



FTR Now

Government to Review the ESA “Elect To Work” Exemption and the Use of Temporary Help Agencies

Date: June 5, 2008

On May 21, 2008, the Ontario Ministry of Labour released a consultation paper entitled *A Consultation Paper on Work through Temporary Help Agencies*. The paper is seeking input on a number of issues specifically related to Temporary Help Agencies, including:

- barriers to permanent employment (whether through fees or contractual restrictions);
- fees charged to workers by agencies;
- liability for violations of the *Employment Standards Act*, 2000; and
- the provision of information to workers about their assignments.

The paper also addresses the “elect to work” exemption under the ESA in some detail, which has the potential of a much broader impact. Currently, elect to work employees are exempt from the termination and severance provisions of the ESA, and have special rules related to public holidays. The consultation paper asks whether these exemptions and special rules should be maintained. Obviously, any changes to these rules would have a significant impact on any organization that employs elect to work employees to any extent.

The Ministry of Labour is looking for feedback, and will accept submissions until July 7, 2008.

Please contact your Hicks Morley lawyer if you have any questions about this initiative, and what it means for your organization.

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