



Workplace Legislation Feedback
c/o Workplace Policy and Legislation
Alberta Labour
7th Floor, 10808-99 Avenue
Edmonton, AB T5K 0G5
By Email: LBR.Review@gov.ab.ca

April 18, 2017

Dear Mr. Sims, QC,

Re: *Labour Relations Code Review*

It is our pleasure to submit the following to your review of Alberta's *Labour Relations Code* (the "LRC") on behalf of the Canadian Intern Association (the "Association"). The Association is a non-profit organisation that advocates against intern exploitation and for quality, paid learning experiences.

Each year, approximately 300,000 Canadians work as unpaid interns in positions that should legally be qualified as paid jobs, and an additional 200,000 work as unpaid interns as part of an academic program.¹ The rise of precarious and unpaid work has left thousands of interns subject to exploitation. Internships are frequently employment relationships in disguise. They often require recent university graduates to work full-time for months or years without remuneration.

Because most interns work in precarious and non-unionized positions, the bulk of our reform recommendations have been provided as part of Alberta's *Employment Standards Code* review. However, we write to comment on a shortcoming in the LRC: its exclusion of certain professions from Alberta's general collective bargaining regime.

The LRC currently grants unionization and collective bargaining rights to "employees."² However, the statute excludes several kinds of workers from the definition of "employee", including members of the medical, dental, architectural, engineering, legal,³ and nurse

¹ Andrew K. Langille, "Why Canada Needs Better Labour Market Data and the Canadian Internship Survey", Youth and Work Blog (2013) online: <<http://www.youthandwork.ca/2013/10/why-canada-needs-better-labour-market.html>>.

² S. 21(1) LRC.

³ S. 1(1)(ii) LRC.

practitioner professions.⁴ We are concerned that this exclusion is both unconstitutional and deleterious to attempts by new professionals to better their conditions of employment.

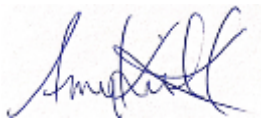
We are confident that other stakeholders will more fully develop the constitutional arguments related to collective bargaining exclusions. However, we note that the *Charter of Rights and Freedoms*' s. 2(d) freedom of association covers all Canadians, including professionals. Subsequent Supreme Court of Canada jurisprudence makes blanket exclusions of entire industries highly suspect.⁵

In addition, the blanket ban on unionization and collective bargaining by various professions prevents interns and other precarious workers entering those fields from organizing and asserting their workplace rights. In the legal field, for example, articling students are increasingly forced to take months-long work stints that are unpaid in order to qualify for regulatory licenses. Repealing the ban would allow unpaid and underpaid workers to improve their own working conditions. It would also allow unions to support professionals and to include language that bans unpaid internships in their collective agreements.

The Association therefore recommends that ss. 1(l)(ii) and 1 (l)(iii) of the LRC be repealed.

Thank you for your thoughtful work on this important issue.

Sincerely,



Amy Kishek
Executive Director
Amy@internassociation.ca



Jacob Schweda
Prairie Director
Jacob@internassociation.ca

⁴ S. 1(l)(iii) LRC.

⁵ Most notably *Mounted Police Association of Ontario v Canada (Attorney General)*, 2015 SCC 1.