

TEMPORARY AGENCY WORKERS

Temp agency workers have the same rights as other workers. The temp agency is your official employer, but the client company (the place where the agency sends you to work) has responsibilities for your work as well.

AN AGENCY MUST GIVE YOU INFORMATION

Your agency must give you their name and contact information in writing. When the agency offers you an assignment, they must give you: the client company name, wage rate, hours of work, description of work, length of assignment (if known) and the pay period and pay day. They should do this as soon as possible. The agency must also give you information about your rights from the Ministry of Labour.

EQUAL PAY FOR EQUAL WORK

As of April 1, 2018, agencies are required to pay temp agency workers the same rate of pay as employees hired directly by the client company if the workers are doing substantially the same work. Your Agency should ensure that you are being paid the same as workers in the company that you are assigned when you do substantially the same kind of work. You have a job-protected right to ask coworkers about their pay rates to see if you should get equal pay. WAC will support temp agency workers to get equal pay. Call us if you have any questions.

AN AGENCY CANNOT CHARGE YOU FEES

A temp agency cannot charge you money for signing up with them, assigning you work or helping with a resume or job interview.

RIGHT TO PUBLIC HOLIDAYS

You have the same right to public holidays and public holiday pay as other workers do. If you are on an assignment, you have a right to take the public holiday off and to be paid public holiday pay for that day. Public holiday pay is the total of your previous 4 weeks' earnings divided by 20.

WHAT IF I'M NOT ON ASSIGNMENT WHEN A PUBLIC HOLIDAY FALLS?

You may still be eligible for public holiday pay. If your assignment just ended, but you did work in the 4 weeks before the public holiday, you could still qualify for public holiday pay.

WHAT IF I WORKED THE HOLIDAY?

You can agree in writing to either:

- Be paid premium pay (1.5 x hourly rate) and public holiday pay;
- or
- Work the public holiday at your regular rate of pay AND take another day off with public holiday pay.

If you have a problem getting your holiday pay, contact WAC for help.

10 DAYS PERSONAL EMERGENCY LEAVE

Just like other workers, you have the right to take up to 10 days of personal emergency leave each calendar year. Your agency must pay you for the first 2 days of this leave. This leave is for your own illness, injury or medical emergency, or for the death, illness, injury, medical emergency or urgent matter of your family members. Neither your client company nor your agency should penalize you for taking emergency leave. You must be on assignment to be eligible for this leave.

VACATION

You also have the right to vacation leave and pay. You get 2 weeks paid vacation after the first year working for your agency and 3 weeks paid vacation after 5 years with the agency.

The agency can ask you to sign an agreement to pay your vacation pay on each pay rather than as a lump sum when you take vacation. In this case, you would get 4% of your regular pay for vacation pay (up to 5 years) and 6% (after 5 years).

WHAT IF THE CLIENT COMPANY WANTS TO HIRE YOU?

If you have worked 6 months or more on an assignment, the temp agency is not allowed to charge a fee to the client company for hiring you directly. Your agency cannot stop a company from hiring you or giving you an employment reference letter.

RIGHT TO NOTICE OF TERMINATION OF ASSIGNMENT

If you were offered an assignment of 3 months or more but your assignment was terminated early, you may get 1 week of termination pay or notice. There are some limitations on eligibility.

RIGHT TO NOTICE OF TERMINATION OF EMPLOYMENT

If your agency fires you or lays you off, you are entitled to termination pay or notice. You may qualify for termination pay or notice if you have been available to work for an agency but have not had an assignment in 13 weeks or more. The length of time you have worked for the agency will determine how many weeks of notice or pay in lieu of notice you will receive.

NO PENALTY FOR ASKING ABOUT YOUR RIGHTS

Temp agencies should not penalize you for asking about your rights. The client company (where you work) also should not punish you for asking about your rights under the ESA, including by ending your assignment. Both the temp agency and the client company can be held responsible if you are penalized for trying to enforce your rights.

The agency and client company may both be responsible for unpaid wages or penalizing you for enforcing your rights. If your agency fails to pay you properly, the client company may be responsible for paying the unpaid wages. This can include unpaid wages, overtime pay, and public holiday pay.

PROTECT YOURSELF

Both the agency and client company are required to record the number of hours you worked. But it can be hard to get the proper records from agencies and companies. That is why it is important that you keep records of all the dates and hours you worked.

Keep copies of pay stubs and T4s. Get a copy of your Record of Employment (ROE) when you leave an agency. If you have questions about how your agency or client company is treating you, call WAC. You may also file a complaint at the Ministry of Labour if your rights have been violated.

SUPPORT AND RESOURCES

Workers' Action Centre

There are other laws in Ontario that protect you such as the Occupational Health and Safety Act and Human Rights Code. Call our Workers' Rights Hotline for support and referrals.

416-531-0778

Toll Free: 1-855-531-0778

www.workersactioncentre.org

Ministry of Labour

Contact the Ministry of Labour for information on your rights under the Employment Standards Act and how to file a claim when your rights are violated.

1-800-531-5551

www.labour.gov.on.ca