

Ontario Government Introduces Further Protections for Temporary Help Agency Workers

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An amendment to Ontario's *Workplace Safety and Insurance Act, 1997* (WSIA) that expands liability for injuries sustained by temporary help agency employees has been proclaimed into force.

Effective April 6, 2018, the government of Ontario proclaimed Schedule 5 of Bill 18, *the Stronger Workplaces for a Stronger Economy Act, 2014*. Schedule 5 of Bill 18 amends the WSIA to permit the government to make regulations requiring the Workplace Safety and Insurance Board to impose the costs of an injury sustained by a temporary help agency worker on the client for experience rating purposes.

Currently, when an "assignment employee" (defined as an employee of a temporary help agency) sustains an injury while performing work for a client, liability for the injury and any related costs are imposed on the temporary help agency who supplied the employee, rather than on the client.

The proclamation of Schedule 5 of Bill 18 arrives in the wake of Bill 148, the *Fair Workplaces, Better Jobs Act, 2017*, which significantly amended the *Employment Standards Act, 2000* (the ESA), the *Labour Relations Act, 1995*, and the *Occupational Health and Safety Act*. Bill 148 introduced a number of statutory amendments that provide greater protections to assignment employees, a group that had been identified in the *Changing Workplaces Review* as being "among the most vulnerable and precariously employed of all workers."

Among the amendments previously introduced through Bills 148 and 18 to provide greater protections to temporary help agency workers include amendments to the ESA that:

1. entitle assignment employees to equal pay for equal work and paid sick days;
2. hold both the temporary help agency and client liable for all wages owing by the temporary help agency to assignment employees; and
3. require both the temporary help agency and client to maintain records of the number of hours worked by each assignment employee.

Supporting regulations have not yet been filed in relation to Schedule 5 of Bill 18. We will be monitoring this legislation and report on any new regulations as they are enacted.

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