# The Federal Government Draws a New Line on Unpaid Internships



Memo to Federally Regulated Employers: Your Unpaid Internship Program May Now Be Illegal

The unpaid internship has become an endangered species, especially for companies subject to federal employment regulation, i.e., the *Canada Labour Code* (Code).

New rules that take effect on September 1, 2020, place severe limitations on what types of unpaid internships are allowed; and even when it's okay not to pay interns, you still have to afford them many of the other protections required by the Code and labour standards regulations. Here is the quick lowdown.

### When Are Unpaid Internships Legal?

Under the new federal internship rules, aka, *Standards for Work-Integrated Learning Activities Regulations*, employers don't have to pay students who are undertaking a work-integrated learning placement with an employer to fulfill requirements of an educational program, including students registered in secondary, post-secondary and vocational educational institutions, or their equivalents outside Canada.

### Which Employment Standards Protections Do Apply to Unpaid Interns?

Even though the right to be paid for their work does not apply to internships, unpaid interns are still entitled to the following federal labour standards protections:

- The 40 hours per week and 8 hours per day work limits
- The right to 1 day of rest per week and a modified work schedule
- Unpaid breaks for every 5 hours of work
- 96 hours advance notice of schedule and 24 hours' notice of shift changes
- 8-hour rest periods between shifts
- 9 general holidays within a calendar year
- Maternity-relate reassignment
- Family violence, traditional Aboriginal practices, bereavement, medical and work-related illness, and injury leaves
- Protections from reprisal and genetic discrimination.

## Additional Resources

For more information on Internship Rules and Compliance, you can use the following resources:

Unpaid Internship Laws Across Canada for a summary of each jurisdiction’s unpaid internship requirements.

Unpaid Internship & ESA Laws an analysis of what employment standards laws say – and do not say – about unpaid internships.

Internship Agreement Checklist

Unpaid Internship Policy (Ontario Version)