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Temp workers' law welcomed; need to enforce, inform stressed

Wednesday November 11 2009
 By SUNIL RAO

Legislation just implemented to protect temporary help agency employees in Ontario were wholeheartedly welcomed by community agencies, who however noted the devil now lay in its enforcement.

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"Yes, the law now does go a very long way towards helping protect temp workers' rights, and we welcome it," Cassa executive director Neethan Shan told Focus over the weekend.

"But the two things that now need to be done are to ensure it's properly enforced, and that it's message is adequately conveyed to these vulnerable sections of our society, who may face language barriers or be racialized," the Cassa chief added.

Cassa, or the Council of Associations Serving South Asians, operates as a social justice umbrella working with Ontario's diverse South Asian communities. The organization had last month held a meeting at which it had been mentioned moves were afoot to protect the rights of temp workers.

While that prediction - carried by Focus two weeks ago - has now come to pass, the newcomer settlement agencies are already urging more rigorous policing on the ground to ensure the law doesn't remain just another bit of legislation that has little real effect.

Shan was reacting to news that effective last Friday, Nov 6, new legislation introduced by Premier Dalton McGuinty's Liberal government seeks to ensure temporary help agency employees are treated fairly and have a better chance to move to sustainable employment.

An official release noted the **Employment Standards Amendment Act (Temporary Help Agencies, 2009)** delivers more fairness for vulnerable temporary help agency employees by:

- Making sure that they are not unfairly prevented from accessing permanent jobs when agency clients want to hire them from agencies,
- Prohibiting temporary help agencies from charging fees to employees for things such as resume writing and interview preparation,
- Guaranteeing that employees have the information they need about their assignments including pay schedules and job descriptions, and
- Requiring agencies to provide employees with information about their new rights under the Employment Standards Act.

The new regulation also ensures that most "elect-to-work" employees have the right to notice of termination and severance pay.

The new legislation also forms part of Ontario's Poverty Reduction Strategy which is designed to build a stronger economy by creating more opportunity for all low-income families and children.

The strategy sets a goal of reducing child poverty by 25 per cent in five years, thereby lifting about 90,000 children out of poverty.

"It is only fair that temporary help agency workers are treated the same as other employees," said Peter Fonseca, Minister of Labour. "By removing barriers to permanent employment, we are helping people achieve their potential and opening doors to opportunity."

Added Vic Dhillon, MPP, Brampton West: "This is a very important law that will help protect the most vulnerable workers in Ontario. Temporary Help Agency workers will be treated the same as other employees."

"New immigrants and other vulnerable workers will be given an opportunity to break the cycle of poverty as barriers to permanent employment have been lifted," added Dhillon, who has helped shepherd in the law from inception.

Laurel Broten, Minister of Children and Youth Services, said: "Increasing opportunities for low-income workers is a key component of our Poverty Reduction Strategy. These changes will help ensure that temporary workers are treated fairly, have more opportunities for sustainable employment, and can contribute to Ontario's economic future."

640,000 temps

Government statistics note there are more than 640,000 people in Ontario working in temporary jobs, many through temporary help agencies.

Further, there are about 1,000 temporary help agencies currently operating in Ontario. The sector has on occasion been projected in poor light as having helped perpetuate the plight of temp workers, even as its efforts in providing a bridge between employers seeking labour and employees seeking work has been acknowledged.

Cassa's Shan felt the problem lies in the way temporary help agencies are set up, with the rules heavily loaded in their favour.

He said the new law has now established a new set of standards by which the agencies would henceforth have to play.

"It will prove particularly important for new immigrants, since they are the people who often tend to get such jobs," he said.

"They will now be eligible to able to apply for full-time jobs, or get holiday pay."

Shan however noted the officials would have to make the legislation work on the ground, through allocating more resources.

"Two more steps now would ensure temp workers really benefit from this legislation: the hiring of more enforcement officers, to ensure employers meet these new standards; and investing in a communications strategy - especially in the ethnic media - to take the message to such temp workers, and so make spread awareness of their own rights," he added.

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