



Member Centre: [Login](#) | [Sign Up](#)
 Toronto | [Change City](#)
16.3°C Mainly Sunny
 Tomorrow:
22°C Sunny with cloudy periods

Toronto

A Growing Problem in a Growth Industry

Statistics Canada figures show that employment agencies across the country generated \$5.6 billion in operating revenue in 2006 through their temporary staffing activities. That was a six per cent increase over the previous year.

Over 700,000 people in Ontario have temporary jobs. Much of this employment is through temporary help agencies. There are about 1,000 agencies currently operating in the province. An estimated 20 per cent of new hires in Canada are hired through temp agencies, double the figure in 2001.

Statistics Canada report: [Rise of the employment services industry](#).

Temporary work has changed

The umbrella group representing temporary agencies is called ACSESS, the Association of Canadian Search, Employment and Staffing Services. ACSESS describes the changing nature of temp work this way:

"In the traditional economy, temporary workers tended to include mainly office clerical and light industrial jobs for short-term assignments. In the past 10 years the type of job performed by temporary workers has expanded to every conceivable position. Today, temporary workers can be found in all the health professions, Information Technology positions, legal, sales, marketing, engineering, manufacturing, accounting, banking, government and management roles.

"The typical assignment lasts three weeks although the period can range from just a few hours to several months. Some issues causing a general increase in the length of temporary assignments are extended maternity leave, paternal leave, workers compensation rules, labour shortages, rapid technology changes, specialty skill shortages and sustained economic growth."



One in five new workers is a temp

Related:

External links

- [Temp Agency Fact Sheet](#)
- [Employment Standards Act, 2000](#)
- [Employment standards in 23 languages](#)
- [ACSESS Code of Ethics and Standards](#)
- [Employers convicted of an offense](#)
- [Ontario Ministry of Labour Review:](#)
- [Work through Temporary Help Agencies](#)
- [Submissions to to the review:](#)
- [ACSESS Recommendations](#)
- [OCASI Recommendations](#)
- [Workers Action Centre Recommendations](#)
- [ACTEW Recommendations](#)

(Note: CBC does not endorse and is not responsible for the content of external sites - links will open in new window)

Critics say workplaces are taking advantage of temps

But some unions and worker advocacy groups say companies prefer to hire through temp agencies because it eliminates their responsibility to uphold employment standards and because it gives them an easily disposable workforce.

This comes from a brief by the Toronto-based Workers Action Centre:

"Our labour laws and employment benefits are still based on a standard employment relationship developed after World War II. Increasingly gaps in our labour laws and practices have created incentives for employers to move work beyond the protection of employment standards. Work that used to be done in-house is now outsourced by companies. Employers seek to hire people indirectly through intermediaries - temporary help agencies are only one way employers are doing this.

Employment is also being disguised as independent contracting or franchising as employers seek to bypass labour laws. Many of these practices seek to shift the costs and liabilities of the employment relationship on to intermediaries and workers who least can afford it."

[« BACK - MAIN](#)

[NEXT - LOWER WAGES FOR TEMPS »](#)



About CBC · Canadian Broadcasting Centre · CBC Merchandise and Shop · Educational Resources · Tapes, Transcripts and Image Assets · Digital Archives · Contact Us
 Jobs · Production Facilities · Independent Production · International Sales · Advertising with CBC

Privacy · Terms Of Use · Ombudsman · Reuse & Permissions · Other Policies · Help · Site Map

Copyright © CBC 2008





News Sports Entertainment Radio TV My Region

Search cbc.ca

Member Centre: [Login](#) | [Sign Up](#)

Toronto | [Change City](#)

16.3°C Mainly Sunny

Tomorrow:
22°C Sunny with cloudy periods

Toronto

[Main](#) [Features](#) [Programs](#) [Community](#) [Weather](#) [Audio/Video](#) [Contact](#) [Other Local Sites](#)

[Main](#) [A Growing Problem](#) [Lower Wages For Temps](#) **[Know Your Rights](#)** [Act Under Review](#) [Our Forum](#)

Know Your Rights

What rules do temp agencies have to follow?

They are subject to the [provincial Employment Standards Act](#).

Are temp workers exempt from any Employment Standards rules?

There are some exemptions for employees who "may elect to work or not [to work] when requested to do so." Such workers are partly exempt from public holiday entitlements and completely exempt from notice of termination and severance pay requirements.

But it's unclear who exactly is an "elect-to-work." The government says: "It appears that many temporary help agencies consider all of their employees to be elect-to-work, even though this may not be true. Whether employees are truly elect-to-work can only be determined on a case-by-case basis."



Who's responsible for safety?

When I get a job through a temp agency, who is my employer... the agency or the company I work for?

This is a bit of a grey area. Technically, the temp agency is the employer and is therefore responsible for upholding the Employment Standards Act.

But in practice, many workers say they get the runaround with the temp agency telling them the responsibility lays with the workplace, while the workplace tells them it's up to the agency.

So who's responsible for workplace safety?

Temp agencies pay fees to the Workplace Safety and Insurance Board so even if a temp worker is injured at a particular job site, it's the temp agency whose safety record is affected. Still, the WSIB can impose fines on the workplace if it finds the company did not properly train the injured worker.

Can an agency charge me an upfront fee before it refers me to work or can it charge a fee when it assigns me to a business?

In Ontario, there is nothing specifically prohibiting agencies from charging fees. However, some argue such a fee would violate the employment Standards Act provision The umbrella group that many temp agencies belong to, ACSESS, has a code of ethics which opposes charging people up-front fees to find work.

The code says "We will derive income only from clients and make no direct or indirect charges to candidates or employees unless specified by a license." The four western provinces have provisions that prohibit agencies from requiring payment for services such as resume writing or job-search training as a condition for being placed in a job.

Can a temp agency prevent me from taking a permanent job with the client company I worked for?

Some temp agencies put clauses about this in the contracts they sign with the client companies. Workers should ask whether they are prohibited from getting permanent work with the client company. Again, ACSESS code of ethics frowns on such prohibitions: "We will not restrict the right of a candidate or employee to accept employment of their choice."

However the code does not prohibit temp agencies from making the company pay a fee if it wants to hire a worker referred by the agency. The Ontario government is asking whether there should be a prohibition on charging such a fee after an employee has worked for a client company for 12 months.

How do I file a complaint against a temp agency?

If you think the agency is not complying with the ESA, you can call the Employment Standards information centre at 416-326-7160 or toll free at 1-800-531-5551 for more information about the ESA and how to file a complaint. Complaints are investigated by an employment standards officer who can, if warranted, make orders against an employer.

Related:

External links

- [Temp Agency Fact Sheet](#)
- [Employment Standards Act, 2000](#)
- [Employment standards in 23 languages](#)
- [ACSESS Code of Ethics and Standards](#)
- [Employers convicted of an offense](#)
- Ontario Ministry of Labour Review:
 - [Work through Temporary Help Agencies](#)
- Submissions to to the review:
 - [ACSESS Recommendations](#)
 - [OCASI Recommendations](#)
 - [Workers Action Centre Recommendations](#)
 - [ACTEW Recommendations](#)

(Note: CBC does not endorse and is not responsible for the content of external sites - links will open in new window)



99.1 FM
radio one





The ministry has a number of options to enforce the ESA, including requesting voluntary compliance, issuing an order to comply with the ESA, an order to pay wages, to reinstate and/or compensate, or issuing a ticket, a notice of contravention or otherwise prosecuting the employer under the Provincial Offences Act.

Where can I get more information?

- [Ontario Ministry of Labour Employment Standards Fact Sheet - Temporary Help Agency Employees](#)
- [Brochures about Ontario employment standards in 23 languages](#)
- [Code of Ethics and Standards for agencies that are members of ACSESS](#)
(Association of Canadian Search, Employment and Staffing Services)

[« BACK - LOWER WAGES FOR TEMPS](#)

[NEXT - ACT UNDER REVIEW »](#)

Search cbc.ca

[About CBC](#) · [Canadian Broadcasting Centre](#) · [CBC Merchandise and Shop](#) · [Educational Resources](#) · [Tapes, Transcripts and Image Assets](#) · [Digital Archives](#) · [Contact Us](#)
[Jobs](#) · [Production Facilities](#) · [Independent Production](#) · [International Sales](#) · [Advertising with CBC](#)

[Privacy](#) · [Terms Of Use](#) · [Ombudsman](#) · [Reuse & Permissions](#) · [Other Policies](#) · [Help](#) · [Site Map](#)

Copyright © CBC 2008