

# **Labour Program Stakeholder Consultation Submission**

## **Interns in the Federal Jurisdiction**



Submitted by:

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## Introduction

The Union of Canadian Transportation Employees represents workers in transportation support and inspection as well as natural resources, for federal government departments and agencies like Parks Canada, as well as federally-regulated employers such as ports, pilotage authorities and airports.

We welcome the decision by the Government of Canada to extend some labour standard protections to interns in federally regulated workplaces. In our view, this is long overdue and a great step in the right direction. Our members have had much experience working alongside students, apprentices and interns in their workplaces and many of them have raised concerns about their working conditions, especially their safety while working at the Canadian Coast Guard, on the canals, and at ports and airports across the country.

We understand the basic principle of internships as you outlined in your paper and support offering opportunities for young and not-so-young workers to gain valuable hands-on experience in the workplace. That being said, we are concerned that the increasing prevalence in unpaid internships and the resulting potential for abuse has been a blot on the workplace in both the public and private sectors in Canada. We support the limits on unpaid internships, and in fact would go further. We do not understand the rationale for any unpaid internships in the federally regulated sector and recommend that all internships, apprenticeships and student employment be covered under the umbrella of the Canada Labour Code.

This would include providing adequate and appropriate compensation for all such workers, depending on their assignments and their level of responsibilities on the job. Such a move would bring these workers under the full protection of health and safety laws and allow them to be covered by all of the provisions that protect them from harassment and discrimination, as well as from the modern curse of bullying and intimidation, which far too many temporary, contract or seasonal employees may be subjected.

We are also concerned that students and young people who are working at jobs in the federally-regulated sector may not be fully protected at work. The health and safety aspects of their employment cannot be underestimated. Statistics Canada reports that young people aged 15-24 continue to have the highest likelihood of injury, serious injury and workplace death. According to the website [www.Safethink.ca](http://www.Safethink.ca), 50% of young workers under 25 were injured during the first six months of their employment and 20% of all serious injuries and fatalities happen in the first month of work. Interns, apprentices and students are all at risk and need the appropriate guidance, supervision and protections.

We also have some concerns about the process to determine the appropriateness of an unpaid internship under your proposed regulations. The process that you have outlined appears to give all of the authority to an educational institution that is prepared to issue a “Confirmation of Internship Requirement” to a student who then presents this to an employer. The subsequent verification process that is suggested simply involves checking to see whether the institution has the right to issue the requisite certificate. No consideration is given to the actual work that will be performed and whether it is acceptable to have someone, even a student intern, perform this work without pay.

### **Specific Questions in the Stakeholder Consultation Paper**

*Q1. Are there any operational or logistical issues that might arise from requiring the student intern to provide the employer with a Confirmation of Internship Requirement issued by the educational institution?*

*Q2. Does the Confirmation of Internship Requirement provide sufficient information for determining that the internship can be unpaid? If not, please explain.*

*Q3. Do the proposed regulations on educational institutions allow for determining whether a given educational institution is covered by the new provisions?*

In regard to this set of questions, our concerns are that once an educational institution becomes qualified to issue *Confirmation of Internship Requirements*, there appears to be limited ability to monitor how the institution defines the need for paid or unpaid internships.

We recommend that criteria be developed that puts the onus on educational institutions to provide a rationale for why an internship could or should be unpaid.

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*Q4. Do you agree with the proposed list of labour standards for student interns? Is there anything you would change in this proposal?*

*Q5. Of the labour standards that are proposed to cover student interns, are there any that would be problematic to implement?*

All workers should be given as much protection under existing laws and regulations as possible. To have lower standards for students or interns is unfair and puts them at risk. We believe all individuals who work within the federally-regulated sector should have the full protection of the *Canada Labour Code* at work.

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*Q6. Should all or any of labour standards listed in table 2 be extended to student interns?*

*If so, are any adaptations to the existing federal labour standards needed? Please explain.*

*Q7. Should student interns be entitled to any other existing labour standards? Please explain.*

All workers, paid or unpaid, should be given as much protection as possible and therefore there should be an extension of all labour standards.

For the federal government in particular where there exists a difficulty to attract young workers to the public service, this would be an indirect benefit. Not only are students learning about a specific skill or field, but they are learning about the type of employer that is available within that field. An employer that puts their care and protection first is more likely to attract future employees, especially in areas where retention is a challenge.

With regards to the labour standards not proposed in this review, there is no rationale as to why these standards are not being proposed. As stated earlier, student interns often have large debt loads as a result to their programme of study. Not guaranteeing items such as minimum wage, paid annual vacation or severance pay perpetuates a second-class workforce and is ripe for abuse by those who wish to save on the bottom-line.

Lastly, if student interns are paid workers, then they should be subject to the same rights and obligations as all employees under a federally-regulated employer. This would include all rights and responsibilities negotiated by and full participation in the applicable bargaining unit.

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*Q8. Should employers be required to keep records on student interns in the same way as for employees? If not, please explain.*

If the goal is to treat student interns the same was as for employees, then the standards must be the same.

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*Q9. What type of guidance, information materials and other tools would be most useful to ensure that employers and interns understand their obligations and rights?*

*Q10. Is there a need to develop communication materials targeted to educational institutions regarding federal labour standards for student interns? Please explain and provide suggestions for dissemination of such communication materials?*

*Q11. Could the implementation of the provisions concerning labour standards protections for interns have different impacts when taking into consideration gender, race, ethnicity, age or disability status of the student intern? Could any of these impacts be mitigated, through regulations or operational policies? If so, please explain.*

*Q12. Could the implementation of new provisions on interns have unforeseen negative impacts? Could any of these unforeseen impacts be mitigated, through regulations or operational policies? If so, please explain.*

*Q13. What elements should be considered in planning the timing of the coming into force? For instance, is lead time needed to make necessary adjustments? Is there a particular time preference in the calendar year for the coming into force? Please explain.*

There will be a need to develop communication materials to ensure that both student interns and employers understand the changes to any existing regulations. It should outline the changes and emphasize the responsibilities of both the employer and the institution to ensure the student intern is aware of these rights.

It is also important to provide educational institutions with the need for institutions to provide adequate justification for presenting any unpaid internships to employers in the federally regulated sector.

On the question of accessibility and other human rights issues, it should be made clear that all aspects of the *Canadian Human Rights Act* including any policies and regulations must be upheld by all parties to an internship agreement and outline the penalties for not adhering to these standards. All interns and prospective interns should be advised of their rights in these matters before taking up their assignment with any federally regulated employer.

Finally, with regards to the timing of implementation, it would be wise to allow institutions and employers alike sufficient time to familiarize themselves with the standards. This would ensure that all participants are well educated and can identify any issues before the program “goes live”.

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**Conclusion**

In conclusion, while we welcome these changes, they do not go far enough in protecting the rights, health and safety of student interns who may be hired in federally regulated workplaces. Interns should be paid adequately and appropriately for the work they perform and that there is simply no basis for unpaid internships. Students are future employees. It is important that we treat the next generation with the same respect and dignity that all workers deserve.