

Your Employment Standards Rights: Temporary Help Agency Assignment Employees

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 Public Holiday Pay Calculator, available at Ontario.ca/ESAtools.

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.

Legal Disclaimer

Note: This document is provided for your information and convenience only. It is not legal advice. For complete information, please refer to the Employment Standards Act (ESA) and its regulations. Ontario.ca/laws/statute/00e41

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 [Ontario.ca/terminationofemployment](https://www.ontario.ca/terminationofemployment).

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.

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

Information about the agency

If you become an assignment employee of an agency, the agency must give you information about the agency, including the agency's legal name and contact information. This information must be provided, in writing, as soon as possible after you become an assignment employee.

Information about assignments

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.

Information about the ESA

As soon as possible after you become an assignment employee, the agency is required to provide you with a copy of this information sheet. Changes in the law that came into force on May 20, 2015 also required temporary help agencies to provide all of their current employees with copy of the Employment Standards Poster published by the Ministry of Labour by June 19, 2015. If you were hired after May 20, 2015, the agency must provide you with a copy of the poster within 30 days of the date you are hired.

If you request a copy of the poster in a language other than English and the ministry has published a version in that language, the agency must provide the translated version in addition to the English copy.

English and French versions of the poster are available at Ontario.ca/ESAposter and multilingual versions are available at Ontario.ca/employmentrights.

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 file a claim

If you have questions about the ESA, call the Ministry of Labour's Employment Standards Information Centre at 416-326-7160, toll free at 1-800-531-5551, or TTY 1-866-567-8893. Information is available in multiple languages.

Information on the ESA can also be found at the Employment Standards section of the Ministry of Labour's website at Ontario.ca/employmentstandards.

To file a claim, you can access the Employment Standards Claim Form online at Ontario.ca/ESAforms. Claim Forms are available in hardcopy format at select ServiceOntario Centres. You may also order a copy through ServiceOntario Publications online, or by calling 1-800-668-9938; Hearing Impaired TTY 1-800-268-7095.

To access the Employment Standards Act, 2000 visit the Ontario government e-Laws website at Ontario.ca/laws/statute/00e41.