

ARE YOU A TEMP AGENCY WORKER?

NEW CHANGES TO THE LAW! EFFECTIVE NOVEMBER 6th, 2009

We did it! The Workers' Action Centre, temp workers and supporters across the province have been fighting to improve protections for temp agency workers. These changes are a direct result of our hard work and organizing.

IS YOUR AGENCY FOLLOWING THE NEW LAWS?

No Penalty for Asking About Your Rights

Temp agencies should not penalize you for asking about your rights. The client company (where you work every day) can also be held responsible if you are penalized for trying to enforce your rights.

Public Holiday Pay

All temp agency workers have the the same rights to public holiday pay as other workers. Even if you are between assignments or on lay-off, you may be entitled to public holiday pay. Public holiday pay is calculated as the regular wages earned and vacation pay received in the four weeks prior to the holiday, divided by 20. This can equal out to \$0 if not on assignment for the agency in the four weeks before the public holiday.

No Fees

An agency cannot charge you money for signing up with them, assigning you work or helping with a resume or job interview. Job recruiters or "headhunters" can still charge money for finding you permanent employment with a company.

Agency Must Give You Information About Your Assignment

Your agency must give you, in writing, their name and contact information. They must also give you information from the Ministry of Labour about your rights. When your agency offers

you an assignment, they must give you; the company name, wage rate, hours of work, description of work and length of assignment (if known) and the pay period and pay day. They should do this as soon as possible.

Termination Pay

If you have been employed for at least three months, you have the right to receive notice or pay in lieu of notice if your employment relationship ends (terminated or no work for 13 weeks in a 20 week period). 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.

Severance Pay

If you have been an employee of an agency for five or more years, you may also have a right to severance pay if the agency ends your employment. You could receive severance pay, along with termination pay, depending on the nature of the lay off and the number of workers on the payroll of the agency.

Reduced Barriers to Permanent Work

An agency cannot stop a company from hiring you directly. The agency can charge a fee to the company (not you) for hiring you. This fee can only be charged to the company in the first six month period after you are assigned at the company. An agency cannot stop a company from giving you a reference.

WHAT IF MY AGENCY IS NOT FOLLOWING THE LAW?

Call the Workers' Action Centre or go to our website for information on what you can do. All calls are confidential.

NEXT STEPS...

We celebrate these new legal rights as a victory. But, these new rights are not enough to truly protect us. We still have big changes to fight for - better enforcement, updating our laws, equal rights for temp workers. Get involved in our Ontario Workers' Need A Fair Deal campaign!



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