

Temporary Help Agency

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What is the difference between a temporary help agency and an employment agency business?

Temporary help agencies assign their employees to their client's worksite for temporary work. A temporary help employee might work with the agency's client for a couple of days or many months depending on the client's needs. The temporary help agency is the employer and must ensure all wages are paid properly.

Employment agency businesses help employers find suitable employees to hire. They may also help someone write a resume and improve interview skills. They connect employers with individuals who are job searching but they are not the employer.

Do temporary help agencies need a licence to operate?

As of November 8, 2018, temporary help agencies no longer require a licence to operate.

Can any fees be charged to a temporary help employee?

No, employees cannot be charged a fees including for:

- being hired by the temporary help agency
- working for a client
- becoming an employee of a client
- any other circumstance as described by regulations

How are employees protected from being charged fees?

Employment Standards conducts inspections and investigations to ensure fees are not being charged to employees.

If an employee has been charged a fee, the agency will be ordered to repay the fee. Directors and officers of a corporation will also be subject to a \$25,000 fine.

Can a temporary help agency charge any fees to its clients?

When an agency's client hires a temporary help employee, the agency may charge the client a fee as long as it:

- is not more than 20% of the wages that particular employee would have earned in one year unless the employee is being paid more than two times the Manitoba industrial average wage, and
- is within 8 months from the day the employee was first assigned to work at the client's workplace

Can a client hire a temporary help employee?

Yes, a temporary help agency must not prevent a client from hiring a temporary help employee. The agency must not:

- stop a client from hiring a temporary help employee
- stop a temporary help employee from becoming the client's employee
- stop a client from providing a reference for the employee
- subject to regulations, charge a client a fee

Do temporary help agencies have to keep specific records?

Agencies are required to keep employment records because they are employers. See [Paying Wages and Keeping Records](#) fact sheet.

Temporary help agencies are required to keep:

- complete and accurate financial records of its operations in Manitoba, and maintain them for at least three years;
- the dates the temporary help employee was assigned to work and for which client
- a record of the agreement between the agency and the client relating to the temporary help employee

Are temporary help employees entitled to notice of termination?

Yes, temporary help employees are entitled to notice of termination.

The number of weeks an employee is entitled to for notice depends on how long they have worked for the employer. See the following chart:

<i>Period of employment</i>	<i>Notice period</i>
At least thirty days but less than one year	One week
At least one year and less than three years	Two weeks
At least three years and less than five years	Four weeks
At least five years and less than ten years	Six weeks
At least ten years	Eight weeks

A temporary help employee may be laid off for up to 8 weeks in a 16 week period with no notice. Any week where the temporary help agency has not assigned the employee work is counted as part of the 8 week layoff period. Weeks where the employee is not available for work, refuses a work assignment, or is not able to work for one or more days do not count as part of the 8 week layoff period. Once a temporary help employee has been laid off for more than 8 weeks in a 16 week period, they are considered terminated and are owed notice.

Are there situations where a temporary help employee is not entitled to notice?

Yes, a temporary help employee who has substantial control over whether they accept shifts or not, are not penalized by the employer for refusing work and who regularly work less than 12 hours per week are not entitled to notice.

Similar to other employees, there may be other situations where temporary help employees are not entitled to notice. See the [Termination](#) fact sheet for further information.

Are temporary help employees entitled to other employment standards?

Yes, temporary help employees are entitled to all rights under *The Employment Standards Code*. See [A Quick Guide to Employment Standards](#) fact sheet.

For more information contact Employment Standards:

Phone: 204-945-3352 or toll free in Canada 1-800-821-4307

Fax: 204-948-3046

Website: www.manitoba.ca/labour/standards

This is a general overview and the information used is subject to change. For detailed information, please refer to

current legislation including The Employment Standards Code, The Construction Industry Wages Act , The Worker Recruitment and Protection Act, or contact Employment Standards.

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