Labour Program Stakeholder Consultation

September 26, 2018
As a work-integrated learning leader in Canada, Co-operative Education and Work-Integrated Learning (CEWIL) Canada is a membership-based association of professionals and experts. Our collective of over 720 members includes post-secondary educational institutions – colleges, universities and polytechnics located in every province in Canada, employers, and the government. CEWIL Canada’s mission is to build the capacity to develop future-ready students through quality work-integrated learning.

Colleges and Institutes Canada (CICan) is the voice of Canada’s publicly-supported colleges, institutes, cégeps and polytechnics, and an international leader in education for employment with ongoing programs in over 25 countries. CICan’s members add over $190B to Canada’s economy each year and contribute to inclusive economic growth by working with industry and community partners to offer more than 10,000 programs to learners in urban, rural, remote, and northern communities.

Polytechnics Canada is a national association of Canada’s leading colleges, polytechnics and institutes of technology. Established in 2003 and based in Ottawa, Polytechnics Canada is the voice of polytechnic institutions with a common focus on advanced technical and technological education.

Founded in 1911, Universities Canada is a non-governmental, membership-based organization headquartered in Ottawa. Our members are 96 public and private not-for-profit Canadian universities, and we are governed by a board of directors consisting of university presidents. Universities Canada advocates for our universities and provides a forum for our members to share ideas and address challenges in higher education, research and innovation.
Holistic Considerations

Together, the above mentioned organizations are pleased to be able to provide input on the proposed changes to the Labour Standards for Federally Regulated Workplaces under Part III of the Canada Labour Code. Prior to responding to the questions posed in the consultation paper, we would like to offer five holistic considerations that provide clarity on the terminology and components of a work-integrated learning experience.

1. That the use of the word “intern” in these labour standards be replaced with “work-integrated learning student” or “WIL student” using the WIL Definitions as endorsed by Co-operative Education and Work-Integrated Learning (CEWIL) Canada. The word “intern” should only be used in reference to actual work-integrated learning (WIL) experiences. Recent graduates’ work experiences should not be described as “internships”. See Appendix A.

2. In order to provide clarity surrounding the true intention and desired outcomes of work-integrated learning experiences, the federal government should endorse the Shared Attributes of WIL Experiences provided by CEWIL to differentiate quality WIL experiences from other work experience. See Appendix B.

3. Given the federal government’s leadership in proposing that unpaid student work only be permitted in the case of appropriate WIL experiences (where verified by the academic institution), it would therefore follow that when paid, the WIL student should be treated as an employee and all labour standards would apply as in any employee/employer relationship. A visual representation of the determination for whether a student is an employee and should be paid is provided in the Proposed Students and Recent Graduates Flow Chart in Appendix C.

4. Where the WIL experience is greater than 200 hours, or roughly half the duration of a typical co-op work term, that experience should be paid. The determination for payment is related to the balance of benefit obtained by either the WIL student or the employer. As an overarching principle, WIL experiences may be unpaid when the balance of benefit falls to the student learner, not the host organization. Specific thresholds are recommended in Appendix C.

5. That qualifying post-secondary institutions (PSIs) be responsible for determining if a WIL experience is eligible to be unpaid.
Questions for Stakeholders – Brief Responses and Further Questions

Verification that the Internship is Part of an Educational Program

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?

- What would be the intended mechanism for students to find out about these unpaid opportunities? Both the employer and the experience as well as the student and their WIL program need to be pre-qualified – post-secondary institutions could assist with this pre-qualification and then dissemination of eligible opportunities.
- Logistical challenges will exist in terms of who specifically at each PSI would be responsible for completing the Confirmation of Internship Requirement. Who would be eligible to verify? Processes for this type of verification are not currently in place at many post-secondary institutions, especially those with decentralized WIL support systems.
- Note: CEWIL might be able to generate a standardized form to be completed by members. Perhaps eventually, more automated reporting could be developed through the Magnet/Orbis Campus Link platform, however automation adoption would likely take at least 3 years. The automation may also be opened to secondary institutions with further development.

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

- We would recommend the addition of one element in the checklist, as verified by the qualifying PSI: Eligible to be unpaid (yes or no). See holistic considerations above, graphically represented in Appendix C.

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

- Yes, we believe Table 3 is appropriate.

Proposed List of Labour Standards for Student Interns

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

- Table 1 seems appropriate in the context of the holistic considerations above, and graphically represented in Appendix C which separates unpaid WIL students from paid WIL students who are employees.
- Maternity-related Reassignment and Leave, should be titled “Maternity-related Reassignment” since “Leave” is not applicable.
- Accommodations for students with disabilities appears to be missing from the labour standards. These accommodations should be determined in consultation with the PSI.
Q5: Of the labour standards that are proposed to cover student interns, are there any that would be problematic to implement?

- Assuming the holistic considerations, as described in Appendix C, are accepted, implementation concerns that come from including paid co-op students in these standards would be eliminated. For example, paid co-op students may in fact work more than 40 hours per week.

Additional Labour Standards for Consideration

Q6: Should all or any of the 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.

- Again, holding to the holistic considerations provided earlier in this consultation response regarding the status of employees and unpaid WIL students, most of the Table 2 considerations do not apply.
- Related to Leaves - should a WIL student need to take any sort of extended leave, the implications would need to be discussed with the academic institution to determine impact on meeting program graduation requirements. It would not be the employer’s responsibility to hold a place for the WIL student who requires extended absences.
- Related to Work-related Illness and Injury – If the WIL student is paid, they should be covered by all of the benefits owed to any employee. If the WIL student is unpaid, if their province does not specify wage replacement levels for unpaid students, then there is really not a 'wage replacement' but rather, injury insurance requirement. For example, in Ontario, MTCU pays for WSIB or private employment insurance premiums for all students participating in eligible, required unpaid WIL experiences.
- Related to Termination of Employment – Where the WIL student is paid, standard notice of termination of employment would be required. Where the WIL student is unpaid, pay in lieu of notice is not applicable. Early termination of a WIL experience would normally be done in consultation with the PSI partner.
- Related to Hours of Work – Trucking – Where WIL students are paid, standard Motor Vehicle Operators Hours of Work Regulations would apply. Where the WIL student is unpaid, the maximum hours of work and day of rest set out in Table 1 would apply.

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

- No, we don’t believe there are any other standards that should be addressed.

Record-Keeping Requirements

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

- The record keeping requirements in section 5.3 seem reasonable and appropriate but as they are an employer requirement, we recommend employers be consulted on the logistics
of this requirement. PSIs will be keeping records regarding all WIL students, both paid and unpaid.

Implementation

Q9/10: What type of guidance, information materials and other tools would be most useful to ensure that employers and interns understand their obligations and rights? 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?

- We recommend utilizing a variety of materials and tools to educate WIL students and employers, as well as PSIs about their respective obligations and rights including perhaps print and electronic materials. Perhaps a portal or webinars could also be useful to explain the changes. CEWIL would be happy to assist in dissemination of materials to PSIs. PSIs will likely be the primary mechanism to educate employers and WIL students, and even support compliance.

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.

- By requiring payment for WIL experiences that are longer than 200 hours in all federally regulated work places, the federal government could provide leadership that might hopefully be adopted in the future by other sectors.

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.

- It would be unfortunate if employers attempted to circumvent payment for students by converting normally 4-month paid opportunities into under 200 hour experiences that could be unpaid. Perhaps federal funding could be directed to support these types of opportunities (200+ hours) through the Student Work Placement Program (SWPP).

Q13: What elements should be considered in planning the timing of the regulations 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.

- We recommend implementation for the beginning of the academic year, September 1, 2020 to avoid changing policies in the middle of an academic year and to allow sufficient time to communicate to stakeholders, change policies and procedures, etc.
Concluding Remarks

Thank you for the opportunity to provide feedback on these important regulations to protect work-integrated learning students in federally regulated workplaces. The Government of Canada can and should play an important role in providing quality WIL experiences to students and remunerating them appropriately. We are pleased to provide further comment or explanation as required.

For additional questions please contact:

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Work-integrated learning is a model and process of curricular experiential education which formally and intentionally integrates a student’s academic studies within a workplace or practice setting. WIL experiences include an engaged partnership of at least: an academic institution, a host organization and a student. WIL can occur at the course or program level and includes the development of learning outcomes related to employability, personal agency and life-long learning.

Below are the following types of WIL endorsed by CEWIL (2018) and their typical attributes:

**Apprenticeship:**
Apprenticeship is an agreement between a person (an apprentice) who wants to learn a skill and an employer who needs a skilled worker and who is willing to sponsor the apprentice and provide paid related practical experience under the direction of a certified journeyperson in a work environment conducive to learning the tasks, activities and functions of a skilled worker. Apprenticeship combines about 80% at-the-workplace experience with 20% technical classroom training, and depending on the trade, takes about 2-5 years to complete. Both the workplace experience and the technical training are essential components of the learning experience.

**Co-operative Education (co-op alternating and co-op internship models):**
Co-op alternating consists of alternating academic terms and paid work terms. Co-op internship consists of several co-op work terms back-to-back. In both models, work terms provide experience in a workplace setting related to the student’s field of study. The number of required work terms varies by program; however, the time spent in work terms must be at least 30% of the time spent in academic study for programs over 2 years in length and 25% of time for programs 2 years and shorter in length.

**Internships:**
Offers usually one discipline specific (typically full-time), supervised, structured, paid or unpaid, for academic credit or practice placement. Internships may occur in the middle of an academic program or after all academic coursework has been completed and prior to graduation. Internships can be of any length but are typically 12 to 16 months long.

**Entrepreneurship:**
Allows a student to leverage resources, space, mentorship and/or funding to engage in the early-stage development of business start-ups and/or to advance external ideas that address real-world needs for academic credit.

**Service Learning:**
Community Service Learning (CSL) integrates meaningful community service with classroom instruction and critical reflection to enrich the learning experience and strengthen communities. In practice, students work in partnership with a community based organization to apply their disciplinary knowledge to a challenge identified by the community.
**Applied Research Projects:**
Students are engaged in research that occurs primarily in workplaces, includes: consulting projects, design projects, community-based research projects.

**Mandatory Professional Practicum/Clinical Placement:**
Involves work experience under the supervision of an experienced registered or licensed professional (e.g. preceptor) in any discipline that requires practice-based work experience for professional licensure or certification. Practica are generally unpaid and, as the work is done in a supervised setting, typically students do not have their own workload/caseload.

**Field Placement:**
Provides students with an intensive part-time/short term intensive hands-on practical experience in a setting relevant to their subject of study. Field placements may not require supervision of a registered or licensed professional and the completed work experience hours are not required for professional certification. Field placements account for work-integrated educational experiences not encompassed by other forms, such as co-op, clinic, practicum, and internship.

**Work Experience:**
Intersperses one or two work terms (typically full-time) into an academic program, where work terms provide experience in a workplace setting related to the student’s field of study and/or career goals.
## Shared Attributes of WIL Experiences

**Appendix B**

<table>
<thead>
<tr>
<th>Experience in a workplace or practice setting</th>
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<tbody>
<tr>
<td>Has direct learner involvement and learner is enabled to contribute within the host organization</td>
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<tr>
<td>Meaningful to learners academic and/or career goals</td>
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<tr>
<td>Intentionally designed and linked to curriculum and program structures</td>
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<td>Embraces disruptive moments and supports personal exploration of one's beliefs and values within the workplace</td>
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<tr>
<th>Curriculum integration of workplace and academic learning</th>
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<tbody>
<tr>
<td>Learning outcomes are articulated and measured and identified based on curriculum and needs of host organization</td>
</tr>
<tr>
<td>Assessed by institution in consultation with host organization/professional body</td>
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<tr>
<td>Workplace learning is reconnected to the curriculum</td>
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<tr>
<th>Student outcomes that lead to employability, personal agency and life-long learning</th>
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<tbody>
<tr>
<td>Skills and attributes that are relevant to the workplace context: locally, nationally, internationally</td>
</tr>
<tr>
<td>Knowledge of the discipline of study and the workplace context</td>
</tr>
<tr>
<td>Capacity to contribute as a member of a workplace or entrepreneur as well as a member of an ethical civic society</td>
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<td>New meaning is constructed by connecting previous and new learning</td>
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<th>Reflection</th>
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<tr>
<td>Ongoing and thorough formative and summative processes that could be shared with both academic program and host organization</td>
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<tr>
<td>Meaningful reflection designed to facilitate the student's understanding of skills, knowledge, attributes and capacity to contribute</td>
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<tr>
<td>Reflection designed to facilitate the integration of learning from the workplace and academic program and career transition to workplace</td>
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PROPOSED STUDENTS AND RECENT GRADUATES FLOW CHART

Appendix C

Students and Recent Graduates

WIL

Less than 200 hours
Unpaid position

More than 200 hours
Paid position

Not WIL (Paid)

Employee

Risks

- Salary compensation (increased burden for employers)
- Potential decrease in the number of placements

Benefits

- Equity
- Access
- Quality/high impact
- Enhanced outcomes
- Financial/decrease in student debt
- Global leadership
- Increase in recruitment, retention in programs with employers
- Increase improvement in talent management in Canada would cause an increase in productivity