

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
69 ELIZABETH II, 2020

# Bill 210

**An Act to amend the Employment Standards Act, 2000 with respect to  
the minimum wage for residential superintendents, janitors and caretakers**

**Mr. G. Bisson**

**Private Member's Bill**

1st Reading      October 5, 2020

2nd Reading

3rd Reading

Royal Assent



**An Act to amend the Employment Standards Act, 2000 with respect to  
the minimum wage for residential superintendents, janitors and caretakers**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1 The *Employment Standards Act, 2000* is amended by adding the following section:**

**Residential superintendents, janitors, caretakers**

**23.2** (1) A person who is employed as the superintendent, janitor or caretaker of a residential building and resides in the building is entitled to be paid at least the minimum wage.

**Room or board not part of wage**

(2) Subsection 23 (2) does not apply to a person who is employed as the superintendent, janitor or caretaker of a residential building and resides in the building.

**Limitation re prescribed class**

(3) Superintendents, janitors or caretakers of residential buildings may not be prescribed,

- (a) under paragraph 2.0.1 of subsection 141 (1) as a class of employees for the purpose of subsection 23.1 (2); or
- (b) under paragraph 3 of subsection 141 (1) as a class of employees to which this Act, this Part or any provision of this Part does not apply.

**2 (1) Paragraph 2.0.1 of subsection 141 (1) of the Act is amended by adding “Subject to clause 23.2 (3) (a)” at the beginning.**

**(2) Paragraph 3 of subsection 141 (1) of the Act is amended by adding “Subject to clause 23.2 (3) (b)” at the beginning.**

**Commencement**

**3 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**4 The short title of this Act is the *Fairness for Residential Superintendents, Janitors and Caretakers Act, 2020*.**

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EXPLANATORY NOTE

The Bill amends the *Employment Standards Act, 2000* to provide that a person who is employed as the superintendent, janitor or caretaker of a residential building and resides in the building is entitled to the minimum wage under Part IX of the Act. The Bill specifies that the regulations cannot provide that persons so employed are disentitled to the minimum wage. The Bill also provides that room and board for those persons shall not be considered part of their wage.