

Interns/Students/Volunteers Quiz



QUESTION

When an intern agrees he or she will not be paid, does it mean that the employer is complying with provincial employment standards?

ANSWER

Any such clause where an intern agrees not to be paid in an oral or written contract is null and void if it contravenes respective provincial employment law.

Employers should be mindful that courts and provincial authorities will apply standards provisions broadly based in the common law test for an employee which will catch many interns. If an intern is not specifically exempted, they should be paid at least minimum wage.

WHY IS IT RIGHT

DEFINITIONS

Employment, Internships, and Volunteering

What is Employment?

Generally, employment is defined as providing services to a person, organization, or company in exchange for compensation. This includes not just salary, but other forms of compensation, such as free room and board.

What is an Internship (Paid or Unpaid)?

An internship is an experiential learning opportunity that takes place in a workplace environment. It allows a student to do one or more of the following:

- Integrate academic learning with practical or “hands-on” experience
- Develop or refine specific professional skills

To be considered an internship, rather than a part time job, the experience must have an **intentional and significant focus on student learning** and a defined

beginning and end date. Internships often center around defined projects with clear objectives, rather than routine unit operations.

What is Volunteering?

Volunteering is donating time with an organization, and:

- The organization's primary purpose is charitable or humanitarian
- You don't receive remuneration or any other type of compensation
- The activity is **unrelated** to your field of study or intended profession

What is the difference between Volunteering, Co-op placement and Internship in Canada?

Volunteering is described as an unpaid activity where someone gives their time to help an organization or a cause. It is of benefit for both parties involved and does not involve financial payment. Volunteering is usually done on a part-time basis depending on the availability of the volunteer and the organization need.

When deciding where to volunteer think about these aspects:

- environment– creative, philanthropic, medical, people focused, technical, financial, media, etc.
- location
- time commitment
- what do you bring to the organization and the role
- what do you want out of the experience
- what kind of people do you like to work with
- is this strictly for fun or charity, or is it to further your career growth

Co-op or Co-operative placement is usually associated with a course or certification offered by an education institution or employment centre offering a job related program. Co-op allows you to apply concepts learned in class during paid work terms. At the end of the placement, you will have not only a certification that indicates you participated in a CO-OP program but also work experience in your field of study and a network of valuable contacts. All of these factors will contribute to helping you find a job more easily after the course completion.

An **Internship** is a professional working position that is typically offered to students or inexperienced workers. It enables the intern to gain valuable work experience and on-the-job training, while providing the employer with an enthusiastic worker.

Some internships are paid positions, while others are unpaid. Both allow you to work within an organization to gain first-hand experience about a particular industry or field of work. Internships help inexperienced workers get involved in the workplace, and can sometimes lead to permanent positions.

Since internships are full-time positions, watch out for unpaid internships. While they vary from province to province, there are sets of rules governing how internships must be run. These rules are designed to protect interns, ensuring their internship helps spur their career. Most provinces ask that any unpaid

internship be a requirement for a formal education program, offering practical learning experiences.

Volunteering

Many Canadians participate in volunteering activities and internships, either in Canada or abroad. Volunteering and internships are great ways to gain professional experience, skills and knowledge that will prepare you for future employment.

Volunteering Abroad

Make sure you are well informed as you plan your internship or volunteer placement abroad. Here's what you need know to volunteer abroad.

International Youth Internship Program (IYIP)

Interested in international development? You want to intern or volunteer overseas? IYIP is for Canadians 19 to 30 years old. The program gives post-secondary graduates the opportunity to apply their knowledge, gain international work experience and develop skills in various sectors.

International Aboriginal Youth Internships initiative (IAYI)

You are an Aboriginal youth between the ages of 18 and 35? You are interested in gaining international experience? If you possess a secondary school diploma (or equivalent certification) and/or equivalent work experience related to the internship description, the IAYI may be for you. These internships consist of a four to six-month period spent in a developing country working on issues such as equality between men and women, the environment, health, education, small business development, and agriculture.

Volunteer Cooperation Program (VCP)

The Volunteer Cooperation Program (VCP) provides opportunities for skilled Canadians to participate in Canada's international development assistance efforts.

The program supports Canadian organizations in sending a broad range of Volunteers interested in lending their time and expertise to help communities in developing countries. They may include:

- professionals and experts
- young leaders
- retired or semi-retired professionals

By providing targeted support and reinforcing the capacities of local organizations, Volunteers make a difference in a variety of sectors, while helping to advance Canada's Feminist International Assistance Policy. They also play a role in engaging Canadians in international development within Canada.

Volunteer placements can be over a short or long period (2 weeks or up to one year) and include pre-departure and re-integration training. There are some virtual volunteering opportunities.

The current VCP (2015-2020) aims to deploy more than 11,000 Canadian Volunteers

to some 50 developing countries.

Volunteering as an international student in Canada

Many students in Canada volunteer for charities, non-profit organizations, or community groups during their studies. Volunteering as an international student can be a significant part of the culture of Canadian life, and many find it is a rewarding way to give back to their community, while also developing experience and references for their resumes.

Volunteering as an international students in Canada is also an ideal way to get Canadian work experience, meet new people, and develop language skills. Volunteer positions can involve more advanced skills and responsibilities, such as management-type roles, than may be available in paid positions. They are also likely to be flexible and responsive to your schedule and study commitments, as non-profit organizations value any time and effort you are able to contribute. Having said that, if you are volunteering as an international student in Canada, it is important to take it seriously as you would a paid position – this means giving enough notice if you need to miss or postpone a shift, or if you need to take a break for a while.

You generally won't need a Social Insurance Number (SIN) in order to volunteer. If you earn income in Canada, you need a SIN – so even if you're planning just to volunteer while studying, it may still be a good idea to get one so you'll be ready for any paid opportunity that may come along.

Finding a volunteer position

If you're looking to volunteer, start by researching groups or charities in your local area that operate for a cause you care about. There are also many charities or organizations that have campus groups, including major national or international charities. University and college campuses also often have community outreach groups that work in the local neighbourhood, for example with newcomers to Canada, in hospitals, or with local religious communities.

When you're first looking into volunteer positions, it can seem like the opportunities are endless. To narrow it down and help you find a position that will be truly productive for you, think about your particular talents and goals. If you're interested in developing your web design skills, see if you can create or update a charity's webpage. If event management is your passion, see if you can get involved in organizing charity events. If you want to get sales or networking experience, you could try fundraising. If you love education and teaching, you could tutor or teach workshops at the local library. If there is a non-profit organization you might want to work for, reach out and ask if they have volunteer opportunities. Proving yourself as a volunteer could put you first in line if and when a paid position opens up.

INTERNSHIPS IN DEPTH – CAREER READY

Since 2002 Career Ready has provided thousands of teenagers with internships in the offices and workplaces of its employer supporters as part of a programme of employer engagement in schools. These internships, lasting four to six weeks, are the proper way to do work experience – with job descriptions, real work to do and students paid to do it.

Our 140 hours campaign showcased the transformational impact of four-week paid internships on young people aged 16-19. We're working with businesses to open up a world of opportunity to young people who have the potential to succeed but lack the networks, role models and confidence of their wealthier peers.

A 140-hour (four-week) internship benefits young people by enabling them to:

- work as part of a team
- complete a project
- build confidence in the workplace

Recent research conducted with 7,000 young people aged 16-24 across 37 countries found that 78% think internships are critical to career success and work experience is rated the top global factor in getting a job. The research was conducted by Citi Foundation for the 2017 global report of its Pathways to Progress programme.

The benefits of hosting an intern

Research conducted by Freshminds and supported by Santander also shows the benefits to business of taking young interns:

- professional development
- early management experience for young staff
- an opportunity to get a fresh perspective on their products
- an effective testing ground for potential recruits to high-level apprenticeships

Current Career Ready support for hosting interns

Career Ready's 140 hours internship programme has the backing of major businesses across the UK including: Citi, AstraZeneca, Freshfields, Standard Life, Diageo, BP, DHL, Health Education England, SSE, Aviva, Wates, Centrica, Arcadis, Moody's, Morgan Stanley, Holman Fenwick Willan, FHF, ARM and Leidos. Why not join them now and make a positive difference to your workplace?

Where will the students be based with us when on their internship?

We have produced a list of examples of projects and work given by employers, who have offered Career Ready students an internship in the past. They may help you to identify the types of work you could give an intern. This includes:

- Students can man the reception desk, answer the phone or make outbound calls to free up staff time and to develop their communication
- Assisting with back office functions helps students develop understanding of business. Tasks can include inputting data (e.g. converting paper invoices to electronic records), help with office management (e.g. arranging team events, supporting meetings and conference calls).
- Streamlining documents for retention purposes will have a lasting impact on the business, for instance standardising formats of team procedures.

Student Management

We ask that each student you are hosting has an internship supervisor, someone to act as a key point of contact within the organisation for the duration of

the internship. The exact remit will depend on the nature and structure of your organisation and the format of the individual internship experience. For example, if you work alongside the student within the same office for the full placement, you will have a different role than if your student works across different departments at varying locations. It can work well to assign someone from your team as a 'buddy', who may have recently been through education themselves, as a career development opportunity.

Student Access during the internship

Most students are given access to anything a normal temporary member of staff would be given. Some students may need to sign a confidentiality agreement with the company or have limited access to certain systems.. the more they can access, the more they can learn and development from.

What support will you provide me as an employer?

To support you, we commit to:

- Give you a toolkit to support you in running the internship placement (the student will also have one)
- Invite you to a supervisor briefing before the placement begins. Career Ready will offer both face-to-face and teleconference briefings for internship supervisors, particularly new supervisors, to help them prepare for the role. Supervisors will also be contacted after internships have finished to gather feedback to help us improve the internship experience next year.
- Stay in contact with you and the student to support you throughout
- Visit or speak with the student at least once during their internship, including to listen to their presentation

The process for having an intern

We want our students to have a realistic experience of applying for a job – from writing an application to reading and understanding a job description and having an interview.

All students are asked to complete one standard online application form for all internships. In return we ask that employers complete a job description template for all places they are offering – the deadline for all job descriptions is the end of March. Please contact your Career Ready Regional Manager or a member of our Business Development Team

Complete a Job Description in order to match a student to a role.

Once your JDs are with us we work with our schools and colleges in the relevant regions and ask the coordinator to put forward a suitable student. We are confident that the selection and briefing process all students go through will ensure that a suitable candidate is matched to you and therefore we do not advise you hold a competitive interview process, but just meet the student or students matched to you for a formal discussion.

WHY IS EVERYTHING ELSE WRONG

UNPAID INTERNSHIPS – THE RAMIFICATIONS

Most employees in Canada are protected by employment standards set and enforced by each province. These provincial laws apply to all “employees” and “employers” in the province unless specifically exempted. Thus, to determine whether an unpaid intern is protected by the legislation it is necessary to determine whether he or she fits into the definition of an “employee”.

While the extended definitions vary, a person is an employee in all provinces if he or she receives or is entitled to receive wages in exchange for work. Clearly, an unpaid intern receives no wages, but are they entitled to receive wages? Some might argue that if an intern signs an agreement acknowledging that they will not be paid, they have no entitlement, but all provincial employment standards laws have a clause which makes agreements to contravene the law null and void. Thus, whether the intern signed an agreement acknowledging that he or she would not be paid is not determinative.

Provincial employment laws were adopted with the goal of preventing the exploitation and abuse of workers who are in a vulnerable position relative to their employers. The Supreme Court of Canada has held that provincial employment laws should be construed and interpreted in a “broad and generous manner” because they provide minimum benefits and standards to protect workers.

Courts have commented that provincial employment standards laws tend to define “employee” and “employer” in a vague and circular manner.² Such definitions are often unhelpful. As such, and consistent with the policy goals of employment standards legislation, courts will turn to the common law definition of employee to supplement the statutory one.

At the risk of oversimplifying, a person is generally an employee at common law if the person performs work for the would-be “employer” and the “employer” exercises a high degree of control and direction over and gains an economic advantage from that work. Interns will often meet this definition: they are usually required to be at work for certain hours, their work and timeline for completion is dictated by their boss, they are not free to come and go as they please, and the company often derives an economic benefit from hiring an intern. When viewed objectively, unpaid interns often “look” like employees who don’t get paid.

If an intern makes an employment standards complaint, the onus is on the alleged employer to prove that the intern was a true volunteer or was otherwise exempt from the law. True volunteer arrangements are difficult to prove and are uncommon outside of the not-for-profit sector, but there may be other applicable exemptions, depending on the province.

From the employer’s perspective internships are generally free sources of short-term labour that offer the employee experience and connections. Critics of the practice say it’s exploitation, usually of young people trying to get a toehold in the workforce.

Even if the employee consents to be hired as an intern, it is not enough to protect the employer from possible legal action down the road. Penalties can range from fines, obligations to pay back wages and a heap of negative publicity. Under the Canada Labour Code, any complaints involving unpaid wages, overtime and vacation pay filed against a federally-regulated employer will prompt an investigation. Most cases, however, fall under provincial employment laws.

Here are some things you should know before you agree to work for free:

1. In most cases it's illegal to work for free. The exceptions are if you're a student, or if it's for training purposes. In the latter case, Ontario won't recognize it as "training" unless all of the following conditions are met (according to the Ministry of Labour):

- the training is similar to that which is given in a vocational school;
- the training is for the benefit of the intern. You receive some benefit from the training, such as new knowledge or skills;
- the employer derives little, if any, benefit from the activity of the intern while he or she is being trained;
- your training doesn't take someone else's job;
- your employer isn't promising you a job at the end of your training;
- you have been told that you will not be paid for your time.

2. The internship will usually be deemed legally valid in Ontario if it is filled by a person who "performs work under a program approved by a college of applied arts and technology or a university." Some provinces, like British Columbia, define this type of job as a "practicum," which is not considered work and as such does not require remuneration.

3. Each province has its own set of labour laws that protect all employees of that region by guaranteeing them a set of minimum benefits and standards such as minimum wage and a safe work environment. British Columbia's Employment Standards Act defines an "employee" as "a person an employer allows, directly or indirectly, to perform work normally performed by an employee" and "a person being trained by an employer for the employer's business." If an intern fell under either definition, he or she would be considered an employee and be entitled to minimum wage, regardless of whether the person consented to work for free.