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Despite a Recent Judgment of the Superior Court Pertaining to Employees Hired Through an Employment Agency, the Agency may be the True Employer, Depending on the Circumstances

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On December 2, 2009, The Superior Court upheld a decision of the Commission des relations de travail which concluded that nurses hired through an employment agency were employees of the health-care facility and, therefore, covered by the bargaining certificate of the union in question.

However, the case of *Syndicat des professionnelles en soins du CSSS de la Montagne (FIQ)* v. *Centre de santé et de services sociaux de la Montagne* provides a different perspective on the same issue of determining who the employer of employment agency personnel is by assessing the situations of the relevant employees separately according to the respective structures and management methods of different agencies used by the same employer

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