



Preparing for the Jobs of the Future – Submission

We commend the federal government for recently clarifying the law on experiential learning in the *Canada Labour Code* and for investing in paid internships through the *Youth Employment Strategy*. These are both steps in the right direction, but the federal government should go further to strengthen the workforce of tomorrow and protect the interns of today. While each of the following recommendations are tailored to Canada's federal government, they also serve as best-practices to inform the upcoming G7 Employment and Innovation Summit.

Recommendation 1: Develop public education materials and proactive enforcement strategies.

Recent changes to the *Canada Labour Code*, specifically s. 167(1) (1.1-1.2), make it clearer that interns must be paid unless their internship is part of a formal school program. To ensure these changes have practical results, the federal government should engage in public education and proactive enforcement.

Recommendation 1a: Develop public education materials concerning internship laws. To ensure interns know their rights and employers know their obligations, the Canada Labour Program should develop and distribute public education materials. One cost-effective option is to develop an online factsheet on federally regulated internships. While some employers may knowingly break the law, others may be unaware or uncertain of the law, especially given the recentness of the changes. On the other hand, interns who do not know their rights are unable to protect themselves against wage theft and unfair working conditions.

Recommendation 1b: Develop a targeted, proactive enforcement strategy. The federal government should develop a proactive enforcement strategy to reduce illegal unpaid work and employee misclassification. Interns may be hesitant to file a complaint or inform employers of their rights because it could hurt their professional reputation or chance of receiving a positive reference. Proactive enforcement is necessary to address the power difference between interns and employers. Following Ontario's inspection blitz model, we recommend that the federal government conduct blitzes that target federally regulated employers who employ interns and students.

Recommendation 2: Develop guidelines to ensure quality experiential learning opportunities.

2a. Establish education standards for experiential learning opportunities. To ensure that experiential education maximizes benefits to employers, education institutions, and students, the federal government should set education standards that balance these interests. Specific examples of standards include: a collaboratively drafted learning plan that is created at the beginning of the learning experience, continual oversight to ensure the learning plan is met, a designated workplace mentor, a designated academic advisor, opportunities for interns to meaningfully contribute to the workplace, a balance between work and training, and an anonymous review process for parties to share their thoughts about the experience.

2b. Extend employment standards to student interns. Student interns are not covered under Part III of the *Canada Labour Code* and therefore they are not guaranteed basic employment rights like standard hours of work or protection from unjust dismissal. Interns require guaranteed time off to protect their health and well-being. The lack of restrictions on hours of work is troubling given the death of interns like Aaron Murray and Andy Ferguson, both of whom fell asleep at the wheel after working an unpaid overnight shift.

Unfortunately, reports of prolonged tiredness and being overworked are common. Student interns often work multiple jobs to cover living costs and limit student debt.

Recommendation 3: Narrow the student exclusion and tighten subsidy restrictions.

3a. Student internships that fall under federal jurisdiction should be subject to minimum wage laws in all but the most exceptional circumstances. Maintaining a broad student exclusion is unfair to student interns. Students perform countless hours of unpaid work every year for high school, college, and university programs. Reports of students performing work that would otherwise be performed by paid employees raises concerns about the appropriateness of unpaid placements.

Narrowing the student exclusion is fair to employers. The vast majority of federal sector employers can afford to pay their interns; these employers are mainly large corporations like banks, airlines, or telecommunication companies. Further, employers benefit from paid experiential learning opportunities because it allows them to bring in new talent and skills, pre-screen potential hires, increase productivity and service development, manage short-term pressures, and demonstrate commitment to their community and industry.

3b. Tighten restrictions on subsidized internships for the Youth Employment Strategy. The Youth Employment Strategy subsidizes employers as part of the “Canada Summer Jobs” and “Career Focus” programs. For Canada Summer Jobs, we recommend tightening the restrictions on employer eligibility. While subsidizing private sector employers may be justified only in *highly exceptional cases*, private sector employers should not rely on government aid. Private sector employers derive substantial monetary and non-monetary benefits from interns and should be prepared to pay the cost of labour.

For Career Focus, the minimum required employer contribution should be raised. While we support subsidizing not-for-profit, public interest internships, the current minimum employer contribution of 20% should be raised to 50%. Raising the minimum contribution would help ensure greater employer buy-in; a higher minimum would prevent against employers who are simply looking to offload labour costs. Raising the minimum employer contribution also allows the funds to reach more employers and interns. A minimum employer contribution of 50% signals a relationship of reciprocity between the government and the public sector to help build the workforce of tomorrow, while ensuring the interns of today are paid.

About Us

The Canadian Intern Association is a not-for-profit organization that advocates against the exploitation of interns and aims to improve internship experiences. Founded in June 2012 and incorporated federally in July 2013, the Canadian Intern Association has consistently called upon the Federal Government to provide greater protections for interns. Please visit www.internassociation.ca to learn more.