

EXPERIENCE: SOLIDARITY

Together with other temp workers, I made change happen

By Beixi Liu



Activists participate in a rally to expand Employment Insurance eligibility and benefits to help more workers affected by the recession.

Because I was a temp worker, the agency told me, I was an “elect-to-work” worker. According to the law, this meant I was not entitled to public holiday pay. There are 9 public holidays in a year so this means I lost almost two weeks’ pay. I had come to Canada in 2001, as an independent immigrant from China. After a few survival jobs and many unsuccessful attempts to get a job in engineering, I’d finally landed this temp agency job in 2007.

In 2008, after working for the agency for more than half a year, I finally got fed up with the injustice. I decided to challenge it. But when I complained, the agency simply said that I was not entitled to public holiday pay according to the labour law. I was furious with the law but felt powerless, helpless and very frustrated. I’d lost the first round.

In my desperation, an idea came to me - why not see if there is any help available for people like me? I knew there were many people working for temp agencies. I started to do some research online, looking for information. From there, the Workers’ Action Centre (WAC) came to my attention. I found they were talking about the issues temp workers were facing. It seemed WAC was a place for me to go to seek help.

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Through WAC, I learned what my rights are as a temp worker, what steps I could take to protect myself and what strategy I could use where the law does not provide protection to temp workers. I learned that many temp agencies were deliberately taking advantage of loopholes in the labour law. But because the agency never offered me any real “elect-to-work” opportunity, I should not be misclassified as an “elect-to-work” worker and, like other workers in my situation, I should in fact be paid on public holidays.

Equipped with the knowledge and information I got from WAC, I confidently went back to the temp agency to challenge them again. The second round of the battle, I won. I got most of the money they owed me and they had to pay me public holiday pay from then on.

Ontario’s hundreds of thousands of temp workers are very vulnerable to rights violations by unlawful employers. Besides that, our outdated labour laws offer little protection. If we can’t change the law to provide protection to all workers and make sure the law is enforced, more temp workers like me will suffer unfair treatment. I realized that while I’d won a small battle against the temp agency, my personal victory did not address the loopholes and outdated parts of the labour law.

I became a member at the Workers' Action Centre and have been involved in WAC's campaign, "Ontario Workers Need a Fair Deal." Through this campaign we are trying to improve outdated labour laws to give more protection to workers in unstable jobs, like temp agency workers, and to make sure our labour laws are enforced. Along with other members, staff, and allies from other community organizations, we organized rallies and launched a "Bad Boss Tour" to expose bad bosses who owed a lot of unpaid wages to workers.

I learned a lot about raising my voice and working for change as a member of the Worker's Action Committee. As part of our collective struggle to change outdated labour laws, I had the opportunity to speak with reporters and give speeches at conferences on our experiences working through temp agencies, to meet with the Minister of Labour and speak with MPPs about the changes we wanted to see, to provide the Ministry of Labour with my opinions in a consultation on temp agency legislation, and to read my testimonial at the Standing Committee of the Legislative Assembly.

When we organize and work together, we are strong. The collective efforts of workers, acting together through the Worker's Action Centre, ultimately resulted in significant amendments to the labour law, so as to provide better protection for temp workers (see sidebar).

I know it's not the end of our struggle. There are still a lot of issues and problems that need to be addressed—such as better enforcement of the law. We have not gotten everything that we asked for. We need to keep on working for change.



Beixi Liu is an intern-organizer with the Workers' Action Centre (WAC), a worker-based organization committed to improving the lives and working conditions of people in low-wage and unstable employment. WAC brings workers together to fight for fair employment and to provide leadership in our struggle for fairness and dignity at work.

New Rights for Temp Workers

Many newcomers find work through temporary employment, or temp, agencies. They can be a good way to find a first job in Canada. However, temp workers are vulnerable to being treated as 'second-class workers'. By working together as members of labour rights organizations like the Workers' Action Centre (WAC), workers like Beixi Liu have been able to make important changes. "Here was some of my job description," he says: "be ready anytime waiting to be called in to work but without any compensation for 'being ready anytime'; low pay – not a surprise; precarious work – what else could I expect; no benefits – I stopped thinking about benefits a long time ago; be vulnerable to violation of my rights - I knew but I felt powerless. It seemed labour laws did not protect temporary workers. We were being mistreated."

There are about 700,000 temp workers in Ontario. After years of organizing by WAC and other allies, in November 2009 the provincial government finally updated the labour law to provide more protection for temp workers. Now, temp workers are entitled to public holiday pay and may be entitled to termination and severance pay. The temp agency can't charge fees to workers for finding them a job and can't stop temp workers from getting hired directly by a client company. Furthermore, the temp agency can only charge a client company a fee for hiring a temp agency worker in the first 6 months. Finally, Beixi and his fellow temp workers have won the right to stand up for their rights: neither the temp agency nor the client company are allowed to punish workers who ask about their rights.