

Agri-Food Businesses Hiring Workers Through Temporary Help Agencies or Recruiters

Many agri-food businesses use a temporary help agency (agency) or recruiter to fill temporary labour shortages. If you use contract workers through an agency or hire them through a recruiter, below are some things you may want to consider before choosing which agency or recruiter to use.

In addition, this bulletin provides information and links to help you understand the rights and obligations that apply to agencies and recruiters, clients of those agencies or recruiters and contract workers.

NEW - Starting **January 1, 2024**, if an agri-food business is using workers from an agency or engaging the services of a recruiter, the business is prohibited from knowingly engaging or using the services of an agency or recruiter unless the agency or recruiter holds a licence - click on this [licensing status](#) link to check whether a temporary help agency or recruiter is licenced or has applied for one.

1. Read the fine print

- Fully read any contract *before* you sign it. Make sure the contract clearly sets out all expectations regarding the services being provided (e.g., number of contract workers being provided, payment owing for those contract workers being provided, etc.).

2. Know your workers

- Find out what they know about farming and/or food processing, where they have worked previously and verify their knowledge about farming and/or food processing equipment and hazards *before* putting them to work.
- Find out how the agency or recruiter you are working with hires their contract workers.

- Make sure that contract workers have the appropriate paperwork (e.g., photo identification, social insurance (SIN) card and, if applicable, a work permit). The agency or recruiter should agree to provide photocopies of the information for your review and records.
 - Those with SIN cards starting with the number "9" are temporary workers who are neither Canadian citizens nor permanent residents of Canada. Ensure these workers also have a valid work permit (not expired, cancelled, or voided). This information can be accessed through the agency or recruiter you are working with. Review this information prior to contract workers starting at your business.
 - You can contact the Government of Canada's [Social Insurance Registration Office](#) to confirm the SIN or work permit of a contract worker. You can reach the Office at 1-866-274-6627. You will need to provide your Canada Revenue Agency issued business number. You must also provide correct information to authenticate your business and the SIN and/or work permit for the contract worker. This may include the name and date of birth for the contract worker.
- Ask the agency or recruiter to provide a list of names, addresses and telephone numbers of every contract worker.
 - Note: Under the *Employment Standards Act, 2000*, clients of an agency or recruiter must record the name of each employee assigned to perform work for the client in addition to the existing requirement to record the number of hours each assignment employee worked for them in each day and each week. These records must be retained for three years after the day or week to which the information relates.
- Request the agency or recruiter to sign off that all contract workers have the appropriate paperwork pursuant to provincial and federal laws.

3. Make sure the agency or recruiter is registered with the Workplace Safety and Insurance Board (WSIB)

- Ask for a copy of the agency's or recruiter's WSIB clearance certificate or use the WSIB [safety check feature](#) (businesses registered with WSIB will appear if searched).

- Please note that registration with the WSIB *is not* indicative of compliance with other requirements of the *Workplace Safety and Insurance Act (WSIA)*, the *Occupational Health and Safety Act (OHSA)* or other provincial legislation. Further, please note that the list *does not* constitute or imply any type of endorsement or recommendation of these agencies and recruiters by the Ministry of Labour, Immigration, Training and Skills Development or the WSIB.

4. Know your Agency/Recruiter

- As with any business transaction, **do your research**. Start by looking at the agency's or recruiter's website, read reviews and any other sites or message boards and talk to other businesses who have used the agency or recruiter. Look for recommendations and good reviews.
- Find out if the agency or recruiter has a **brick-and-mortar office** and determine whether the agency or recruiter has **easily accessible contact information**. If an agency or recruiter is missing one (or both of these), it may be a "red flag" in terms of whether you want to engage the services of that agency or recruiter.
- To know if an agency or recruiter is the right fit for you and your employment needs, **find out who engaged them previously**. Many agencies and recruiters post client lists on their website. If you can't find a client list, simply ask. Agencies and recruiters should be willing to provide references.
- Is the agency or recruiter a **member of a professional association**? Associations generally have a code of ethics that their members need to follow, as well other industry standards that must be met. Look up the association's code of ethics and contact the association to see if the agency or recruiter is a member in good standing.
- Find out how the agency or recruiter pays its contract workers. **Cash payments** may be a "red flag". If an agency or recruiter is trying to pay your workers in cash with no official receipt or paper trail, it could be a warning sign that you may not want to engage the services of that agency or recruiter.
 - If an agency or recruiter asks for their fees to be paid in cash, ensure that payments are well documented and easy to reconcile.
- The agency or recruiter should agree to provide, on a regular basis, or when requested, copies of its time and payroll records, and/or other appropriate

proof workers have been paid the wages due to them for all contract workers of the agency or recruiter working for the business.

- **Starting January 1, 2024**, agencies and recruiters are required to be licensed under the *Employment Standards Act, 2000*. Check the [licensing status](#) of agencies and recruiters.
- Know where the agency or recruiter finds their workers.
- Know the **training** the agency or recruiter provides for their contract workers.
 - Relevant topics may include health and safety awareness, working on farms or in food processing facilities and relevant hazards.
 - Businesses also need to provide site-specific health and safety training.

5. Know your obligations

- Business operators, including those using services of an agency or recruiter have responsibility for:
 - [Employment standards](#)
 - [Occupational health and safety](#)
 - [Workplace safety and insurance](#)
- You may also want to review the following information resources before engaging the services of an agency or recruiter:
 - [Your Guide to the Employment Standards Act](#), including the chapters on [temporary help agencies](#) and [agricultural employees](#).
 - Information on [industries and jobs with exemptions and special rules](#) under the *Employment Standards Act, 2000*.
 - This resource includes information on exemptions that apply in the agricultural sector as well as information on job exemptions that **do not apply** to employees working for a temporary help agency that has contracts with more than one farm client.
 - Information on the requirement to display a [mandatory poster and information sheets for temporary help agency and recruiter assignment employees](#).
 - [Obligations related to the health and safety of temporary help workers](#) under the *Occupational Health and Safety Act*.

- Information for farming operations on ensuring compliance with the *Occupational Health and Safety Act*, available in the [Guide to the Occupational Health and Safety Act for Farming Operations](#).
- Information on [temporary workers' rights and duties and employers' joint responsibilities](#).
- Information on [joint health and safety committees and health and safety representatives on farming operations](#).
- Additional information on keeping workers safe and ensuring compliance with the *Occupational Health and Safety Act*, available in this pre-recorded presentation on [temporary workers and temporary help agencies in agriculture](#).
- Agricultural Workers Tip Sheet – includes both employment standards and health and safety information (Available in [English](#) / [French](#) / [Spanish](#) / [Tagalog](#) / [Thai](#)).
- Please note that information resources posted to Ontario.ca have been provided to help employers and employees understand their basic rights and obligations. Reference should always be made to the official version of legislation:
 - [Occupational Health and Safety Act](#)
 - [Employment Standards Act, 2000](#)

The Ontario Government recently announced that as of January 1, 2024, [agencies and recruiters will require a license to operate in Ontario](#). This change will protect vulnerable workers by ensuring compliance with employment rights, including those required under the *Employment Standards Act, 2000* and the *Occupational Health and Safety Act*. It will also support businesses using agencies and recruiters in ensuring legal compliance of those agencies and recruiters.

Updated information regarding the recent amendments to the *Employment Standards Act, 2000* will be posted to Ontario.ca in the coming months.

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