

October 3, 2016

Changing Workplace Review, ELCPB  
400 University Avenue. 12<sup>th</sup> Floor  
Toronto, Ontario M7A 1T7

Attention: CWR Advisors  
C. Michael Mitchell and John C. Murray

Via email to: [CWR.SpecialAdvisors@Ontario.ca](mailto:CWR.SpecialAdvisors@Ontario.ca)

Re: Career Colleges Ontario's Response to the Changing Workplace Review Interim Report- Student Intern Exemption

Dear Sirs,

Thank you for providing Career Colleges Ontario (CCO) an opportunity to respond to the Changing Workplace Review Interim Report.

CCO will not be responding to all aspects of the consultation and will focus on Chapter 5 – Employment Standards and specifically Section 5.2.4.1 – Exclusions Interns/Trainees

## **Background**

Career Colleges Ontario (CCO) is a not-for-profit association that was established in 1973 to advocate on behalf of private career colleges in the province.

The association's purpose is to help governments, key decision makers and the public understand the critical role its members and their students play in supporting Ontario's post-secondary education system and improving the province's economic well-being.

CCO currently has a membership of over 240 career college campuses, which represents just under 50% of all of Ontario's career college campuses.

CCO members contribute to Ontario's economy by providing highly qualified graduates in hundreds of essential, skilled fields such as Applied Arts, Business, Healthcare, Human Services, Information Technology, Services and Trades.

Career colleges work closely with employers to get their graduates directly into the Ontario job market. Their student training programs often include internships.

## **Intern Exemption for Career Colleges Student Interns under Ontario's Employment Standards Act (the Act)**

Unlike public universities and colleges, career college student internships are not specifically exempted from the requirements for paid internships as laid out in the Act.

Thus, employers working with student interns from career colleges must meet the following criteria in order to be exempted:

The training is similar to that which is given in a vocational school.

- The training is for the benefit of the individual.
- The person providing the training derives little, if any, benefit from the activity of the individual while he or she is being trained.
- The individual does not displace employees of the person providing the training.
- The individual is not accorded a right to become an employee of the person providing the training.
- The individual is advised that he or she will receive no remuneration for the time that he or she spends in training.

Employers who want to work with career college student interns must meet these six criteria before it can be determined that a career college student intern is not an employee. If the employer fails to meet these six criteria, it will have to treat the career college student intern as an employee and pay wages.

The absence of the same exemption being available to career college student interns as that which is available to public college or university student interns, acts as a disincentive to employers hosting career college student interns, even though they are in programs approved by the Ministry of Advanced Education and Skills Development.

One of the key elements in the recently published mandate letter for the Honorable Deborah Matthews, Minister of Advanced Education and Skills Development is to:

**Work with postsecondary institutions, employers and other partners to support the goal of ensuring that every student has at least one meaningful experiential learning opportunity by the time they graduate from postsecondary education.**

It is contradictory to this mandate to prevent student interns from career colleges access to the same exemption as is granted to other participants in Ontario's postsecondary sector, namely an educational exemption.



155 Lynden Rd, Unit 2, Brantford, ON N3R 8A7

t: (519) 752-2124 Ext.100  
f: (519) 752-3649  
e: [info@careercollegesontario.ca](mailto:info@careercollegesontario.ca)  
w: [www.careercollegesontario.ca](http://www.careercollegesontario.ca)

**Recommendation:**

**Ontario's Employment Standard Act should be amended to include career college student interns within the category of persons specifically exempted from the requirement of meeting the six conditions in order to not be defined as an employee.**

Yours Truly,

A handwritten signature in blue ink, appearing to read "Sharon E. Maloney", is written over a faint, light blue circular stamp or watermark.

Sharon E. Maloney  
Chief Executive Officer  
Career Colleges Ontario