

# Your Employment Standards Rights: Temporary Help Agency Assignment Employees

## Information Sheet

### Assignment employees of a temporary help agency

You are an assignment employee of a temporary help agency if you and the agency have agreed that it will place or try to place you on temporary work assignments with a client (or clients) of the agency. You have an employment relationship with the agency even when you do not have an assignment and are not actually working at a client.

When you are on an assignment the agency is still your employer; the client is not your employer.

You stop being an assignment employee if you quit the agency or if the agency terminates your employment relationship.

This information sheet gives a summary of your new Employment Standards Act, 2000 (ESA) rights that became law in 2009. You also have rights under the ESA to things such as the minimum wage, limits on hours of work, overtime pay, vacations, and unpaid leaves from work for certain reasons. (Some exemptions may apply depending on what kind of work you do.)

### Right to public holidays and public holiday pay

Ontario has nine public holidays. Generally, if you are on an assignment and the public holiday falls on a day when you would ordinarily be working, you have a right to take the public holiday off work and to be paid public holiday pay for that day. To calculate the amount of your holiday pay, please see our calculator at [http://www.labour.gov.on.ca/english/es/tools/php\\_calc.php](http://www.labour.gov.on.ca/english/es/tools/php_calc.php).

If you agree in writing to work on the holiday, you then have the right to:

- public holiday pay plus premium pay (at least one and one-half times your regular rate of pay); or
- your regular rate of pay plus a substitute day off with public holiday pay.

If a public holiday falls on a day when you are on an assignment but would not ordinarily be working (or are on vacation), you have a right to a substitute day off with public holiday pay, or you may agree (in writing) to public holiday pay only. If the public holiday falls on a day that you are not on an assignment, you may be entitled to public holiday pay.

You have these public holiday rights even if you are called an “elect-to-work” employee by the agency.

### Right to notice of termination and severance pay

If you have been employed by a temporary help agency for at least three months, you generally have a right to receive notice of termination, if the agency ends (terminates) your employment relationship. You may get notice while you are working, or pay instead of working notice, or a combination of both. Generally, the minimum notice you must get ranges from one week (if you have been employed for at least three months but less than one year) to eight weeks (if you have been employed for eight years or more). How long you are employed by the agency determines how many weeks of notice you must get, not the length of time you have been working on assignments at the agency’s client(s).

You may also have a right to mass notice of termination. For further information on your entitlement to mass notice, please visit our website at

<http://www.labour.gov.on.ca/english/es/pubs/guide/tempagencies.php>.

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 (severs) your employment.

You have these rights even if you are called an “elect-to-work” employee by the agency.

## **An agency cannot charge you certain fees**

An agency cannot charge you a fee for being its employee or for helping you to find work. It cannot charge you a fee for giving you information or advice on how to write a resume or prepare for an interview. It cannot charge you even if you can choose whether or not to get this information or advice from the agency.

## **If a client of an agency wants to give you a job reference**

An agency cannot prevent a client from giving you a job reference.

## **If a client of an agency wants to hire you to be its employee**

An agency cannot prevent its client from hiring you directly if the client wants to do so. If the agency places you on an assignment with a client, it can charge the client a fee for hiring you, but only in the six-month period beginning on the day you first started working for the client.

If a client of an agency wants to hire you to be its employee, an agency cannot tell you that you cannot take the job. An agency cannot charge you a fee if a client wants to hire you.

## **Information you must get from the agency**

If you become an assignment employee of an agency, the agency must give you certain information including this information sheet; written information on the agency's legal name and contact information. The agency must give you this information in writing as soon as possible after you become an assignment employee.

When the agency offers you an assignment with one of its clients, it must give you certain information, including the client's legal name and contact information; the wage rate and benefits (if any); the hours of work; a general description of the work; the estimated term of the assignment (if known); and, the pay period and pay day. If the agency gives you this information, but does not provide it in writing when the offer is made, it must be provided in writing as soon as possible.

## **An agency client cannot punish you for asking about or asserting your ESA rights**

If you ask about your employment standards rights or ask that you be given your rights, the client cannot punish you in any way, including by ending your assignment. (You also continue to have the right not to be punished by your agency for asking about or asserting your ESA rights.)

## **If you have a question or want to make a claim**

If you have any questions about this information, or believe you have not received your rights and want to make a claim to the Ministry of Labour, please contact the Employment Standards Information Centre at (416) 326-7160 (toll-free at 1-800-531-5551) or, for the hearing impaired, at TTY 1-866-567-8893. You may also visit [www.labour.gov.on.ca](http://www.labour.gov.on.ca) for more information, to contact the ministry by e-mail, or to file a claim on-line. You can also get an Employment Standards claim form at a ServiceOntario Centre. To locate the Centre nearest you, please call 1-800-267-8097.

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