

Unpaid Internships & ESA Laws



✖ *ESA laws require employers to pay “employees” for their work. And that raises a thorny question: Are interns “employees”? If they are, failure to pay them is illegal. Here’s a look at what each province has said—or not said—about whether it’s okay not to pay an intern:*

ALBERTA: Definition of “employee” entitled to wages broad enough to potentially include interns but government hasn’t stated if it actually does

BRITISH COLUMBIA: According to the [Interpretation Guidelines Manual](#), an “internship” may be considered “work” for which an employer must pay at least the minimum wage. *Manual* defines “internship” as on-the-job training offered by an employer to provide a person with practical experience. If the duties performed by interns fall within definition of “work” in the ESA, the intern is an “employee” entitled to wages, the *Manual* explains. BC also distinguishes an “internship” from a “practicum,” the latter being “hands-on” training that’s part of a formal education process and done for school credit. A practicum is not considered “work” and therefore not subject to the minimum wage.

FEDERAL: Definition of “employee” entitled to wages broad enough to potentially include interns but government hasn’t stated if it actually does

MANITOBA: Definition of “employee” entitled to wages broad enough to potentially include interns but government hasn’t stated if it actually does

NEW BRUNSWICK: Definition of “employee” entitled to wages broad enough to potentially include internships but government hasn’t stated if it actually does

NEWFOUNDLAND & LABRADOR: Definition of “employee” entitled to wages broad enough to potentially include interns but government hasn’t stated if it actually does

NOVA SCOTIA: Definition of “employee” entitled to wages broad enough to potentially include interns but government hasn’t stated if it actually does

ONTARIO: According to MOL guidance, individual is “employee” entitled to wages rather than intern if he receives training in skills other employees use UNLESS: i. training is similar to training intern would get in vocational school; ii. training is for intern’s benefit; iii. employer derives little to no benefit from intern’s activity while training takes place; iv. intern doesn’t displace or take the job of another of the employer’s employees; v. intern isn’t promised a job or given right to become an

employee at end of training; and vi. intern is advised that he won't be paid for time spent in training. ESA also doesn't apply to individuals who perform work under a program approved by a college of applied arts and technology, or a university.

PRINCE EDWARD ISLAND: Definition of "employee" entitled to wages broad enough to potentially include interns but government hasn't stated if it actually does

QUÉBEC: In Québec, things are reversed. Under the [Labour Standards Act](#), individuals are considered employees if they receive remuneration. So, an unpaid intern commonly referred to as a "*stagiaire*") is, by definition, *not* an employee.

SASKATCHEWAN: Definition of "employee" entitled to wages broad enough to potentially include interns but government hasn't stated if it actually does