

A Submission to
Federal Labour Standards Review

with respect to
Review of Part III, *Canada Labour Code*

Prepared by

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The federal Minister of Labour's recent announcements concerning the commission's review of the Canada Labour Code are of great interest to the staffing services industry. The Association of Canadian Search, Employment and Staffing Services (ACSESS) is a national association representing the vast majority of Canada's staffing service firms and the only industry group representing the very unique and qualified position of the industry. We feel that modernizing the Act will help employers to compete, ensure fair treatment of workers, and attract jobs, growth and will ensure that the Code will remain relevant to Canadian workplaces in the 21st century. After a thorough review of the consultation paper, ACSESS is pleased to respond with our recommendations on the direction of the proposals.

This document is organized into three (3) areas.

- I) ACSESS Background and the Importance of the industry associations' involvement in the responsible development of industry standards, employment legislation and labour Legislation.**
- II) Review of the Temporary Staffing Industry: How Temporary Services work, Advantages of Temporary Employment.**
- III) Options for Change: Review of Part III. New Forms of Employment Relationships and Non-Standard Work.**

SECTION I

ACSESS Background

The Association of Canadian Search, Employment & Staffing Services (ACSESS) was formed in January 1998. The Association resulted from the merger of two well-established and highly regarded Canadian associations - the Association of Professional Placement Agencies & Consultants (APPAC - founded in 1962) and the Employment & Staffing Services Association of Canada (ESSAC - founded in 1968). The 1998 merger of the two groups gave ACSESS an expanded mandate to represent all facets of the employment, recruitment and staffing services industry as it is today.

ACSESS currently has a combined membership of 270 corporate entities across Canada. It is estimated that ACSESS members represent over 80 percent of total industry volume. ACSESS is national in scope but has very active provincial activities, including chapter organizations that operate within a District structure.

The purpose of ACSESS is to foster the growth of the industry by promoting: quality services; dignity and respect among workers; adherence to all relevant legislation and regulations: employee rights; and, by regular liaison with governments and the public, a full understanding of our industry and its practices.

ACSESS promotes awareness within its membership, and the industry as a whole, of all legislation and regulation affecting the staffing services industry, and addresses employment issues both as they affect the employer and their employees.

The industry, through ACSESS' programs, has actively participated in the development of legislation and standards that are in the workers' and the public's interest. We are very proud of our constructive contribution to better labour law, and our ongoing working relationship with governments at all levels.

SECTION II

How Temporary Services Work

Organizations including governments and private industry seek temporary help for a variety of reasons including:

- Replacements of workers who are temporarily absent;
- Temporary adjustment of staffing levels to fluctuations in business activities;
- Special projects;
- Accessing specialized skills;
- Reduction of recruitment and hiring time and costs;
- Expert screening, testing, evaluation and training of potential new employees.

Temporary help service firms hire their employees through well-established application, interviewing and testing procedures. Temporary help employees are hired to meet the temporary work demands of the temporary help company's clients. Client organizations require temporary help for a wide range of skill sets ranging from light labour or blue collar positions through to senior executive and management positions. A successful temporary help firm will develop a roster or inventory of temporary employees that best meet the demand of its various clients.

Temporary help employees are sent to the client's place of work to meet specific client requests. A typical request would include the skill required, the duration of the assignment, location of the assignment and the cost range. The temporary help service firm then goes through its roster of temporary workers to find the best-suited and available individual to send to the client. The selected person has the right to either accept or not accept the assignment. If the assignment is not taken, the person is placed back in the roster of available workers and will be called again for another assignment when the opportunity arises.

Temporary help employees are assigned to all sectors of the economy, both private and public. The typical assignment lasts three weeks although the period can range from just a few hours to several months. Some issues causing a general increase in the length of temporary assignments are extended maternity leave, paternal leave, workers compensation rules, labour shortages, rapid technology changes, specialty skill shortages and sustained economic growth. Temporary assignments tend to become shorter on average in declining economic periods, times of business uncertainty and times of economic stability.

Impact on the Economy: Advantages of Temporary Employment

Temporary Staffing companies provide a valuable service to the economy. The changing reality of work includes a wide variety of new work arrangements such as, work sharing, home office, virtual office, contract work, term employment, independent contracting, dependent contracting, contracting-out, facilities management, part-time and temporary help. Temporary staffing companies are often on the leading edge of some of these innovative and creative solutions. While private and public sector organizations are focused on their core competencies they rely upon temporary staffing companies for their expertise in the areas of recruitment, selection, customer service, human resources and administration.

The source of a flexible, available and multi-skilled work force has considerable benefits to the economy. Temporary help is an effective buffer to swings in the performance of the economy. As the economy grows, temporary help provides a timely and safe ramp up. If economic growth is sustained, temporary workers are often converted to become employees of the client organization. A "Just-in-Time" inventory of people with specialty skills permits an organization the confidence and ability to compete globally. In examples such as accepting orders on short notice, customizing software or rapid response to increased customer demand; the temporary staffing companies are providing qualified, tested and trained people with little notice.

Temporary help companies provide significant opportunity to individuals entering the workforce. Temporary services are motivated to fill assignments according to the individual skills. The value and reputation of the Temporary Service firm is measured by its ability to quickly and efficiently match the skills of individuals with skill requirements of the job opportunities. The professional skill matching process is more likely to be free of barriers and forms of discrimination. This provides greater opportunity to immigrant workers, disabled workers, youth or workers returning to the workforce after an absence. These new workers are eased into the workforce in a professional manner, often with the benefit of job specific training.

Individuals with highly specialized skills are frequently required but not always on a sustainable basis with one single employer. As the employer and agent of these skilled workers, a temporary staffing company can offer exposure to hundreds of different locations, organizations industries and opportunities. Through the variety of many assignments, the skilled worker can spend more time in productive work and less time in the unproductive search for the next opportunity.

Employees and workers of temporary help services have exposure to and are frequently offered direct employment within their client organizations. This provides improved opportunity to workers in all economic periods to find and achieve meaningful and enjoyable employment.

In the traditional economy, temporary workers tended to include mainly office clerical and light industrial jobs for short-term assignments. In the past ten years the type of job performed by temporary workers has expanded to every conceivable position. Today, temporary workers can be found in all the health professions, Information Technology positions, legal, sales, marketing,

engineering, manufacturing, accounting, banking, government and management roles. Temporary staffing has become a valuable and integral aspect of business and contingency planning.

Aging baby boomers, Internet and technology specialists, financially secure two income families, entrepreneurs, displaced workers and free spirited individuals - often require or desire more flexible employment opportunities than the traditional employment status quo. Temporary staffing companies are providing this flexibility by helping these people achieve their lifestyle desires.

Over the past two decades, the staffing industry is one of the fastest growing industries in the world. The *2002 Statistics Canada Report on the Employment Services Industry* revealed operating revenues of 5.6 billion dollars in Canada. The industry is expected to experience continued growth over the long-term future.

Section III. Options for Change: Review of Part III. New Forms of Employment Relationships and Non-Standard Work.

I. What forms of Work should be covered by federal labour standards?

Canada's social, economic and demographic landscape has changes dramatically since the 1960's. This has led to a fundamental shift in how Canadians work and how the marketplace is organized today.

The consultation paper (Part III) raises the topic of non-standard work and the need for additional legislative protection for part-time, temporary and casual employees. Temporary employees are appropriately protected under current federal labour standards. Our members supplying labour to federally regulated industries, are recognized as employers of record and are very proud of their adherence to the Canada Labour code and all applicable employment legislation. Temporary employees provided by employment agencies benefit from the same protection and benefits as regular, full time employees and, as such, are appropriately protected under current federal and provincial labour standards.

We would like to stress that our members, comprised of small and large, multinational firms in the industry provide numerous benefits to their employees and in many cases have policies that exceed minimum employment standards.

CONCLUSION

We respectfully present this accurate and complete response to the Commission's proposals. The Association of Canadian Search, Employment and Staffing Services would be pleased to reply to any questions and provide any additional information required. We look forward to having an opportunity to meet with the Commission as part of the formal consultation process later this Spring.

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