home support services.52

The number of workers hired under the alternative minimum wage for this category thus appears to be small, given that privately-hired home support services do not qualify for the minimum daily wage.53

This means that removing alternative minimum wage would impact an unknown but seemingly small number of workers and employers, at a relatively small cost to the provincial government (which funds services provided by this category of worker). It would remove the possibility of the large discrepancy in pay (relative to unionized workers) that would result if a worker not covered by a collective agreement were hired in this category and subject to the minimum daily rate (as detailed in Table 1). Given how rare the utilization of the alternative minimum wage seems to be, it is unclear what the argument is for its retention for publicly-funded services.

The minimum daily wage for in-home support workers was an improvement on the arrangements in place at the time of the Thompson report for live-in homemakers (a minimum daily wage calculated at 8 times the minimum hourly wage). But, crucially, by limiting the minimum daily wage to workers in government-funded programs it effectively brought private-sector home support workers under the ESA. Cost-containment was one possible reason for its introduction in 1995 in a form different than what was recommended. As Thompson wrote at the time, “The decentralization of the health care delivery system which is now underway is likely to cause an increase in the number of persons employed in home care and residential care facilities”.54 In the context of debates over welfare and public spending reform, the government of the day would have been conscious the cost implications of employing greater numbers

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52 Personal communication, January 23, 2018.
53 The exemption of privately-hired home support services from the minimum daily wage was confirmed in a B.C. Employment Standards Tribunal ruling in June 2016. See BC EST # D088/16, www.bcest.bc.ca/decisions/2016/d088_16.pdf. These workers are, like domestics, subject to the general minimum wage.
54 Thompson and British Columbia, Ministry of Skills, Training Labour, Rights and Responsibilities in a Changing Workplace, 70.
of home support workers, especially given the severe cuts to federal health transfers. As Cohen et al. have shown, B.C. went from having the second highest share of provincial spending on home health services in 1977/78, above the Canadian average, to only the seventh highest (below the Canadian average) by 1997/98.\(^{55}\) Privately-paid care was a smaller share of the market during this period.

But research conducted in 2007, that modeled demand for public and private long-term care services in B.C., suggested that the demand for publicly-funded homecare services will remain relatively flat.\(^{56}\) This analysis confirms findings on the decline in home support services - in other words, that tightened eligibility requirements and funding cuts, especially since 2002, have reduced the number of seniors receiving government-funded home support services. The paper’s model also quantifies the increasing role of private care in meeting that demand. This means that rationing is effectively holding down the cost of government-funded home healthcare services in the province, while those who can afford it increasingly turn to private providers.

The BC Care Providers Association (BCCPA), which represents non-government (private) providers of community care and supports 11,000 seniors receiving private homecare, has argued that the minimum daily wage should be applied (with amendments) to all workers providing live-in support services. Although seldom used in the public sector, it is thus a model that is being pursued again by non-government providers, including a modified exemption from hours of work and overtime provisions of the ESA. The BCCPA has proposed an improved minimum daily wage based on the standard hourly minimum wage - $11.35 per hour x 12 hours ($136.20) at the current rate. The proposed exemption from hours of work and overtime provision would stand except where the live-in home support worker: works more than 264 regular hours per month; is not provided with at least eight hours of rest or sleep, with no more than three interruptions; and works more than six days consecutively.

The BCCPA argues that the hourly rate (the general minimum wage) for live-in home support is prohibitively expensive. However, the comparisons in their brief to the B.C. government\(^{57}\) do not refer to the levels of usage of the current minimum daily wage, which the Ministry of Labour claims are very low. This means that most government-funded home support services are provided by unionized workers covered by collective agreements, which pay above the level of the minimum daily wage. They are not, in other words, cheaper for government than for private clients.

The proposed increase in the provincial hourly minimum wage to $15 per hour, which the current government has committed to but not specified a timeline for, will raise wages for privately-hired home support workers and provide a higher wage floor for collective bargaining in the public sector. This is potentially good news for workers in this sector, many of whom are racialized and immigrant women over the age of 40. As research on the living wage in the UK has demonstrated, though, increasing pay for workers does not result on its own in increased economic security where employers respond by reducing hours or shifting from permanent to casual workers.\(^{58}\) Increased part-time and casual work, split shifts,

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\(^{55}\) Cohen et al., *From Support to Isolation*, 50.

\(^{56}\) Hare et al., “A Deterministic Model of Home and Community Care Client Counts in British Columbia,” 96.


\(^{58}\) Linneker and Wills, “The London Living Wage and In-Work Poverty Reduction.”
clients with more acute needs, less time per client, and increased travel requirements have all resulted from the changes to home support services started in the 1990s. These trends will need to be addressed to improve the economic security of home support workers.

There is no doubt that paying privately for homecare is expensive. But addressing the unmet homecare demand in B.C. by expanding the reliance on private services; and exempting the workers providing those services from minimum wage, hours of work and overtime provisions; further shifts the costs onto workers and clients – who have already borne the brunt of cutbacks. A robust debate is needed in B.C. to determine how home support services can be accessed equitably by older people and those with disabilities who wish to live independently in their own homes – not only by those who can afford them. Whether one agrees with Thompson’s recommendations for in-home support workers or not, it is worth revisiting his rationale:

Live-in homemakers should be entitled to treatment as similar to other employees as possible. Other recommendations in this Report would eliminate the minimum daily pay for farm workers and domestics. The time has long past when persons employed in the health sector, broadly defined, are expected to subsidize their clients or the taxpayer.  

A system that is equitable needs to be fair to both clients needing home support services, and the workers who provide them. This will likely require more public funding. Expanding home support services by expanding the alternative minimum wage and overtime exemptions to make private care cheaper does not seem likely to meet the fairness test.

References


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Hussein, Shereen. “We Don’t Do It for the Money’ ... The Scale and Reasons of Poverty-Pay among Frontline Long-Term Care Workers in England.” *Health & Social Care in the Community* 25, no. 6 (Immigrant Status and Period of Immigration (11), Individual Low-Income Status (6), Low-Income Indicators (4), Age (6) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data.” Accessed January 30, 2018. http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/dt-td/Rp-eng.cfm?TABID=2&LANG=E&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=0&GK=0&GRP=1


**Appendix 1**

Table 3: History of minimum daily wage increases for live-in home support workers, B.C.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Live-in home support worker</td>
<td>$65.00</td>
<td>$70.00</td>
<td>$71.50</td>
<td>$76.00</td>
<td>$80.00</td>
<td>$87.50</td>
<td>$95.00</td>
<td>$102.50</td>
<td>$104.50</td>
<td>$108.50</td>
<td>$113.50</td>
</tr>
</tbody>
</table>
## Appendix 2

### Table 4: Provincial minimum wage for live-in caregivers and equivalents<sup>60</sup>

<table>
<thead>
<tr>
<th>Province</th>
<th>Minimum hourly wage (as at October 1, 2017)</th>
<th>Live-in caregiver definition</th>
<th>Live-in caregiver wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberta</td>
<td>$13.60</td>
<td>A domestic employee is a person employed to work in the employer’s residence, for the care, comfort and convenience of members of that residence.</td>
<td>For domestic employees who live in: $2,582/month. For domestic employees who don’t live in: $13.60 per hour.</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>$10.96*</td>
<td>A care provider is someone hired primarily for the care and supervision of an immediate family member in either the home of the employer or the home of the family member requiring care. There are two types of care providers: Come-in care providers (do not live in the home of the employer); and Live-in care providers.</td>
<td>Come-in care providers are exempt from minimum wage. For live-in care providers, the hourly rate during the first eight hours is always at least the minimum wage.</td>
</tr>
<tr>
<td>Manitoba</td>
<td>$11.15</td>
<td>Employees who live in homes to take care of, or supervise, a member of the employer’s household, while residing in the employer’s residence are domestic workers (including live-in nannies).</td>
<td>Domestic workers who work more than 12 hours per week must make at least minimum wage.</td>
</tr>
<tr>
<td>Ontario</td>
<td>$11.60</td>
<td>Domestic workers are hired to work in a private home. They do things such as housekeeping, or provide care, supervision or personal assistance to children or people who are elderly, ill or disabled. An employee who is hired by a business, agency or any person other than the householder to perform homemaking services for a</td>
<td>Domestic workers are covered by the Ontario Employment Standards Act on payment of wages. Home care workers (homemakers) are generally entitled to minimum wage for up to 12 hours per day.</td>
</tr>
</tbody>
</table>

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<sup>60</sup> A list of hourly wage rates for specific groups of workers, by province, can be found here: “Current And Forthcoming Minimum Hourly Wage Rates For Young Workers And Specific Occupations - Canada.Ca.”
householder is classified as a 'homemaker'.

<table>
<thead>
<tr>
<th>Province</th>
<th>Wage</th>
<th>Definition</th>
<th>Minimum Wage Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quebec</td>
<td>$11.25</td>
<td>A domestic is an employee in the employ of a person and whose main function is the performance of domestic duties in the dwelling of that person, including an employee whose main function is to take care of or provide care to a child or to a sick, handicapped or aged person.</td>
<td>General minimum wage.</td>
</tr>
<tr>
<td>Newfoundland and Labrador</td>
<td>$11.00</td>
<td>No formal definition in law.</td>
<td>General minimum wage.</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>$11.00</td>
<td>No definition, but the provincial Employment Standards Act “does not include a person having control or direction of or being responsible, directly or indirectly, for the employment of persons in or about his private home”. The excludes domestic workers from minimum wage legislation.</td>
<td>Persons employed in a private home are exempt from the minimum wage.</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>$10.85</td>
<td>The provincial minimum wage does not apply to employees who do domestic service for or give personal care to an immediate family member in a private home and are working for the householder or to employees who do domestic service for or give personal care in a private home and are working for the householder for 24 hours or less per week.</td>
<td>Domestic service and personal care workers employed in a private home are exempt from the minimum wage.</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>$11.25</td>
<td>No definition.</td>
<td>General minimum wage.</td>
</tr>
<tr>
<td>North West Territories</td>
<td>$12.50</td>
<td>The minimum wage will rise to $13.46 on April 1, 2018.</td>
<td>Exempt from the minimum the wage.</td>
</tr>
<tr>
<td>Province</td>
<td>Minimum Wage</td>
<td>Description</td>
<td>Notes</td>
</tr>
<tr>
<td>------------</td>
<td>--------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Yukon</td>
<td>$11.32*</td>
<td>Domestics are persons employed to provide cooking, cleaning, gardening, maintenance, chauffeuring, sitting, nursing, tutoring or other services to household.</td>
<td>Domestics are exempted from Part 2, Hours of Work and Overtime, of the Yukon Employment Standards Act. If domestics are not paid an hourly rate, then their minimum wage is 8 hours multiplied by the current minimum wage rate to calculate the minimum amount for each day or part day worked.</td>
</tr>
<tr>
<td>Nunavut</td>
<td>$13.00</td>
<td>The Labour Standards Act and provincial minimum wage applies to domestic workers when defined by regulation.</td>
<td><strong>These provinces have annual rate increases based on changes in the Consumer Price Index.</strong></td>
</tr>
</tbody>
</table>