

Housing Rights for Live-in Care Workers

This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. The information in this fact sheet was reviewed by a lawyer, and was last updated on 16 February 2021.

Many migrant care workers live with their employers. This fact sheet explains care workers' housing rights in a live-in housing arrangement, and particularly, during the COVID-19 pandemic.

As a care worker, am I required to live with my employer?

Generally, no. Employers cannot require a care worker to live in their home. You and your employer can, however, decide that a live-in arrangement is the most suitable, either for the needs of the person requiring care or to assist you.

There is one exception. If you were hired through the Live-in Caregiver Program (LCP) and have been working in Canada on a work permit issued under the LCP, you and your employer must have agreed on a live-in arrangement.

The majority of care workers currently working in Canada are **not** working under the LCP. The LCP stopped accepting new initial work permit applications as of November 30, 2014.

What are the requirements for employer-provided housing?

Whether your employer can charge you for housing depends on which program you are hired under as a care worker in Canada. The majority of care workers in Canada currently work under either the Temporary Foreign Worker Program (TFWP) or the International Mobility Program (IMP).

1) The TFWP

To be hired under the TFWP, your work permit would have required a Labour Market Impact Assessment (LMIA).

If you were hired under the TFWP, your employer **cannot** charge you for room and board for your accommodations.

Moreover, if you are hired under the TFWP, and you and your employer decide on a live-in housing arrangement, your employer must ensure that:

- the housing arrangement is in the home of the person receiving care;
- you have a bedroom that is private and furnished;
- your bedroom door has a lock and safety bolt on the inside;
- your bedroom meets the municipal building requirements and the provincial/territorial health standards.

2) The IMP

Being hired under the IMP means you are either hired under the Home Child Care Provider Pilot program or the Home Support Worker Pilot program. For more information on these programs, see our fact sheet on *Options for Extending your Work Permit for Care Workers Inside Canada*.

If you are hired under the IMP, your employer **can** charge you for room and board. There are, however, particular rules that your employer must follow if you are hired to work in BC. These rules are set out in the BC *Employment Standard Act*. They include:

- Your employer must clearly state in your employment contract the charges for room and board;
- The charges for your room and board must **not** be more than \$325 per month.

Is my live-in housing arrangement covered by the Residential Tenancy Act (the RTA)?

Your housing arrangement is covered by the RTA only if you and your employer do **not** share a kitchen and a bathroom.

If your housing is covered by the RTA, you can seek assistance from the provincial Residential Tenancy Branch (RTB) in case of tenancy disputes between you and your employer. If your housing is **not** covered by the RTA, you won't be able to turn to the RTB for help, but you still have other resources where you can seek assistance in case of tenancy disputes. For more information, see our fact sheet on *Housing Rights During COVID-19*.

My employment is terminated. Can I be evicted?

It depends. Specific rules that apply to your situation may be found in your employment contract. For example, if your employment contract stipulates that housing is provided to you during the term of your employment, or if your contract is silent on the issue, the provincial law allows your employer to end your tenancy with regard to the employer-provided housing at the end of your employment. It is recommended that you seek legal advice if the issue arises.

In any case, your employer is required by law to give you notice on the termination of tenancy. Your employer can only terminate your tenancy on or after the last day of your employment, and they must allow at least one month for you to move out of the employer-provided housing after the day that the notice is given to you.

What are my rights when it comes to housing during COVID-19?

Everyone is required by law to quarantine or isolate for 14 days upon their entry to Canada, unless exempt. During your subsequent time in Canada, you or other people in the same household may be required to quarantine or isolate. There are particular housing requirements when it comes to quarantine or isolation.

The housing provided by your employer must separate people who are in quarantine or isolation from people who are not. If your employer or any member in the family is required to quarantine or isolate, they must be separated from you and the rest of the people living in the same household. The same applies when you are required to quarantine or isolate. Moreover, the law requires that your employer must not prevent you from meeting the mandatory 14-day quarantine requirement upon your entry into Canada. This means that they are required to make sure that your housing arrangement allows you to comply with the quarantine or isolation requirements. For more information, see our fact sheet on *Mandatory Quarantine or Isolation upon Entry to Canada during COVID-19*.

When you are not required to quarantine or isolate, your employer cannot restrict your freedom of movement. In other words, your employer cannot require you to stay in the house when you are not working. You are free to carry out your activities as long as they comply with local health orders. For more information, see our fact sheet on *Your Right to Freedom of Movement during COVID-19*.