



TEMPORARY AGENCY WORKERS

Temp agency workers have the same rights as other workers. If you don't have immigration documents, a Social Insurance Number, a valid Work Permit, or you get paid in cash, you still have rights under basic employment laws.

The agency is your official employer. The place where you work every day is called the client company. Both have legal responsibilities for your work. This can be confusing when you are trying to defend your rights. It is important to get help if you think your rights are being violated.

This factsheet explains some of your basic rights, how to protect yourself, and what to do if you are having problems at work. **If you are a temp agency worker and are having problems at work, call us for help. All calls are free and confidential.**

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. They must also give you information about your rights from the Ministry of Labour.

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. If you have worked on an assignment for 6 months or more, 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.

GETTING PAID IN CASH

It is legal to be paid in cash. You must still be paid at least the minimum wage. The agency must give you a record or "pay slip" every time you are paid. It should say how many hours you've worked, your pay rate, overtime, public holiday pay, vacation, and deductions taken for taxes, EI and CPP.

YOU CANNOT BE PUNISHED FOR ASKING ABOUT YOUR RIGHTS

Temp agencies are not allowed to penalize you for asking

about your rights. The client company is also legally responsible if you are penalized for trying to enforce your rights.

YOU HAVE A RIGHT TO SAFE WORK

You have the right to refuse work that is unsafe. Both the temp agency and the client company can be held legally responsible if you are injured or get sick at work. It is important to report your injury or illness as soon as possible. Call the Workers' Action Centre to get help. In case of an emergency, call 911. If you get sick or are injured on the job and cannot work, you may be entitled to financial compensation from the Workplace Safety and Insurance Board (WSIB). WSIB can pay you even if you don't have a work permit or status. WSIB does not normally ask about immigration status or report this information to the government. Your boss may try to convince you not to report an accident. If this happens, write down all the details of what happened and call us for help.

YOU HAVE A RIGHT TO VACATION TIME AND VACATION 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 agree in writing to receive your vacation pay on each pay cheque, 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).





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YOU HAVE A RIGHT TO PUBLIC HOLIDAY PAY

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 (regular wages and vacation pay) divided by 20. If you are not on an assignment when a public holiday happens, 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. If you worked on a public 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.

UNPAID WAGES?

If your agency does not pay your wages, overtime pay or public holiday pay, the client company is responsible for the money you are owed. It can be hard to get your unpaid wages from an agency that operates through a telephone or online service. That is why it is important that client companies are also responsible for wages that are not paid. Write down any information you can find about your agency and the client company: names, titles, work and home addresses, phone numbers, license plate numbers.

TERMINATION OF EMPLOYMENT

If your agency fires you or lays you off, you are entitled to termination pay or notice. If you were offered an assignment of 3 months or more but were terminated early, you may get 1 week of 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. The temp agency has to give you a Record of Employment (ROE) that lists all your assignments. If you have not worked or received income for 7 days, you are considered on lay-off and could qualify for EI. If this happens to you, ask the temp agency for an ROE. This does not mean you are quitting - tell this to the agency.

PROTECT YOURSELF!

- Keep your own record of the hours, dates and location where you worked, and any problems that happen. Keep this record at home or on your personal cell phone.
- Keep records of any communication you have with your employer: texts, emails, phone calls, letters.
- Keep copies of pay stubs and T4s. Get a copy of your Record of Employment (ROE) when you leave an agency.
- If you get paid in cash, write down the dates and hours you worked, and how much you have been paid. Keep copies of any email transfers, receipts from payday loan or cash stores, or other evidence that shows your employer pays you. You may still qualify for EI - apply as soon as you stop working.
- If you are injured or get sick at work, report the accident as soon as possible. Your boss may try to convince you not to report an accident. If this happens, write down all the details of what happened and call us for help.
- If you have been threatened or punished for asking about your rights, write down the details of what happened and call us for help.
- If you have questions about how your agency or client company is treating you, call the Workers' Action Centre. You may also file a complaint at the Ministry of Labour if your rights have been violated.

WHERE TO GET HELP

Workers' Action Centre

There are other laws in Ontario that protect you such as the Human Rights Code. Call our Workers' Rights Hotline for help and to get connected with other supports.
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

