



C. AGAINST UNPAID INTERNSHIPS POLICY

Adopted by Legislative Council: 2017/03/09

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[Adopted Motion \(Link\)](#)

1. Introduction

Unpaid internships exist in a legal grey area where, while ostensibly regulated, they are not clearly defined, restricted, or monitored. As a result, they facilitate an environment for companies to profit from unpaid student labour. In accordance with the Constitution and Equity Policy, the SSMU has a longstanding history of leadership on issues of human rights and social justice. Furthermore, the SSMU Policy on Accessible Education calls for the elimination of all financial barriers to education and training. As a result, the SSMU has a responsibility to advocate against unpaid and exploitative labour practices and to demand accessible, quality experiential learning opportunities for all McGill students.

To this end, at the Winter 2015 General Assembly on March 15, 2015, the SSMU adopted a “Motion Regarding Unpaid Internships.”¹ This resolved that, among other mandates, “the SSMU develop a policy, in consultation with interested student groups and McGill University, clarifying when unpaid internships should be considered illegal for the purposes of this motion.” In the interest of furthering this mandate, the SSMU hired a researcher in Summer 2016 to investigate the specific issues posed by unpaid internships for McGill students and to put forward recommendations for improvement. A policy was developed on the basis of this research in order to institutionalize existing and future measures for advocacy and awareness-building around unpaid internships.

According to Article 9 of the McGill University Charter of Student Rights, every student has a right to a quality education. The University’s corresponding obligation is fulfilled where: (a) the University offers an education capable of providing students with an adequate level of competence in the relevant field of study, (b) the University makes every reasonable effort to maintain the quality of education it dispenses, and (c) the University makes every reasonable effort to provide an appropriate environment for learning and assessment activities. As internships, particularly those taken for course credit or circulated by the university, are designed to further a student’s education, the administration must also be held accountable for their quality and accessibility.

¹ “Motion Regarding Unpaid Internships,” Students’ Society of McGill University (2015).
<http://ssmu.mcgill.ca/wp-content/uploads/2009/10/Motion-Regarding-Unpaid-Internships1.pdf>



2. Context

Students required or opting to complete an internship as part of their educational program are frequently exposed to performing work as an employee, yet not being compensated as one. Furthermore, many students experience intersectional barriers to accessing career and experiential learning opportunities that are exacerbated by the prevalence of unpaid positions.

Frequently, unpaid labour is justified as an opportunity to develop skills, experience, and connections—to get one's "foot in the door." However, evidence demonstrates that unpaid internships are no more likely than paid internships or entry-level jobs to provide young workers with valuable experience. Furthermore, in some contexts unpaid internships ultimately replace paid, entry-level jobs and contribute to further youth unemployment. Reference letters and CV-building are not substitutes for remuneration for any form of labour, particularly as this consistently exacerbates existing inequalities. There is little screening, tracking, or enforcement of internship regulations by governments or public institutions such as universities.

Relevant statistics on unpaid internships include the following:

1. Almost one-fourth of youth are unemployed, underemployed, or have given up looking for work.²
2. Unpaid internships exacerbate social inequalities by excluding from many prestigious and meaningful fields those students who cannot afford to work for free.³
3. Unpaid internships are already illegal in most situations in numerous jurisdictions across Canada, but continue to exist because of lax enforcement.⁴
4. Unpaid internships risk eliminating entry-level jobs and lowering starting wages for all, but particularly young workers.⁵

There is no advantage in terms of hiring rates or starting salary for graduates with unpaid internship experience, but significant advantages in hiring and starting salary for those with paid internship experience.⁶

² "Youth Unemployment and Underemployment in Canada," Canadian Teachers' Federation (2014).

<http://www.ctf-fce.ca/Research-Library/Brief-Youth-Unemployment.pdf>

³ "Why Unpaid Internships Mean Inequality of Opportunity," Macleans (2013).

<http://www.macleans.ca/economy/business/why-unpaid-internships-means-inequality-of-opportunity/>

⁴ "What is the law?" Canadian Interns Association (2015). <http://www.internassociation.ca/what-is-the-law/>

⁵ Marco Chown Oved, "Unpaid internships: the most precarious work of all," The Toronto Star (2013).

http://www.thestar.com/news/gta/2013/03/05/unpaid_internships_the_most_precarious_work_of_all.html

⁶ "Class of 2013: Paid Interns Outpace Unpaid Peers in Job Offers, Salaries," National Association of Colleges and Employers" (2013).

<http://www.nacweb.org/s05292013/paid-unpaid-interns-job-offer.aspx>



5. In one Ontario inspection, 42% of companies with interns were found to be breaking the Employment Standards Act's conditions on internship remuneration.⁷

Campaigns for the fair remuneration of unpaid work are not new in Quebec or Canada. In addition to bargaining and mobilization by labour unions and community groups, numerous organizations have addressed issues with unpaid stages, or mandatory internship placements for professional programs. In December 2016, the Quebec Fédération interuniversitaires des doctorant.e.s en psychologie (FIDEP) succeeded in obtaining remunerated internships for doctoral students in psychology, following an almost four-month long boycott.⁸

Similarly, the Campagne de revendications et d'actions interuniversitaires des étudiantes et étudiants en éducation en stage (CRAIES) roundtable has been advocating since 2014 for the remuneration of stages for education students, while the comités unitaires sur le travail étudiant (CUTE) seek to obtain remuneration for all students in an educational training situation in Quebec. In Ontario, Students Against Unpaid Internship Scams previously called on the provincial government to better enforce, communicate, and strengthen legal protections for student interns.

McGill students similarly face issues with unpaid stages; a lack of centralized coordination or screening of internship postings; limited student literacy on labour rights and protections; and a shortage of paid experiential learning and employment opportunities. Specific concerns include the quality, supervision, and protections associated with education stages;⁹ unpaid positions with private corporations (such as start-up ventures or media companies) and major non-profit organizations (such as public museums or inter-governmental agencies); a lack of academic credit offered for applied opportunities;¹⁰ and unpaid or for-cost internship and volunteerism programs offered by various student and external groups.

3. Scope

This Policy shall apply to:

1. Individuals involved in decision making processes for the Society, including Directors, Officers, Councillors, Senators, Committee Members, and Staff;
2. Clubs, Services, and Independent Student Groups (ISGs);
3. Activities and events hosted, funded, or promoted by the Society, including all those occurring within the University Centre;

⁷ "Blitz finds nearly half of companies with interns break law," Toronto Star (2014).

https://www.thestar.com/news/gta/2014/09/30/blitz_finds_nearly_half_of_companies_with_interns_break_law.html

⁸ "Rémunération de l'internat en psychologie : Une victoire pour les doctorant.e.s et la santé mentale au Québec," Newswire (2016).

<http://www.newswire.ca/fr/news-releases/remuneration-de-linternat-en-psychologie--une-victoire-pour-les-doctorantes-et-la-sante-mentale-au-quebec-607758076.html>

⁹ "Speak louder than racism," The McGill Daily (2016). <http://www.mcgilldaily.com/2016/02/speak-louder-than-racism/>

¹⁰ "Question Regarding Faculty Internship Programs," McGill University Senate (2016).

https://www.mcgill.ca/senate/files/senate/question_and_response_regarding_faculty_internship_programs.pdf



4. Materials and communications published or distributed by the Society.

4. Definitions

Disadvantage: A circumstance or situation that places an individual or a group of people in an inferior or less favourable position compared to others, resulting in compromised access to resources or opportunities.

Employee: A person who works for an employer and who is entitled to a wage. According to the Quebec Act Respecting Labour Standards, this also includes a worker who is a party to a contract, under which they:

- I. undertakes to perform specified work for a person within the scope and in accordance with the methods and means determined by that person;
- II. undertakes to furnish, for the carrying out of the contract, the material, equipment, raw materials or merchandise chosen by that person and to use them in the manner indicated by him or her; and
- III. keeps, as remuneration, the amount remaining to him or her from the sum he has received in conformity with the contract, after deducting the expenses entailed in the performance of that contract;

Employer: Any person who has work done by an employee.

Internship: An experiential learning opportunity that integrates knowledge gained in the classroom into a supervised role in an employment setting, including a defined start and end date, job description, and clearly identified learning outcomes and evaluation related to a student's field of study. Not simply an operational work experience that just happens to be conducted by a student.

Wage: Remuneration in currency and benefits having a pecuniary value due for the work or services performed by an employee.

5. Legislation

Currently, Quebec and Ontario have the most developed legislation in Canada on the question of unpaid internships, which attempts to clarify under what conditions these are permitted. While such standards remain insufficient, ambiguous, and poorly enforced, they can provide a helpful legal reference when assessing existing opportunities.

Quebec Act Respecting Labour Standards:

Unpaid internships are illegal except:



1. Internships that are part of a program provided by an approved educational institution;
2. internships where the intern is a student working for a not for profit organization with social or community purposes;
3. internships that are part of a programme of vocational training.

Ontario Employment Standards Act

Unpaid internships are illegal except:

1. internships that are part of a program approved by a secondary school board, college, or university;
2. internships that provide training for certain professions (e.g. architecture, law, public accounting, veterinary science, dentistry, optometry);
3. internships that meet the six conditions required for the intern to be considered a “trainee”:
 - I. The training is similar to that which is given in a vocational school;
 - II. The training is for the benefit of the individual;
 - III. The person providing the training derives little, if any, benefit from the activity of the individual while he or she is being trained;
 - IV. The individual does not displace employees of the person providing the training;
 - V. The individual is not accorded a right to become an employee of the person providing the training;
 - VI. The individual is advised that he or she will receive no remuneration for the time that he or she spends in training.

Canada Labour Code

Federal legislation contains no exclusions for students, trainees or interns, which has resulted in a huge lack of clarity on the legality of internships for government and federally-regulated organizations (e.g. banks, broadcasters, and airlines). However, so long as an intern is performing “work” (which includes training), they are entitled to the minimum wage of the relevant province ([Policy on Hours of Work](#)).

6. Screening Criteria

Some unpaid internship opportunities may in fact qualify as legitimate training experiences. However, clear screening criteria are required in order to ensure that such opportunities are not merely exploitative. When assessing the validity of unpaid internships for the purposes of this policy, it is recommended that the following criteria from the Canadian Association of Career Educators and Employers (CACEE) be considered:¹¹

¹¹ “CACEE Statement on Unpaid Internships” Canadian Association of Career Educators and Employers (2012).
http://www.cacee.com/CACEE_Statement_on_Unpaid_Internships.html



6.1 The training is similar to field-specific or applied training that can be found at a post-secondary institution.

6.2 The training is for the benefit of the intern.

6.3 The organization providing the training derives little, if any, benefit from the activity of the intern while he or she is being trained.

6.4 The intern does not displace employees of the organization providing the training.

6.5 The intern is not accorded a right to become an employee of the organization providing the training.

6.6 The intern is advised that he or she will receive no remuneration for the time that he or she spends in training.

6.7 The skills and/or experience gained must be transferable to other employment settings.

6.8 There are clearly defined and articulated learning outcomes for the intern to realize by the conclusion of the internship.

6.9 Regular supervision is given by a professional pertinent to the internship.

6.10 Internships must be for a defined period of time.

For the purposes of this policy, the above exceptions do not apply to professional stages or internships with private companies, public institutions, or intergovernmental agencies.

In a response to a question at the Senate meeting of November 23, 2016, the Provost indicated that all McGill internship and career offices follow the CACEE framework as a guideline for vetting placements that are not degree program requirements.¹²

Furthermore, Concordia University has developed salary guidelines¹³ and sample responsibilities¹⁴ for internships based on corresponding academic program, which provides a clear guide for both students and supervisors to assess fair remuneration and learning outcomes in these instances.

¹² "Question Regarding University Regulation of Unpaid Internships," McGill University Senate (2016).
https://www.mcgill.ca/senate/files/senate/question_and_response_regarding_unpaid_internships.pdf

¹³ "Student salary guidelines," Concordia University Institute of Co-operative Education (2017).
<http://www.concordia.ca/academics/co-op/employers/student-salary-guidelines.html>

¹⁴ "Sample Co-Op student responsibilities," Concordia University Institute of Co-operative Education (2017).
<http://www.concordia.ca/academics/co-op/employers/sample-co-op-student-responsibilities.html>



7. Implementation

This Policy shall mandate the Society to take action in four key areas related to unpaid internships: education and awareness; programming and student groups; university advocacy; and external advocacy. These efforts should be undertaken in collaboration and consultation with other student associations on campus. The Society shall strive for the fulfillment of all of the mandates outlined below.

7.1. Education and Awareness

The SSMU shall make efforts to educate all Members on the negative impacts, legality, and protections related to unpaid internships. This shall include the following actions:

7.1.1. The Offices of the Vice-President (Internal Affairs) shall make information regarding the legality, criteria, and protections surrounding unpaid internships available on the Society's website as well as through other communication channels as appropriate.

7.1.2. The Offices of the Vice-President (University Affairs) and Vice-President (External Affairs) shall distribute informational resources regarding the legality of unpaid internships and available protections through annual educational campaigns and third-party events (including but not limited to relevant job fairs, volunteer fairs, and career information sessions).

7.1.3. The Office of the Vice-President (Student Life) shall make information on this Policy available to all existing and prospective student groups.

7.2. Programming and Student Groups

The SSMU shall ensure that all constituent and affiliated student groups, programming, and events of the Society do not offer, promote, circulate, or otherwise communicate unpaid internship opportunities. This shall include the following actions:

7.2.1. The Office of the Vice-President (Student Life) shall ensure that Club, Service, and/or Independent Student Group status is not granted to groups that offer, promote, circulate, or otherwise communicate unpaid internship opportunities as one of their primary activities.

7.2.2. The Office of the Vice-President (Finance) shall ensure that SSMU funding is not allocated to groups or activities that offer, promote, circulate, or otherwise communicate unpaid internship opportunities.



7.2.3. The Office of the Vice-President (Finance) shall ensure that sponsorship and contractual agreements are not made with businesses that offer, promote, circulate, or otherwise communicate unpaid internship opportunities.

7.2.4. The Office of the Vice-President (Operations) shall ensure that no events are approved or hosted within the University Centre that offer, promote, circulate, or otherwise communicate unpaid internship opportunities. In the case of events where full oversight may not be possible, educational materials shall be distributed regarding the legality, criteria, and protections surrounding unpaid internships.

7.3 University Advocacy

The SSMU shall advocate for the improved fairness, quality, and legality of internships for Members, and shall communicate with relevant McGill University offices including, but not limited to, the Internship Offices Network (ION), Career Planning Services (CaPS), and Faculty internship or student affairs offices. This shall include the following actions:

7.3.1. The Offices of the Vice-President (University Affairs) and the President shall advocate for the screening and regulation of all internship opportunities by the university before they are advertised to students through any official channel(s), in order to ensure compliance with legal regulations and the criteria outlined in this Policy.

7.3.2. The Offices of the Vice-President (University Affairs) and the President shall advocate for adequate statistic-tracking by the university in order to gauge the accessibility of internship and funding opportunities on campus.

7.3.3. The Offices of the Vice-President (University Affairs) and the President shall advocate for the establishment of salary guidelines and suggested learning plans for all internships based on academic program.

7.3.4. The Offices of the Vice-President (University Affairs) and the President shall advocate for the elimination of tuition fees charged by McGill University for credits obtained in exchange for completing an internship, notwithstanding reasonable administrative charges to offset the limited supervisory costs associated with granting credits for off-campus internships.

7.3.5. The Offices of the Vice-President (University Affairs) and the President shall advocate for all McGill programs and offices related to career development to actively find, promote, circulate, and encourage internships that pay student workers a fair wage for their work and obey all applicable employment laws.



7.3.6. The Offices of the Vice-President (University Affairs) and the President shall advocate for the improved quality, equity, and accessibility of internship opportunities offered through McGill University and affiliated organizations, including the associated recourse and reporting mechanisms within the university.

7.4 External Advocacy

The SSMU shall advocate for the required remuneration of internship opportunities in collaboration with any relevant external groups. This shall include the following actions:

7.4.1 The Office of the Vice-President (External Affairs) shall liaise with campus labour unions and staff associations on any concerns, priorities, or initiatives related to unpaid internships, including through the Inter-Union Council (IUC) and the McGill Communities Council (MCC).

7.4.2 The Office of the Vice-President (External Affairs) shall facilitate collaboration between Members, external advocacy groups, student federations, labour unions, and campaigns related to unpaid internships, locally, provincially, and federally.

7.4.3 The Office of the Vice-President (External Affairs) shall advocate for the stronger enforcement of existing provincial legislation and the development of stricter requirements for unpaid internships, including the remuneration of all professional stages.

7.4.4 The Office of the Vice-President (External Affairs) shall advocate for the increased provincial and federal funding of quality paid internship and work opportunities for students.

8. Reporting

All Officers responsible for the implementation of this Policy shall report to the Legislative Council on an annual basis regarding the fulfillment of their responsibilities as outlined above.