

The crackdown on unpaid internships continues...

Just in time for summer, Ontario's Ministry of Labour ("MOL") announced the results of its internship employment standards blitz on April 29, 2016. By way of background, from September 1 to December 31, 2015, the MOL conducted audits at various employers across Ontario, which focused on internship programs and employer compliance with the *Employment Standards Act, 2000* ("ESA"). Although this blitz has been undertaken in Ontario, given the recent media coverage regarding this issue across Canada, it is anticipated similar blitzes will be undertaken in other provinces.

This most recent Ontario blitz was very similar to a blitz conducted between April 1 and June 15, 2014. The results from this most recent blitz, when compared to the 2014 blitz, indicates the MOL is conducting more audits as part of the blitz program and that employers are still choosing to categorize interns as exempt from the *ESA* when most of these workers should be treated as employees for the purposes of the *ESA*.

A comparison of the results is as follows:

	2014 Blitz	2015 Blitz
Number of Inspections	56	123
Internship Positions Compliant with ESA	5	18
Internship Positions with ESA Contraventions	13	18
Number of Orders Issued	37	56
Monetary Assessment	\$48,543	\$140,630
Most Common Monetary Violations	<ul style="list-style-type: none"> • Minimum Wage • Vacation Pay/Vacation Time • Public Holidays/Public Holiday Pay 	<ul style="list-style-type: none"> • Minimum Wage • Vacation Pay/Vacation Time • Public Holidays/Public Holiday Pay
Most Common Non-Monetary Violations	<ul style="list-style-type: none"> • Wage Statements • Record Keeping • Hours of Work 	<ul style="list-style-type: none"> • Wage Statements • Record Keeping

In light of these results, employers should carefully review their internship programs to determine if their interns would be exempt from the *ESA* and if not, confirm whether the company's program is compliant with the *ESA*. Given the very specific criteria in the *ESA* for exempt internships (please see our Alert! from April 3, 2014 for details), we recommend you contact e2r® and speak with an Advisor to assist you with your analysis.