

**PROVINCIAL PROJECT #320**

**MINISTRY OF ADVANCED EDUCATION & SKILLS TRAINING  
PROVINCE OF BRITISH COLUMBIA**



## **REVIEW OF RISK MANAGEMENT: LEGAL, SAFETY AND LIABILITY COVERAGE FOR STUDENTS WORKING IN DIVERSE TYPES OF WORK-INTEGRATED LEARNING**

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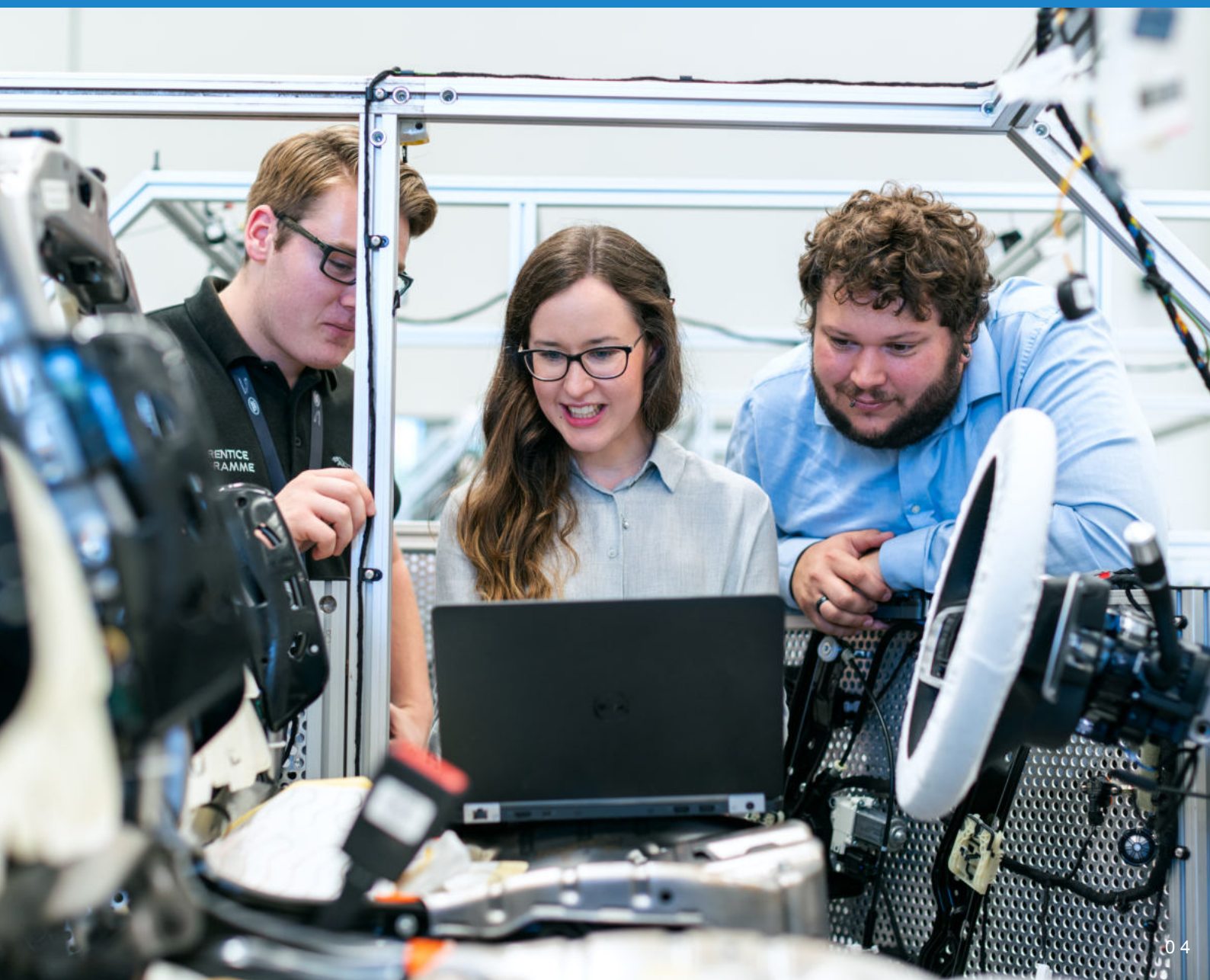
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## EXECUTIVE SUMMARY

The goal of the *Review of Risk Management: Legal, Safety and Liability Coverage for Students Working in Diverse Types of Work-Integrated Learning (WIL) Project*, is to highlight the key issues as they pertain to risk within the current B.C. landscape. The need for clarity and to address potential issues is integral for student health, safety, as well as stakeholder risk management.

Both the federal and provincial governments are proponents of WIL, and have provided opportunities and financial support to increase WIL experiences for students while responding to business development and growth. By 2023-24, the federal government will invest \$17 million to support the Business/Higher Education Roundtable (BHER) and state targets of 84,000 WIL opportunities for post-secondary students. In fact, since 2015 the Government of Canada has invested \$1.1 billion towards expanding WIL across the country (ISED, 2019). In June 2019, the B.C. Government promised \$9 million in co-op and WIL funding (MAEST, 2019). Likewise, Post-Secondary Institutions (PSI's) across the province promote WIL experiences to students in order to access hands-on training. Consequently, ensuring there are risk mitigation practices in place is an important step as WIL expands. Recognizing key areas of risk and potential areas of development in this area is critical. Institutions, safety and risk management departments, legal offices, employers and other stakeholders will need to develop strategies to minimize risk.

The [Association of Co-operative Education and Work-Integrated Learning BC/Yukon](#) (ACE-WIL B.C./Yukon) is the provincial non-profit association that supports publicly funded institutions in the region that offer Co-operative Education and Work-Integrated Learning Programs. ACE-WIL B.C./Yukon currently supports over 300 Co-op Programs, with approximately 223 members. At this time, only Co-op Work Terms are tracked, but plans to monitor statistics regarding other WIL experiences is currently in progress. There are 25 PSI's across the province of British Columbia.

Developing a framework of practice to manage all types of risk is beyond the scope and resources of this project, yet recommendations for future projects and considerations will be noted. This project adopted a two-step process, both strategic and practical, in order to provide maximum value for WIL stakeholders.

First, ACE-WIL practitioners completed an online survey and noted the predominant issues (or risks) encountered in WIL programs (Appendix B). The survey revealed particular risks in relation to Workers' Compensation Coverage and employment conditions that have not been examined in previous empirical studies.

Other issues that practitioners identified were access to WIL, human rights issues, and international student concerns.

Second, WIL stakeholders were interviewed (including public entities in their capacity as regulators) to explore the predominant risks identified in the survey, and to obtain resources that will support WIL stakeholders effectively manage these risks. These resources are included in a repository accessible to ACE-WIL members via the ACE-WIL Resource Hub. The ACE-WIL Resource Hub is a members-only portal, created to support professional development and quality practice for ACE-WIL member practitioners. As part of this project, over 60 documents were collated, including guides, waivers, checklists, forms, and online resources, all of which will be available to ACE-WIL members.

This project moves beyond stating the issues and recommendations regarding risk and WIL, the project also provides stakeholders with resources that they can utilize to manage the key risks and the central issues currently facing key stakeholders they have identified in relation to WIL programs. Specific recommendations are included following each issue along with general recommendations at the conclusion of this report. The working group members agreed that the project's focus was to determine the key issues that ACE-WIL Practitioners face, particularly in the current landscape, to create awareness of the issues, while building the resources related to risk management to support their work, as opposed to "exposing" the gaps related to risk management as originally stated in the initial project application. It should also be noted that, due to limitations in the scope of the project, we did not interview students, employers, community partners, trades groups, professional associations or other stakeholder groups impacted by this subject matter.

With the significant governmental financial contributions and continued growth of WIL in British Columbia, it is recommended that risk management be an area of further exploration and extended assessment. It is also recommended that further work be done to consider implementation of an Enterprise Risk Management and Work-Integrated Learning Plan. The Ministry of Advanced Education and Skills Training and ACE-WIL could create a Task Force highlighting the nine different types of WIL and adopt an Enterprise Risk Management approach, which would include identifying, assessing and analyzing areas of risk. Further, high-risk industries that WIL students participate in, would be included in this assessment and analysis. Increased awareness of the issues and variations across Canada, nationally and internationally, will strengthen the role that practitioners can play in expanding WIL opportunities while mitigating risk for stakeholders.

Employment Standards rights and Workers' Compensation coverage for WIL students differ greatly between B.C. and other provinces. For instance, WIL students are excluded from employment regulations under some province's employment standards law, or the legal provisions about these rights are vague. This is particularly important for WIL practitioners to be aware of when B.C. students work in another Canadian province. For example, in Ontario, only "employees" are afforded Employment Standards Act (ESA) rights.

The ESA, Section 3 (5), excludes: “An individual who performs work under a program approved by a college of applied arts and technology or a university.” (Canadian Legal Information Institute, 2015). This general definition is problematic as there is a clear gap, as well as a complex situation, which requires national and inter-provincial co-operation and understanding that should include provincial experts in legal, insurance, and health and safety.

As part of the report we review federal and provincial legislation related to employment standards. The *Canada Labour Code* affects federally regulated private sector industries such as banking, mining, telecommunications, Crown corporations, air transportation, as well as the federal public service. On September 1, 2020, the [Standards for Work-Integrated Learning Activities Regulations](#), *Canada Labour Code, Part III* came into effect. This amendment to the *Canada Labour Code* was enacted to limit unpaid internships, while also setting clear boundaries and providing labour rights for unpaid internships that meet new criteria in relation to documentation, connection to education programs, and purpose of workplace activities. The *Canadian Human Rights Act* and the *Employment Equity Act* protect employees in federally regulated industries and our report will outline how these statutes attempt to reduce discrimination and increase equity in the workplace.

The Employment Standards Branch of B.C. administers the *Employment Standards Act*, the province’s legislation that ensures employees receive appropriate compensation and employment conditions. We will review the Act, particularly the definitions and that ‘practicum’ is noted as ‘work’ whereas the other definitions of internship and apprenticeship are not. As part of this analysis, we will examine the *B.C. Human Rights Code* and WorkSafeBC, the province’s Workers’ Compensation Coverage provider; WorkSafeBC protects workers’ rights, including discrimination in the workplace, along with health and safety standards.

It should be noted that this project was approved prior to the COVID-19 pandemic and the world has changed significantly from the time of the project application to present. In many regards, this project is exploring new territory with respect to the relationship between WIL and risk mitigation in B.C. Employer obligations under public health officer guidelines and the sharp increase in remote work and jurisdictional considerations are just some of the new factors under consideration due to the pandemic. New COVID-19 legislation was introduced in B.C. in April 2020 to provide protection from civil liability for damages resulting from COVID-19. This new legislation, *Protection Against Liability (COVID-19 Order)*, came into effect so that B.C. business’, non-profits, and other organizations could open without fear of prosecution if patrons or staff became infected while on their premises. On March 8, 2021, the B.C. Provincial Health Officer, Dr. Bonnie Henry, delivered a letter to all B.C. Post-Secondary Institution Presidents regarding the resumption of on-campus activities in September 2021. Most importantly, Dr. Bonnie Henry stated that “two-meter physical distancing has been [her] guidance for uncontrolled group settings. Such distancing is neither

practical, nor necessary, in the controlled context of post-secondary instructional settings"; the full letter can be viewed in Appendix C. More information on this topic will be available in the updated *COVID-19 Go Forward Guidelines*, likely to be released in June 2021.

The topic of risk management in WIL is wide-ranging across academic disciplines, stakeholders and geographical areas. This project focuses on reviewing WIL definitions, literature on subject matter, liability insurance coverage, the impact of COVID-19, remote work, key issues facing ACE-WIL practitioners, including specific concerns facing international students. International students attempting to obtain a Canadian WIL experience face barriers, particularly when it comes to accessing a work permit, medical exam and federal funding. International WIL students are ineligible for this greatly needed WIL funding, and their plight is exacerbated due to the COVID-19 pandemic and financial impact to small businesses within B.C. and across the country.

Due to COVID-19 and the exponential increase of remote work and associated uncertainty surrounding Workers' Compensation Coverage, we have created a new document to support ACE-WIL practitioners, PSI safety and risk staff, along with decision makers, see Appendix F, *Workers' Compensation Coverage: Remote Work & Jurisdictional Considerations Chart*. The chart identifies legal jurisdictional considerations regarding Workers' Compensation Coverage during a paid WIL experience. A small team of safety and risk experts were consulted and are acknowledged as part of this work: Steve Pottle, TRU; Ben McAllister, UVIC; Len Bennett, SFU, and Melinda Skura, SFU.

Two final points associated with this project:

1. SFU's University Research Ethics Board (REB) assessed the study proposal; upon review, this study was found to be exempt from the requirements of a Research Ethics Review. At the conclusion of this report, we will make recommendations to the Ministry of Advanced Education & Skills Training, the B.C. WIL Council and the Association for Co-operative Education and Work-Integrated Learning BC/Yukon, in order to move forward with a framework for WIL as it relates to risk.
2. The Project Lead, Marion Gasbarro, and Project Analyst, JenJen Chen presented project outcomes at the ACE-WIL BC/Yukon 2021 Symposium in May 2021.
  - a. All material associated with this report, including associated ACE-WIL Resource Hub documents and final presentation, can be found [here](#).



# INTRODUCTION

The benefits of Work-Integrated learning (WIL) to students, institutions and external stakeholders are well versed in the Canadian literature (Sattler, 2011; Sattler & Peters, 2012). Among other things, students gain and/or improve technical (or discipline-specific) and generic (or non-technical) skills, career awareness and development, and the self-efficacy to execute these skills in a simulated or actual practice, workplace or professional setting. From an institutional perspective, the delivery of WIL programs is a strategic opportunity to attract and retain students, while building relationships with industry and the community may yield financial and reputational benefits in both learning, teaching and research. Employers may gain an intrinsic benefit of contributing to the graduate employability of students through WIL participation, as well as the benefit of attracting and retaining young talent. However for stakeholders to focus solely on the opportunities of WIL would be akin to ‘tunnel vision.’ The feature that distinguishes WIL from traditional coursework and produces its benefits - student exposure to a broader range of people, processes and environments outside the confines and control of the institution - is the very feature that exposes stakeholders to risk.

When referring to Work-Integrated Learning, we will reference the Co-operative Education & Work-Integrated Learning (CEWIL), definitions of Work-Integrated Learning; [CEWIL](#) is the lead organization for work-integrated learning in Canada. We will describe these nine types of WIL later in this report. The CEWIL definition of Work-Integrated Learning was applied in our project communication in both the survey and stakeholder interviews:



“Work-integrated learning (WIL) is a term used to refer to educational approaches, which formally integrate a student’s academic studies with experiences within an authentic 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 typically includes the development of student objectives, personal agency and learning outcomes related to the future of work knowledge and skill mobility, and life-long learning.” (CEWIL Canada, 2021)

For the purposes of this project, it was challenging to find a clear definition of ‘international students’. As a result, the following definitions were created and offered to clarify the different types of international students:

- Domestic students who travel internationally to secure a WIL experience.
  - **Students on an international WIL experience.**
- Students travelling from other countries to Canada to secure a WIL experience.
  - **International students on a WIL experience.**

## Defining Risk

Risk is traditionally defined in three ways: the event, issue or circumstance itself (collectively referred to as 'issue'); the probability or likelihood of the issue happening; and the consequences or impact of the issue if it does happen. For instance, a low probability of a student injuring a patient while working with a host organization ('WIL placement'), which results in a very high financial and reputational loss for the institution, involves all three concepts of risk. Such a risk assessment may guide stakeholders as to what practices (if any) are implemented to manage the risk. For the purposes of this report, risk is defined as any issue that may impact WIL. Likewise, if participation in WIL is an objective for stakeholders, risk is inherent in WIL, and risk creates uncertainty around the WIL experience, we can further iterate that risk is "the effect of uncertainty on objectives" (Chief Risk Office, 2019).

Risk is not restricted to legal or compliance issues for the WIL stakeholder, but there are a variety of risks including reputation, operational (day-to-day operations), strategic (achievement of goals), financial (loss of assets/revenues), ethical (how stakeholders should conduct themselves), and social such as equity and student access to WIL (Cameron et al., 2019; Cameron, 2017). This broad definition of risk is drawn from Enterprise Risk Management (ERM), a comprehensive risk management framework which has been adopted by a growing number of tertiary institutions (Cameron, 2017).

The B.C. Government also uses the guiding principles of the ISO 31000: 2018, the international standard for risk management adopted by the B.C. government, which will be highlighted further in **Liability Insurance Coverage (Section 5)**.

From an ERM perspective, the stakeholder objective is to maximize the opportunities and minimize the hazards associated with an activity such as WIL. The focus on issue, rather than probability or consequences, is deliberate and consistent with the practical focus of this project. The probability and consequences of an issue manifesting will vary within and across stakeholder groups and sub-groups (e.g. academic disciplines within an institution). However the issue itself is a constant for each stakeholder group that needs to be managed. The purpose of the project is to provide stakeholders with information and resources to manage key issues impacting WIL programs, leaving the responsibility for stakeholders, who are best positioned, to assess the probability and consequences of the issue in their specific circumstances.

## Survey & Interview Summary

A 17-question survey instrument was developed and distributed to the ACE-WIL Membership in August 2020. The aim of the survey was to determine the key risk management issues that impacted their work; 50 responses were received, a response rate of 22%. Once the findings were analyzed, ACE-WIL Council Members were consulted regarding the project. The B.C. WIL Council is an independent council of ACE-WIL BC/Yukon and is:

“comprised of one member from each public, post-secondary co-operative education and work-integrated learning institution in B.C./Yukon”(ACE-WIL).

The B.C. WIL Council's role is to ensure consistent program standards are met across the province for all co-operative education and work-integrated learning stakeholders, including students, employers, government and educational institutions.

The Council Members identified approximately 100 PSI stakeholders in key areas, including, but not limited to: WIL practitioners, safety and risk services, legal, accessible learning, human rights and international offices. After connecting with identified participants, a project summary document, including proposed interview questions and definitions was used to lead small group online sessions. The sessions were scheduled over a 6 week period in late 2020. 47 participants from 12 post-secondary institutions from across the province were interviewed, which included seven universities, four colleges, and one institute.

Questions to ask interview participants were formulated based on the survey results and focused on five key areas identified, which included Workers' Compensation Coverage, Employment Conditions, Student Access to WIL, Human Rights and International Student concerns. The relevant issues may impact students, host organizations, government and/or institutions as survey and interview respondents identified risks to all four stakeholder groups.



Workers'  
Compensation  
Coverage



Employment  
Conditions



Student Access to  
WIL



Human Rights



International  
Students



## HOW TO USE THIS REPORT

This report is designed to be read from start to finish, but readers can also navigate directly to their area of interest.

Background information on the topic, potential key definitions, stakeholder interview feedback, resources, and recommendations for WIL stakeholder groups are provided as appropriate, throughout the report.

The following icons are included to help guide the reader:



Important Note



Recommendations



Key Terminology



Resources

# SECTION 1: WORK-INTEGRATED LEARNING DEFINITIONS

The meaning of Work-integrated learning (WIL) can be a source of confusion, because academic programs use different terms, including WIL, to explain experiences, which combine work and practice setting opportunities with formal education (Gardner & Bartkus, 2014). In fact, Work-Integrated Learning experiences can differ in many ways; examples include financial compensation, duration, type of industry, along with other factors. Multiple definitions vary between WIL stakeholders - particularly between Co-operative Education & Work-Integrated Learning Association (CEWIL), B.C.'s *Employment Standards Act* (ESA), the Ministry of Advanced Education and Skills Training (MAEST), and WorkSafeBC. For this reason, we will review all definitions and make recommendations to improve clarity.

On September 1, 2020, new internship rules and regulations in the *Canada Labour Code, Part III* were implemented. The *Standards for Work-Integrated Learning Activities Regulation* was an initiative to protect interns working for federally regulated industries or workplaces; with the definition of intern stated in the *Canada Labour Code* definitions section below. The Regulation also protects against sexual harassment and genetic discrimination. Definitions as part of this new regulation will be reviewed later in this section. As part of this project, we discovered another term being used within WIL, that of *Practice Education*, which we will review.



Another key consideration, due to inter-provincial travel of WIL students, is that there are differences across the country related to definitions of WIL and, particularly, Employment Standards Law. Many provinces exclude students from Employment Standards Law altogether, while others are vague in their definitions. This is an area further explored in **Employment Conditions (Section 6.2)**.

## 1.1. CEWIL Definitions

When referring to Work-Integrated Learning, we are using the CEWIL definition of WIL:

“Work-Integrated learning (WIL) is a term used to refer to educational approaches, which formally integrate a student’s academic studies with experiences within an authentic 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 typically includes the development of student objectives, personal agency and learning outcomes related to the future of work, knowledge and skill mobility, and life-long learning” (CEWIL Canada, 2021).

The following is a list of CEWIL's nine types of WIL (CEWIL Canada, 2019) and is referenced in Appendix D.

- **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 journey person 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 alternative 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 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.

- **Applied Research Projects:**

Students are engaged in research that occurs primarily in workplaces, including: 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.

## 1.2. Employment Standards Act Definitions

Under [Section 1 of the B.C. Employment Standards Act \(ESA\)](#), “work” is defined as the “labour or services performed by an employee” at the employee’s residence or elsewhere (*Employment Standards Act*, 1996). Being an on-call employee counts as work if the employee is at a designated location specified by their employer, excluding the employee’s residence (Government of BC, 2021). Exemptions from the ESA will be discussed later in **Employment Conditions, (Section 6.2)**. From the ESA definitions below, only a practicum is not considered work, but internships and apprenticeships are.

The ESA (Section 1) has definitions for [different types of work](#) (Government of B.C., 2021):

- **Practicum:**

A practicum is **not** considered “work”.

Part of a formal education process for students enrolled in a public or private post-secondary institution that involves the supervised practical application of previously classroom taught theory related to course study. Usually, these students are pursuing a degree in education, medicine, or engineering, and the practicum is required by their program for “hands-on” training, which then results in a diploma or certificate.

- **Internship:**

An internship is considered to be “work” under the ESA.

An internship is on-the-job training offered by an employer to provide a person with practical experience. Often internships are offered to persons who have completed a

diploma or degree program and are seeking employment. Completing an internship does not itself result in an academic certificate or diploma.

- **Apprenticeship:**

An apprenticeship is considered to be “work” under the ESA.

An apprentice is being trained while working for an employer and as such is performing work and must be paid wages.

### 1.3. MAEST Definitions

The Employee of the Crown document, Appendix E, clearly outlines WorkSafeBC coverage along with the following definitions (MAEST, 2020):

- **Apprenticeship:**

A form of post-secondary education that combines paid, work-based training, with technical training in a classroom or shop setting. Successful completion of both components, along with examinations, is required to earn a Certificate of Qualification, and be recognized as a certified tradesperson. An apprentice and their sponsor register the apprenticeship agreement with the Industry Training Authority. Eligible sponsors must be legal entities or individuals who are journeypersons or equivalent. A sponsor can be an employer or a 3rd party (e.g. union or industry organization).

- **Foundation:**

A form of pre-apprenticeship post-secondary education conducted in classroom or shop setting. A student who successfully completes the program earns an Industry Training Authority Certificate of Completion. Foundation programs cover material related to one or more apprenticeship programs and generally also provide credit towards completion of an apprenticeship. A Foundation student is registered with a public or private Industry Training Authority Designated Training Provider.

- **Practicum:**

An assigned, unpaid and supervised practical work experience, undertaken by a student enrolled at a public post-secondary institution, that is included in the program/course description in the institution's program calendar.



Both electives and mandatory courses are included under this definition.

For student eligibility under the Ministry of Advanced Education and Skills Training (MAEST), it should be noted that due to COVID-19, adjustments were made to the *Employee of the Crown Agreement* in July 2020. Students are deemed an *Employee of the Crown* if they are participating in any of the following (MAEST, 2020):

1. The practicum component of their program within the Province of British Columbia while enrolled at a public post-secondary institution:
  1. On-site at a workplace that is part of the institution's regular business activities or,
  2. Off-site at an employer's place of business; or
  3. Working from their home under the terms of a written agreement signed by both the employer and the student;
2. Classroom, lab or shop instruction for the technical training component of their apprenticeship program at a public or private Industry Training Authority designated training provider within the Province of British Columbia only if the student is not otherwise considered to be an employee of an employer sponsor;
3. An unpaid off-site work experience that is a component of their Foundation program at a public or private Industry Training Authority Designated Training Provider within the Province of British Columbia; or
4. An unpaid off-site work experience that is a non-secondary school component of their Accelerated Credit Enrolment to Industry Training (ACE IT) program at a public or private Industry Training Authority Designated Training Provider within the Province of British.

A student is deemed **ineligible** to be an Employee of the Crown if they are participating in (MAEST, 2020):

1. Paid work or paid work-based training through, which WorkSafeBC coverage is available via the student's employer;
2. Classroom, lab, simulator or shop instruction for the technical training component of an apprenticeship program while under a contract of apprenticeship with an employer sponsor. The student should be eligible for WorkSafeBC coverage through their employer sponsor; a secondary school component of a program (e.g. ACE IT) and have been designated as employees of the Crown by the Ministry of Education;
3. Simulations that replicate workplace tools, processes or environments that permit students to learn, practice and engage in scenarios designed to prepare them for an actual workplace (e.g. practicing CPR on a training mannequin); or

4. Classroom, lab, simulator or shop components of any non-apprenticeship program (e.g. Foundation ACE IT, science, arts).

#### 1.4. WorkSafeBC Definitions

Under WorkSafeBC, the province's Workers' Compensation provider, there are different definitions for work, employer, worker, and supervisor (Government of B.C., 2021):

- **Work:**

Work is the labour or services an employee performs for an employer whether in the employee's residence or elsewhere. An employee is deemed to be at work while on call at a location designated by the employer unless the designated location is the employee's residence.

- **Worker:**

A worker includes every person who has entered into or works under a contract of service or apprenticeship, whether the contract is written or oral, express or implied, and whether by way of manual labour or otherwise.

A **worker** includes the following:

- A person who is a learner not under a contract of service or apprenticeship and becomes subject to hazards of the industry for work specified by the employer for training or preliminary work purposes.
- A firefighter.
- An independent operator to whom the compensation provisions apply by the Board direction, and a person deemed by the Board to be a worker under Section 6 (2) of the *Workers' Compensation Act*.

In relation to the mining industry:

- A person who is engaged in taking or attending a course of training or instruction in mine rescue work under the direction or with the written approval of an employer in whose employment that person is employed as a worker in that industry.
- A person with the knowledge and consent of an employer in that industry and the person is actually engaged in rescuing or protecting, or attempting to rescue or protect, life or property in the case of an explosion or accident that endangers either life or property in a mine, whether or not during the time that person is so engaged the person is entitled to receive wages from the employer, or from any employer, or is performing the work or service as a volunteer.



- **Employer:**

An employer includes every person having in their service, under a contract of hiring or apprenticeship, whether the contract is written or oral, express or implied, a person engaged in work in or about an industry.

- **Supervisor:**

A supervisor is a person who instructs, directs, and controls workers in the performance of their duties. A supervisor can be any worker, management or staff, who meets this definition, whether or not he or she has the supervisor title. If someone in the workplace has a supervisor's responsibilities, that person is responsible for worker health and safety.

## 1.5. Practice Education

In addition to the definitions noted above, as part of this project, we have discovered another term being used for WIL, *Practice Education*. This definition was discovered in the Health Care Protection Program (HCPP) Agreement Template, Appendix G; this Agreement Template will be further discussed in **Liability Insurance Coverage (Section 5)**.

The definition for *Practice Education* is as follows:



"part of a student's educational experience which takes place in the Agency's workplace and may involve direct service or access to clients. The student provides such services under the general direction and supervision of Agency Staff who are authorized and qualified to provide the services."



## 1.6. Canada Labour Code

New legislation introduced on September 1, 2020, *Standards for Work-Integrated Learning Activities Regulation*, enforced labour standards and outlined clearer definitions for unpaid student internships working in federally regulated industries. We will review the *Canada Labour Code* more fully in **Employment Conditions (Section 6.2)**. The new Regulation also protects students from sexual harassment and violence, including genetic discrimination; this will be discussed more fully in **Human Rights (Section 6.4)**. The definitions below for interns and student interns are for [federally regulated industries or workplaces](#).

**Interns** do **not** need to be part of formal education program. Interns must be paid at least the prescribed minimum wage and there is no minimum or maximum duration.

**Student interns** do need to be registered in a formal education program and they may be unpaid.

An **intern** can be:

- A recent graduate.
- An individual pursuing a mid-career change.
- An individual returning to the workforce after a period of absence.

A **student intern** must meet **all 5** of the following requirements:

1. The student is not an employee.
2. The student is performing activities for an employer with the primary purpose of gaining knowledge or experience.
3. The student is enrolled in a valid secondary or post-secondary educational institution, vocational school or equivalent institution outside Canada.
4. The student is undertaking the internship to fulfill educational program requirements.
5. The student will provide the employer with required documentation before the start of the internship, supplied by the educational institution. This includes a description of the activities that will fulfill the requirements of the program and contact information for a person responsible for administering the program (Government of Canada, 2021)

### **Educational Program Requirements:**

Activities that are a formal part of a program offered by an educational institution. These activities may allow the student to receive either **elective or mandatory credits**.

## Valid Educational Institutions:

- Any secondary educational institution in Canada that meets the delivery of education requirements in the province where the institution or school is located.
- Any post-secondary educational institution or vocational school listed in the [Directory of Educational Institutions in Canada](#). This includes, for example, public colleges, universities, career colleges, technical institutions.
- Any post-secondary educational institution or vocational school that a federal department or agency administers.
- Any secondary or post-secondary educational institution or vocational school located outside Canada that meets the delivery of education requirements in the jurisdiction where the institution or school is located (Government of Canada, 2021).

## Analysis

When comparing the terminology provided by CEWIL, the ESA, MAEST, and WorkSafeBC, many of the definitions for certain types of work differ in meaning. According to CEWIL, an internship is paid or unpaid work, typically completed during the middle of an academic program or after graduation (CEWIL Canada, 2021). In contrast, an internship under the ESA is considered to be “work” and is often completed after the completion of a degree or diploma. Since work under the ESA means that an employee must be paid wages, the differing definitions can cause confusion. CEWIL’s definition of an internship being paid or unpaid ultimately conflicts with the ESA’s definition of internship.

For the definition of practicum, both the ESA and MAEST have different descriptions. Under the ESA, a practicum does not count as “work”, as it is unpaid and usually part of a mandatory hands-on program in certain academic programs. However, the definition under MAEST states that “students are deemed as employees” if they are participating in a practicum. Moreover, MAEST describes practicums as unpaid and supervised work experience done by students in programs, which require practicum components (MAEST,2020), while the ESA clearly states that a practicum is not considered to be work; MAEST is unclear with its own definition, as it states that a practicum counts as work experience and students are deemed to be employees.

CEWIL does not have a 'stand-alone' definition of practicum among its nine types of WIL. A *Mandatory Professional Practicum/Clinical Placement* is work experience with supervision from a licensed professional for the specific discipline that requires hands on experience for their program, and is generally unpaid (CEWIL Canada 2021). These clinical placements are usually related to programs such as nursing, and appears to differ in scope from the stand-alone definitions of "practicum" in the ESA and MAEST.



## Recommendations

Areas for further review that could increase clarity and minimize risk:

### 1. Ensure definitions for terms are consistent across all Ministries and boards.

There are key differences in terminology such as internship, practicum, and work, across Canada and the province, with each of these stakeholder groups. These definitions may cause confusion and complicate legal and liability issues, particularly when analyzing definitions associated with unpaid or paid WIL experiences. In order to promote consistency, one set of definitions could be followed by all stakeholders and institutions.

Secondly, when creating new documents, there could be more uniformity amongst terms; it is problematic when new terms are created, without general consensus from the national accrediting WIL body, as well as key stakeholder groups. Clarification of these terms will promote a better understanding of these terms and reduce the potential gaps related to risk and Work-Integrated Learning. In the report, *Maximizing Opportunity, Mitigating Risk: Aligning Law, Policy and Practice to Strengthen Work-Integrated Learning in Ontario*, similar recommendations were suggested to create “greater consistency in the use of terms [which] could aid clarity and communication about the legal norms engaged by different forms of WIL” (Turcotte et al., 2016). Alternatively, B.C. legislators could replace terms, which describe various WIL types (e.g. practicum, internship) with one unifying term, Work-Integrated Learning, defined as “work, which is part of a formal education program.” Aspects of the *Standards for Work-Integrated Learning Activities Regulation* under the *Canadian Labour Code* could be used to further define ‘formal education program.’

### 2. Add and define the term “practicum” for CEWIL.

As CEWIL is the national organization for Co-operative Education and Work-Integrated Learning in Canada, the official terms provided by CEWIL must cover all types of WIL and provide appropriate definitions. Currently, CEWIL has nine types of WIL listed; however, many institutions use the word “practicum” in ways that do not match CEWIL’s, “Clinical Practicum Placement.” CEWIL only provides a definition for Clinical Practicum Placement, and does not have a clearly defined term for practicum. CEWIL could consider reviewing the nine types of WIL, and continue to improve on definitions; adding definitions as needed, like practicum, while being aware of other stakeholder group definitions and the potential impact when using these definitions. For example, an interactive table of descriptors, with links to legislation, could be employed to illustrate the different terminology used.

### 3. Make navigation accessible and clear.

The ESA is difficult to navigate, as there are many subsections with different terms. These terms are also difficult to locate on both the MAEST and WorkSafeBC websites. Without prior knowledge regarding WIL, students and other stakeholders would likely have difficulty finding the information they need without a simplified search function. To increase accessibility, terms could be easier to find and available, without having to search many links and topics to find one specific term. In addition, there could be clearer definitions on the ACE-WIL B.C. Website, so that stakeholders are able to find appropriate information or terminology in one central location.



# SECTION 2: LITERATURE REVIEW

## Introduction

The purpose of this section is to survey the current landscape of risk in Canadian WIL programs, which is achieved via a systematic review of empirical studies. This section distills the risks associated with stakeholder groups (Appendix A), which serves as a resource for stakeholders looking to improve their risk awareness, or literacy. The findings and implications from this project carve a unique area in the literature, and namely, equip stakeholders with tools to manage key risks in Canadian WIL programs.

## Risk in Canadian WIL Programs

The literature was surveyed to identify empirical studies exploring risk in Canadian WIL programs. First, a combination of terms relating to WIL (e.g. co-operative education, placement, internship) and Canada (including its provinces) were searched for in the abstracts of academic publications available from a series of online database collections (ProQuest, Scopus, MEDLINE, Web of Science and others) up to October 2020. The publication title and abstract were then scanned to identify any terms that may be associated with risk such as issue, barrier, challenge or difficulty. Multi-national studies, studies which examined WIL and non-WIL settings, and studies which reported perceived risks (as opposed to risk experienced by WIL stakeholders) were not included in the results. Second, a search of the *International Journal of Work Integrated Learning* (IJWIL), the only known peer reviewed journal solely focused on WIL, was undertaken for any Canadian studies not picked up by the online database collection search. Third, the reference lists from relevant publications in the previous two searches were reviewed to identify additional empirical studies of risk in Canadian WIL programs. This three-step process yielded 54 results.

The risks identified by the review are summarized in Appendix A and categorized according to the stakeholder involved with the risk (student, institution, host organization, host supervisor, WIL practitioner). The table represents a useful resource for stakeholders in identifying risks that may undermine their involvement in WIL.

A number of general observations were gleaned from the results:

1. Most studies focused on WIL within one academic discipline, and disciplines associated with the 'helping professions' incorporated more than 95% of the discipline-specific studies (occupational therapy and physiotherapy, nursing, medicine, social work, education).

These disciplines also tend to have WIL as a mandatory component of the degree to meet professional accreditation. This suggests a potential gap in which future studies may explore risks experienced in other disciplines engaged in elective WIL experiences (e.g. Law, Business, Science, Arts).

2. Specific risks are encountered in different geographical locations of WIL, which can be classified as:
  - a. Remote WIL: The student undertakes WIL in a location within Canada which requires them to move residence.
  - b. International WIL: The student undertakes WIL overseas. Risks associated with international WIL include student preparation for, and debrief after, the placement.
3. Student mental health was the most cited risk. The cause of the students' loneliness, distress, anxiety or stress included: isolation from support groups, remote location, change to work environment (physical to virtual WIL), lack of self-confidence, the WIL application process, the work environment itself, client interactions, witnessing unethical or unsafe behaviour, and/or financial issues. Some of the causes which may undermine students' mental health are covered in **Student Access to WIL (Section 6.3)**.
4. Risks associated with human rights (abuse, bullying, discrimination in various forms and harassment), international WIL programs, and students access to WIL (students with a disability or medical condition, lack of financial resources, and international students) prominently feature in the results, and are also identified as key issues (or risks) in **Student Access to WIL (Section 6.3)**.
5. One risk may be classified under multiple types: legal, financial, reputation, ethical, social, strategic and operational. For instance, student demand for WIL exceeding supply of WIL experiences by host organizations may be a financial risk (loss of revenue), strategic risk (failing to deliver WIL experiences, being an institutional objective), reputation (an institution that cannot deliver WIL experiences) and even legal risk (if the student requires the WIL experience to graduate) to the institution. Further, a WIL practitioners' increased workload may expose the institution to financial risk (cost of paid sick leave) and operational risk (changes to staffing and operations).
6. There are cause and effect relationships among risks. For example, the additional financial costs of WIL may be the cause of students' declining mental health or to not participate in a WIL experience (e.g. Ahluwalia et al., 2014), or inadequate WIL practitioner education and training and lack of financial resources may be the cause of poor legal literacy among WIL practitioners and poor WIL curriculum design. This has important implications for risk management. The same stakeholder activity that deals with the cause of the risk should also mitigate its effect.

7. COVID-19 was a risk that suspended or terminated WIL experiences, which may negatively impact learning or prevent students from graduating and/or meeting accreditation requirements for their profession on graduation (Van Nuland et al., 2020; Jackman et al., 2020), or changed the nature of their WIL experiences to remote WIL, with the antecedent risks (Pretti et al., 2020). The impact of COVID-19 is a contemporary risk covered in **COVID-19 (Section 4)**.

8. The studies generally focused on one specific risk area (e.g. bullying, student stress and anxiety, disability, racism).

9. Public entities (or their representatives) in their capacity as regulators of WIL, and not host organizations, did not participate as a stakeholder group.

10. General guidance or recommendations for risk management may be provided, including references to resources that a stakeholder should obtain in managing risk, but not the actual resources themselves that can equip stakeholders to manage the risks identified in the studies. This is not a criticism, but a product of the research-based nature of these studies and their purpose on examining risk.

### **Distinguishing Features of this Project**

The Canadian literature documents a variety of risks that impact stakeholders in WIL programs. The literature and survey allowed for the identification of the main risks and issues facing ACE-WIL practitioners. Notably, the survey revealed identified risks, such as the Workers' Compensation Coverage and employment conditions, that were not examined in previous empirical studies. Overall, this project moves beyond a summary or recommendations about risk management, providing stakeholders with resources that they can utilize to manage risk as well as providing recommendations moving forward.





## SECTION 3: SURVEY METHODOLOGY & BACKGROUND

### Methodology

An electronic survey was sent out to the ACE-WIL Membership base to gain feedback and information regarding risk management issues. A 17-question Risk Management & WIL survey was created using SurveyMonkey. First, the survey was emailed directly to all B.C. WIL Council Members to complete and forward to their respective programs and staff members. Secondly, the survey was emailed directly to all ACE-WIL B.C. Membership, across 25 institutions through the ACE WIL E-Newsletter. Of the approximate 223 ACE-WIL B.C. Membership, the survey received 50 responses (22% response rate). Participants were encouraged to respond in order to obtain key issues/topics and were not provided payment for completion of the survey. Respondents were given approximately 2 ½ weeks to complete the survey. The results are specific to the areas of risk that impact WIL practitioners in B.C. and the greater Canadian Work-Integrated Learning environment.

Survey questions included multiple choice, rating scale (Likert Scale), and open-ended questions. Participants were asked about risk management areas that impact WIL within B.C. Primary questions included the type of WIL their role supports, institution name, key issues facing their work, international student support, equity and diversity, working remotely, employment contracts and forms, and other key risk management topics. Respondents also ranked the top 3 Professional Development topics they would like to learn about in upcoming ACE-WIL B.C. Sessions.

### Survey Key Results

Of the respondents, 90% worked within Co-operative Education and over half (54%) of the respondents stated they were Co-op Coordinators; other respondents included Program Managers, Advisors, Administrators, and Directors. 60% of respondents were from Simon Fraser University and 40% were associated with 14 other PSI's, including 3 colleges, 10 universities, and 1 institute from across the province. The full Survey Analysis Report can be found in Appendix B.

The top 5 issues facing practitioners were: WorkSafeBC, B.C. Employment Standards, Employment Contracts, Accessibility and Human Rights; the report will also highlight Insurance Liability Coverage and International Students. More than half of respondents, (56%) do not feel that their program's website highlights the employers' commitment to equity and diversity.

A majority of respondents (86%) agree that international students face a disadvantage when attempting to secure a WIL experience and the main issues related to this are obtaining a work permit (90%) and funding eligibility (80%).

Regarding communicating risk to students and employers, 38% of respondents 'somewhat agree' that their institution does an exceptional job of relaying this risk to both groups. 30% of respondents did not know if their institutions' WIL forms and contracts are consistent across WIL types and only 4% 'strongly agreed' with the statement.

Respondents ranked their top 3 professional development needs as: WorkSafeBC (84%), Employment Contracts (50%), and Accessibility (36%). For the purpose of this project and due to limitations in project scope, the B.C. Employment Standards and Employment Contracts were combined and renamed as Employment Conditions. There is no focus on intellectual property and copyright, however, it is recommended that these two topic areas be investigated further as there are potential issues concerning rights to student information and ownership of materials created (Turcotte et al., 2016).

Another area for further research as it relates to risk, particularly with the increase in remote work, are security risks. As highlighted in the survey, respondents noted that areas of concern include: security issues if the student is using their personal computer (84%), initial training regarding best security practices (80%), and inadequate supervision to ensure procedures are followed correctly (58%). Issues related to security risks could include inadequate backup recovery systems (i.e. if a student is using a personal computer), improper disposal of confidential files/documents, unsecure mobile devices, unsecure networks, phishing attacks, and more. The [Canadian Centre for Cyber Security](#) has some critical tips for organizations that hire remote workers and is a solid resource. A more thorough investigation in this area will benefit all stakeholders and ensure students have the training, equipment, and knowledge required while empowering employers to create robust infrastructures and protocols for both onsite and remote staff.



## SECTION 4: COVID-19

By mid-March 2020, the global pandemic impacted British Columbia, and Post-Secondary Institution's (PSI's) across the province quickly maneuvered and adapted to working remotely, while also supporting their students and employer groups in this ever-changing landscape. Gaps in communication and the potential for risk were heightened when students began working remotely and many students were working in COVID-19 health care sites; international students were also impacted on many levels.

### B.C. Legislative Changes

To adapt to this new environment, the B.C. Government created new regulations and liability protection in April 2020 to protect businesses, non-profits, and other organizations from liability issues related to COVID-19. The legislation was introduced to make organizations more comfortable reopening, having no threat of lawsuits, while ensuring B.C. residents and communities had greatly needed services and support.

When the B.C. Government declared a State of Emergency on March 18, 2020, under the *Emergency Program Act*, the Solicitor General made the following ministerial orders, "...to provide protection from civil liability for damages resulting, directly or indirectly, from an individual being or likely being infected with or exposed to SARS-CoV-2 (the virus that causes COVID-19)" (B.C. Ministry of Attorney General, 2020).

The orders enacted were as follows:

Date	Number	Title
April 2, 2020	M094/2020	Protection Against Liability (COVID-19) Order
April 22, 2020	M120/2020	Protection Against Liability (COVID-19) Order No. 2 Note: M120/2020 repealed and replaced M094/2020
June 10, 2020	M183/2020	Protection Against Liability for Sports (COVID-19) Order

The *COVID-19 Related Measures Act*, came into effect on July 10, 2020, and ensures that the M120 and M183 liability extends 45 and 90 days respectively, beyond the state of emergency. The above regulations can be applied retroactively, to January 1, 2020 and will remain in effect until the legislation is repealed.

## Post-Secondary Special Notice

As outlined above, PSI's across the province were notified of the change in legislation with the following notice from the B.C. Ministry of Attorney General:

### ***Liability Protection:***

*The B.C. Government has taken steps to protect people from legal proceedings for civil damages that result from transmission or exposure to COVID-19. This coverage can give comfort to people that they have protection from civil proceedings as we restart our economy and collectively continue on the path towards recovery. The protection covers any person, whether in a paid or unpaid position, who operates or provides an essential service, operates a for-profit activity such as a business, or engages in an activity with a community benefit, which includes the advancement of education. It is important to note, however, that the protection only exists if the person has followed all emergency and public health guidance, or reasonably believes that they have done so*

(B.C. Ministry of Attorney General, 2020).

## COVID-19 Go-Forward Document

At the end of July 2020, a large working group was created in order to prepare for the 2020/21 year and aid PSI's in the new COVID-19 context. Experts from MAEST, B.C. Centre for Disease Control, WorkSafeBC, the Deputy Provincial Health Office, and key educational partners and institutions across the province came together to write the [COVID-19 Go-Forward Guidelines](#), for the Post-Secondary Sector. Although an important and thorough document in terms of health and safety guidelines for PSI's, there is minimal information or guidelines related to Work-Integrated Learning. In the 25 page report only a couple of paragraphs related to Work-Integrated Learning and guidelines to support WIL were offered, and these were primarily related to supporting practice education and clinical placements in the healthcare field. Two documents of note are the [Student Practice Education Guidelines for Health-Care Settings during the COVID-19 Pandemic](#), August 12, 2020 and the [Mask Use in Health Care Facilities During the COVID-19 Pandemic](#), which was introduced November 5, 2020.

## COVID-19 in the Workplace

The COVID-19 pandemic impacted many aspects of the workplace. In B.C., many new policies and procedures have been enacted due to COVID-19. WorkSafeBC has implemented procedures, policies, and guidelines related to personal protection equipment, vaccinations, claims, safety plans, and many more protections, to keep workers, staff and clients safe.



## WorkSafeBC & COVID-19

[WorkSafeBC](#) pivoted and provided protocols and guidelines, while the Provincial Health Officer Orders were continually adapting in order to control the pandemic. Employers were required to have a six-step COVID-19 Safety Plan that outlined their policies, guidelines and procedures to mitigate COVID-19 transmission. Employers need to have a plan, and they must post this plan at the work site and on their website, if they have one. The focus of WorkSafeBC's plan is to consider if the risk can be eliminated; examples include engineering controls, administrative adjustments, or the use of Personal Protective Equipment (PPE).

### First level protection

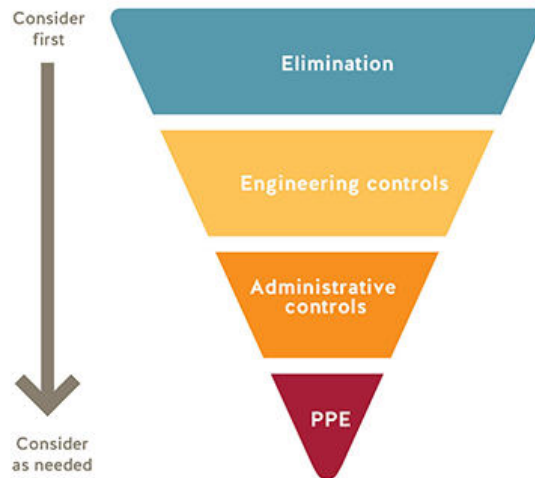
**(elimination):** Limit the number of people in your workplace where possible by implementing work-from-home arrangements, establishing occupancy limits, rescheduling work tasks, or other means. Rearrange work spaces to ensure that workers are at least 2 m (6 ft) from co-workers, customers, and members of the public.

### Second level protection

**(engineering controls):** If you can't always maintain physical distancing, install barriers such as plexiglass to separate people.

**Third level protection (administrative controls):** Establish rules and guidelines, such as cleaning protocols, telling workers to not share tools, or implementing one-way doors or walkways.

**Fourth level protection (PPE):** If the first three levels of protection aren't enough to control the risk, consider the use of masks. Ensure masks are selected and cared for appropriately and that workers are using masks correctly.



## Personal Protective Equipment (PPE)

In order to prevent the spread of COVID-19, personal protective equipment (PPE) is now mandatory in all B.C. public indoor places and workplaces; this was part of Ministerial Order 425, *Emergency Program Act: Use of Face Coverings in Indoor Public Spaces (COVID-19) Order*. PPE is part of an effective COVID-19 Safety Plan under WorkSafeBC, and should be followed alongside other protocols like physical distancing, barriers, and health checks. There are different health and safety protocols for different industries, with more information about each specific industry available to view at WorkSafeBC's COVID-19 Information and Resources section.

In November 2020, The B.C. Ministry of Health released a new policy regarding PPE use in health care facilities. According to the policy, everyone in health care facilities and settings must wear a medical mask; this includes health care workers, non-clinical staff, visitors, and

patients. Under the OHS Regulations and other materials at WorkSafeBC, it is crucial that workers and employers are aware of their [responsibilities regarding PPE](#). For health professionals, extra steps and PPE are required, as stated by the [B.C. Centre for Disease Control](#).

An employer is responsible for enforcing and providing personal protective equipment as specified by the OHS. Employers are responsible for providing the following types of PPE (WorkSafeBC, 2020):

- Eye and face protection
- High-visibility clothing
- Respirators
- Hearing protection
- Eye protection
- Fall-arrest harnesses when working at heights
- Lifejackets

Employer's must also ensure the following (WorkSafeBC, 2020):

- The right type of PPE is selected for the job.
- PPE fits workers and is comfortable under working conditions.
- Workers are trained in how to use PPE.
- PPE is regularly cleaned, inspected, and maintained.
- PPE is properly stored when not in use.

As a worker, one must wear all PPE required for the job, and ensure that the PPE does not cause health and safety issues. Workers are responsible for the following basic personal protection equipment (WorkSafeBC, 2020):

- General-purpose work gloves
- Appropriate footwear
- A hard hat
- Clothing to protect against the elements

Employers are responsible for informing customers and clients about the mandatory mask policy and ensuring that there is proper signage for workers and customers. Workers are responsible for abiding by the rules and policies in their employers COVID-19 Safety Plan. Additionally, workers are responsible for reporting unsafe working conditions to their employer, and have the right to refuse work if it presents an undue hazard; for instance, during COVID-19, this could include situations where employees are placed in roles with increased exposure without adequate controls in place to protect them from these exposures (WorkSafeBC, 2021). We will be discussing the right to refuse unsafe work in greater detail in **Workers' Compensation Coverage (Section 6.1)**.

## COVID-19 Leave

The [B.C. Government's \*Employment Standards Act\*](#) was updated due to COVID-19, particularly regarding taking time off due to a COVID-19 related issue, retroactive to January 27, 2020.

Employees can access various types of COVID-related leave including unpaid leave for as long as the employee needs it (from January 27, 2021), up to three days paid sick leave (from May 20 - December 31, 2021) and up to three hours paid vaccination leave (from April 19, 2021).

Employees are able to take unpaid, job-protected leave as it related to COVID-19, for the following reasons (Government of B.C., 2020):

- They have been diagnosed with COVID-19 and are following the instructions of a medical health officer or the advice of a doctor or nurse.
- They are in quarantine or self-isolation and are acting in accordance with an order of the [provincial health officer](#), an order made under the *Quarantine Act* (Canada), guidelines from the B.C. Centre for Disease Control or guidelines from the Public Health Agency of Canada.
- Their employer has directed them not to work due to concern about their exposure to others.
- They need to provide care to their minor child or a dependent adult who is their child or former foster child for a reason related to COVID-19, including a school, daycare or similar facility closure.
- They are outside of B.C. and unable to return to work due to [travel or border restrictions](#).
- They are assisting a dependant being vaccinated against COVID-19.
- They are more susceptible to COVID-19 in the opinion of a medical professional because of an underlying health condition, ongoing treatment or other illness and are receiving Canada recovery sickness benefits for the leave.

In the Fall of 2020, the Federal Government implemented a new sickness benefit called the *Canada Recovery Sickness Benefit (CRSB)* for those who are either sick or required to self-isolate due to COVID-19. Eligible employed and self-employed individuals may apply for the CRSB if they meet the requirements; workers can receive up to \$450/week (after tax), if they meet the requirements. More information about the CRSB and other job-protected leaves will be discussed in **Employment Conditions (Section 6.2)**.



## Employment Insurance & COVID-19

As of September 27, 2020, the federal government made significant temporary changes to [EI Sickness Benefits](#) as a result of COVID-19. Workers only need 120 hours of insurable hours to qualify for benefits; the government is providing a one-time 'credit' of 480 insurable hours so that individuals can reach the 600 hours required. A medical certificate signed by a medical practitioner is required.

Eligible workers need to (Government of Canada, 2021):

- Be unable to work for medical reasons.
- Have regular weekly earnings from work decreased by more than 40% for at least one week. Have accumulated 600 insured hours of work in the 52 weeks before the start of the worker's claim or since the start of the worker's last claim, whichever is shorter.

### COVID-19 Transmission In the Workplace

COVID-19 is work related when a "worker contracts COVID-19 as a direct result of their employment" (WorkSafeBC, 2021). When this occurs, the worker is entitled to compensation if there is evidence that the worker has contracted COVID-19 and the worker's environment and nature of the job created a risk of contracting the disease much greater than the general public. For instance, a work-related example could be seen in a situation where an acute care hospital worker contracts COVID-19 where they treat COVID-19 patients as part of their job. Claims submitted related to COVID-19 contraction through the workplace are still evaluated on a case-by-case basis. More information related to COVID-19 and the workplace can be accessed at [WorkSafeBC's section for COVID-19](#).

### COVID-19 Vaccination and the Workplace

WorkSafeBC strongly supports B.C.'s COVID-19 Immunization Plan, as vaccination will play a critical role in the prevention of COVID-19 among the general public, workers and throughout industries across the province. WorkSafeBC encourages all employers to facilitate and support vaccination of their workers to the extent that they are able to. They are also encouraging workers and the general public to receive the vaccination once it is made available to them. B.C.'s phased approach to vaccination is outlined in [B.C.'s COVID-19 Immunization Plan](#) (WorkSafeBC, 2021).

Until more is known about the effect of vaccination in workplaces, employers still need to maintain their COVID-19 Safety Plan. Both workers who are vaccinated and workers with prior COVID-19 infection will likely need to adhere to their employer's COVID-19 protocols (WorkSafeBC, 2021).

Currently, B.C.'s COVID-19 Immunization Plan is being implemented in four phases, with the general population being vaccinated by September 2021. We will likely see how students and employers are impacted as the vaccination plan moves ahead, particularly as it relates to high-risk work sites, such as working directly with the public and health care settings. Some considerations for WIL stakeholders will include: nature of work, vaccination refusals and terminations, vaccination policies and privacy policies. Indeed, the balance of keeping workers and clients safe, while ensuring basic human rights and vaccination choice, will be a complex topic for months to come.





## Recommendations

### 1. PSI's to make clear that host organizations must have a COVID-19 Safety Plan in place at time of:

- a. Job Posting
- b. Interview
- c. Confirmation of WIL Experience

### 2. PSI's to inform students of COVID-19 legislation and safety information, including:

- a. COVID-19 Safety Plans
- b. Sickness protocols
- c. Unpaid leave information
- d. PPE requirements
- e. Ability to refuse work when unsafe
- f. Vaccination options and education in the workplace
- g. Provincial legislation under the *Workers' Compensation Act* and emergency legislation as outlined in this section

### 3. Training for WIL staff and faculty, regarding COVID-19 issues.

- a. Training could consist of webinars involving relevant academic experts employed by the PSI and special guests such as employment lawyers, human rights experts, WorkSafeBC, and other safety and risk specialists.

### 4. More streamlined communication at the governmental and institutional level regarding critical and emergency communication strategies.

- a. A communication strategy could be better aligned between MAEST and PSI's when legislation or pertinent documents are updated.
- b. An itemized inventory of WIL programs at each PSI would be beneficial when critical and timely information needs to be given to WIL staff and faculty.





**Resources:**

[ACE-WIL COVID-19 Workplace Toolkit](#)

[B.C. COVID-19 Restart Plan](#)

[WorkSafeBC COVID-19](#)

[Government of Canada, COVID-19](#)




## SECTION 5: LIABILITY INSURANCE COVERAGE


Public post-secondary institutions are public sector organizations, and therefore, receive direction from the B.C. Government. Each PSI in the province receives a Mandate Letter on an annual basis, which outlines obligations, accountabilities, roles, responsibilities, and direction for the upcoming year. All Mandate Letters can be found [online](#). PSI's are also responsible for submitting Institutional Accountability Plans and Reports every July, to summarize their quality education practices and initiatives undertaken. The [2019-20 Accountability Framework Highlights for the B.C. Public Post-Secondary System](#) summarizes the province's capacity, access, efficiency, relevance, and quality of service.

### 5.1. The Risk Management Branch, Government of B.C.

The B.C. Government's goals and objectives are managed through the Risk Management Branch, Ministry of Finance. The [B.C. Risk Management Branch](#) defines risk management as:

 "efforts to understand and mitigate risk, reduce uncertainty and better meet or exceed goals and objectives."

Since a more holistic approach to risk is more advantageous, many large organizations use an Enterprise Risk Management perspective, to ensure they see the "big picture." An Enterprise Risk Management framework, as defined by the Risk Management Branch is:

 "...the coordinated, ongoing application of risk management across all parts of an organization, at all levels, from strategic planning to service delivery."



## Differences between the Traditional and Enterprise Risk Management Approach

Traditional Risk Management	Enterprise Risk Management
One-dimensional assessment (severity)	Multi-dimensional assessment
Manages risk one-by-one	Analyzes material risks and how they relate
Occurs within one business department ("siloed")	Spans the entire organization ("holistic")
Reactive & sporadic	Proactive and continuous
Disjointed activities	Embedded in culture & mindset
Standardized	More nuanced; requires soft skills
Risk averse	Risk taking

(Source: Williams, 2019)

The [Risk Management Guideline for the B.C. Public Sector](#) plan aligns with internationally adopted principles and practices in this area, importantly, the [ISO 31000](#). The ISO 31000 provides a standardized direction regarding ways organizations can integrate a risk-based decision-making approach to their goals and objectives.

Enterprise Risk Management programs generally include the following three components (Government of B.C., 2020):

1. The principles for managing risk.
2. The framework, which governs the effective reporting and communication of risk information.
3. The risk management process that is used to collect and assess risk information.

Two distinct programs operated by the Risk Management Branch that are important for WIL stakeholders include the [Health Care Protection Program](#) (HCPP) and the [University College and Institute Protection Program](#) (UCIPP).

### 5.2. Health Care Protection Program (HCPP)

HCPP's mandate is to provide risk management, loss control, risk financing, and claims and litigation management to their members, which includes publicly funded Health Care Agencies. The seven health authorities across the province are included here, among many other health care providers. A full list of health care agencies can be found within the [Memorandum of Coverage Document](#). In January 2018, the HCPP developed B.C. Affiliation Agreements, in order to establish the roles and responsibilities of all parties participating in "Practice Education," specifically between the

health authority and institution. Practice education is defined in the agreement as:



“...part of a student’s educational experience which takes place in the workplace and may involve direct patient care or access to patient information. In such an experience, the student may provide services to and for the benefit of patients/families.”

B.C. Affiliation Agreements clearly state related definitions, obligations, dispute resolution, suspension and removal, privacy and confidentiality, termination, indemnification, and other contract details; best practices when creating an agreement along with a template, can be found in Appendix G. Both HCIPP and UCIPP programs are self-insured and comparable to commercial insurance markets; the insurance coverage itself doesn’t change in a self-insured program, only the way that claims are paid.

### **5.3. Liability Insurance Coverage**

Liability insurance provides general protection for WIL students and staff against lawsuits or claims from a potential third party. All post-secondary institutions in B.C. have liability coverage plans with one of two providers, either with the University College and Institute Protection Program (UCIPP) or the Canadian Universities Reciprocal Insurance Exchange ([CURIE](#)). 23 of the 25 PSI’s across the province have protection with UCIPP; Simon Fraser University (SFU) and the University of Victoria (UVIC) both have liability insurance coverage with CURIE.

#### **5.3.1. University College and Institute Protection Program (UCIPP)**

UCIPP was established on March 1, 1987, and provides commercial, general, and professional liability insurance. UCIPP’s main responsibilities are those of risk mitigation and financing, claims and litigation management, and coverage agreements. Memorandum of Coverage details are publically available on the UCIPP website and Certificates of Coverage are no longer required. It should be noted that UCIPP’s role is not a disciplinary or enforcement body, but an advisory one.

UCIPP coverage is designed to protect the institution and its employees while they are performing their duties, from liability claims. UCIPP coverage may also include the following activities (UCIPP, 2021):

- Boards of Governors, Senate Members, and Foundations.
- Volunteer workers.
- Students under certain circumstances.

- Students participating in practicum programs.
- Alumni associations (effective July 1, 2013).

In terms of UCIPP, all institution authorized activities are covered up to \$5,000,000; institutions need to ensure they follow policies and procedures regarding a specific activity or event. There are also some exemptions, for example, some activities that would likely not be covered may include (UCIPP, 2021):

1. Job-related injuries that are covered under WorkSafeBC.
2. Criminal or illegal acts.
3. Errors and omissions arising out of professional services contracts.
4. Use or operation of owned or licensed automobiles.

### 5.3.2 Canadian Universities Reciprocal Insurance Exchange (CURIE)

CURIE was founded in 1988 and is an insurance provider for its members. CURIE serves 64 universities and colleges across the country; as noted above, both SFU and UVIC have coverage with CURIE. CURIE protects students enrolled in University sanctioned programs, up to \$5,000,000 in general liability coverage. As with UCIPP, there are exceptions to claims.

Staff, faculty, and WIL practitioners are encouraged to reach out directly to their PSI's dedicated Safety & Risk Services Department should they have questions or require proof of coverage.

### Stakeholder Interviews

The greatest issue surrounding liability insurance coverage that interviewees discussed was the confusion and misinformation surrounding liability insurance coverage and Workers' Compensation Coverage. Many interviewees believed that liability insurance coverage was the same as Workers' Compensation Coverage, and vice versa.





## Recommendations

**1. Facilitate education and training for WIL practitioners surrounding coverage.**

Review the difference between liability insurance coverage and Workers' Compensation Coverage, and who they protect.

**2. Consistent use of terminology on insurance coverage Certificates.**

Ensure that both UCIPP and CURIE clearly outline "Work-Integrated Learning students" as recipients of coverage.



## SECTION 6: KEY ISSUES FACING WIL PROGRAMS

From the ACE-WIL Membership Survey, five key issues were identified that impact Work-Integrated Learning stakeholders in B.C., namely: Workers' Compensation Coverage, employment conditions, student access to WIL, human rights, and international student access. Each issue is analyzed and discussed below, including recommendations. Specific areas that are important for WIL stakeholders to be aware of include: safety standards, which include Workers' Compensation Coverage and rights and responsibilities; discrimination in the workplace and human rights law; employment standards law including hours, pay, and working conditions; and, bullying and harassment regulations.

### 6.1. Workers' Compensation Coverage

Workers' Compensation Coverage protects workers from illness or injury while on the job. Factors that determine coverage provider are whether the student is in a program covered by the Ministry of Advanced Education & Skills Training or directly by their employer, in a paid WIL experience. The coverage provider in a paid WIL experience depends upon whether the worker is a federal employee or works for an employer regulated by one of the provinces or territories.

The *Government Employees Compensation Act* (GECA) provides compensation and coverage to [federally regulated employees](#), such as employees of the Public Service of Canada or Crown Corporations and agencies. The [Canadian Centre for Occupational Health and Safety](#) is the federal association that governs health and safety regulations across the country; jurisdictions have their own occupational health and safety legislation. A full list of provincial or territorial Boards/Commissions can be found in the [Association of Workers' Compensation Boards of Canada](#) map.



The governing body for Workers' Compensation Coverage in British Columbia is [WorkSafeBC](#). According to the Government of B.C., "WorkSafeBC administers the *Workers' Compensation Act* for the British Columbia Ministry of Labour. WorkSafeBC has the legal authority to set and enforce occupational health and safety standards, assist injured or disabled workers, and assess employers and collect funds to operate WorkSafeBC" (Government of B.C., 2018). Workers are covered under WorkSafeBC for personal injury, disease, illness, as well as bullying and harassment (WorkSafeBC, 2020).



All employers who hire B.C. workers are required to register with WorkSafeBC, regardless if the worker is part or full-time, casual, or a contract employee.

If employers do not register when required, it is against the law. WorkSafeBC offers no fault protection -- no fault insurance coverage protects both employers and workers from lawsuits; workers cannot sue their employer nor can workers sue another worker if they are injured on the job (WorkSafeBC, 2016).



All workplaces under the inspectional jurisdiction of WorkSafeBC must follow the legal requirements in the Occupational Health and Safety Regulation (WorkSafeBC, 2020). The purpose of the [Occupational Health and Safety Regulation](#) is to promote health, safety, and well-being and to protect workers and other people present at the workplace from work-related risks. For all unpaid practicums, WorkSafeBC coverage is provided through the Ministry of Advanced Education & Skills Training; this coverage is called ‘Employee of the Crown’ status. See Appendix E for the entire document.

### 6.1.1. Employee of the Crown Status

The Ministry of Advanced Education & Skills Training (MAEST), provides eligible post-secondary students with WorkSafeBC Coverage. Eligible students are primarily registered in unpaid practicums or apprenticeships. According to MAEST, a “practicum” is:



“an assigned, unpaid and supervised practical work experience, undertaken by a student enrolled at a public post-secondary institution...that is included in the program/course description in the institutions program calendar” (MAEST, 2020).

Students participating in a practicum in B.C. are considered ‘Employees of the Crown’ and are covered for WorkSafeBC through MAEST. Additionally, the classroom or lab for a technical component of an apprenticeship program at a public or private Industry Training Authority (ITA) designated provider within the province, would be eligible for coverage, provided they are not considered an employee. Off-site, unpaid work experience as part of a Foundation program or Accelerated Credit Enrollment to Industry Training (ACE IT), would also be eligible if the student is participating in an experience with an ITA provider in the province. All 25 PSI’s across the province are part of this contract.

On April 6, 2020, the [Workers Compensation Act, Section 6](#), was revised and updated. These new updates impacted legislation and WorkSafeBC coverage for post-secondary apprenticeship and practicum students. See the *Policy Regarding WorkSafeBC Coverage for Post-Secondary Students Deemed to be Employees of the Crown* (Appendix E).



Both **electives and required** practicum courses are included in this coverage. Any course in a PSI’s Course Calendar is eligible.



If a WIL student receives **any** form of cash or near-cash payment, whether allowances, honorarium or a stipend, as a form of compensation, it would preclude them from qualifying for coverage. The policy at MAEST defines a practicum as an unpaid work experience. Thus, an allowance of any amount could put the eligibility of WorkSafeBC coverage at risk. (MAEST Interview, 2021).

If students are injured while covered by the Employee of the Crown status, it is important that WIL practitioners understand the process. A full explanation of steps to take when submitting a WorkSafeBC claim can be found in #7, Appendix E.

### 6.1.2. Paid Employment: Employee and Employer Relationship

As mentioned above, all organizations that hire B.C. workers are required to register with WorkSafeBC. The employer does not need to be physically located in B.C. - if the worker is based in B.C., the employer needs to register for WorkSafeBC. There are very few exceptions to this rule within the province; an example would be a sole proprietorship. As a sole proprietor, the solitary owner can purchase insurance if needed, but once they hire a worker, they must have a registered WorkSafeBC account in place. It is against the law in British Columbia to not register for WorkSafeBC when required.

Workers' Compensation Coverage follows the jurisdiction where the employee is physically working. Workers' Compensation Coverage may be required, depending on the jurisdiction, and it is important that WIL practitioners and stakeholders are aware of the laws and regulations surrounding these scenarios, see the *Workers' Compensation Coverage: Remote Work and Jurisdictional Considerations Chart*, Appendix F.

In B.C., the cost of coverage for employers is based on their industry's base premium rate, the organization's accessible payroll, and the organization's net experience rating. The net experience rating is how an organization compares with similar-sized businesses in the classified rate group (WorkSafeBC, 2019).

### 6.1.3. Out of Province Scenarios

WorkSafeBC would provide coverage for a worker if an injury occurs outside the province if the individual worked within B.C. for a period of time with the same employer, and then travelled out of province. For example, if a student works for a B.C. employer for several months within B.C., but then requires the worker to work outside of the province for less than six months, WorkSafeBC would extend coverage if **all** criteria is met, as set out below, under [Section 147, Workers Compensation Act](#).



## Injuries Occurring Outside of British Columbia

1. This section applies if:
  - a. A worker is injured while working outside British Columbia, and
  - b. The injury would entitle the worker or the worker's dependants to compensation under this Part if the injury occurred in British Columbia.
  
2. The Board must pay compensation under this Part only if **all** of the following apply:
  - a. A place of business of the worker's employer is located in British Columbia.
  - b. The worker's residence and usual place of employment are located in British Columbia.
  - c. The employment is such that the worker is required to work both in and outside British Columbia.
  - d. The worker's employment outside British Columbia has immediately followed the worker's employment in British Columbia by the same employer, and
  - e. Has lasted less than 6 months.

Due to project scope, the focus in the next section will be on specific WorkSafeBC regulations. Interviews with experts in the field highlighted that WIL stakeholder groups should be informed of the following, both before and during any Work-Integrated Learning experience:

1. Rights & Responsibilities of Workers, Supervisors, and Employers.
2. Young & New Workers Program.
3. Working Alone.
4. Remote Work, including Jurisdictional Considerations and Coverage Provider.

### 6.1.4. Rights & Responsibilities of Workers, Supervisors, and Employers

#### 1. Rights of Workers

Workers have the following three rights (WorkSafeBC, 2016):



## i. Right to Know

Workers have the right to know about potential hazards in the workplace and how these hazards may impact their work. It is critical that WIL students have proper orientation and training, particularly as it relates to entry into a new position and the New & Young Workers Regulation; we will review this initiative later in this Section.

## ii. Right to Participate

The right to participate in health and safety activities is a right of all workers. Workers should know their Health & Safety Representative or Joint Health & Safety Committee Representative, in case they have an issue.



If a workplace has between 9 and 19 workers, a Health & Safety Representative must be assigned. If a workplace has 20 or more workers, the employer must have a committee; the committee brings together representatives of the employer and worker, in order to resolve health and safety concerns in the workplace.

Both Representatives and Joint Committees have the following roles and responsibilities (WorkSafeBC, 2021):

- Identify situations that may be unhealthy or unsafe for workers, and advise on effective systems for responding to those situations.
- Consider, and promptly deal with complaints relating to the health and safety of workers.
- Consult with workers and the employer on issues related to occupational health and safety, and the occupational environment.
- Make recommendations to the employer and the workers for the improvement of the occupational health and safety, and the occupational environment of workers.
- Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the OHS provisions of the *Workers Compensation Act* and the regulations, and to monitor their effectiveness.
- Advise the employer on programs and policies required under the regulations for the workplace, and to monitor their effectiveness.
- Advise the employer on proposed changes to the workplace, including significant proposed changes to equipment and machinery, or the work processes that may affect the health or safety of workers.
- Ensure that accident investigations and regular inspections are carried out as required.
- Participate in inspections, investigations and inquiries as provided in the OHS provisions of the *Workers Compensation Act* and Part 3 of the Regulation.

### **iii) Right to Refuse Work**

Workers in the province have the right to refuse unsafe work with no negative repercussions. If the worker believes that the task or situation is dangerous to themselves or others, they must not perform that task and must report this dangerous work to the supervisor or employer. By law, the supervisor or employer must determine if the job is unsafe and remedy the situation. Employers are **not legally allowed to fire or discipline employees** for refusing unsafe work. They may temporarily assign the worker to a new or different task, with no loss of pay, while the unsafe task is being reviewed (WorkSafeBC, 2020).

Informing and educating WIL students of these rights is an important factor so that they are aware of these rights prior to a WIL experience, not just during the experience. Likewise, WIL practitioners should be aware of the steps workers need to take to refuse work, so they can advise students if, and when, these scenarios arise.

Workers should follow the following steps when reporting unsafe work (WorkSafeBC, 2020):

#### **1. Report the unsafe condition or procedure:**

- a. As a worker, immediately report the unsafe condition to a supervisor or employer.
- b. As a supervisor or employer, investigate the matter and fix it if possible. If the supervisor or employer decides the worker's concern is not valid, report this information back to the worker.

#### **2. If a worker still views work as unsafe after a supervisor or employer has said it is safe to perform a job or task:**

- a. As a supervisor or employer, investigate the problem and ensure any unsafe condition is fixed.
  - i. This investigation must take place in the presence of the worker and a worker representative of the Joint Health and Safety Committee or a worker chosen by the worker's trade union. If there is no Safety Committee or representative at the workplace, the worker who first reported the unsafe condition can choose to have another worker present at the investigation.

#### **3. If a worker still views work as unsafe, they must notify WorkSafeBC:**

- a. If the matter is not resolved, the worker and the supervisor or employer must contact WorkSafeBC. A prevention officer will then investigate and take steps to find a workable solution.



## Worker Responsibilities

Workers have the following responsibilities (WorkSafeBC, 2016):

- Be alert to hazards. Report them immediately to the supervisor or employer.
- Follow safe work procedures and act safely in the workplace at all times.
- Use the protective clothing, devices, and equipment provided. Be sure to wear them properly.
- Co-operate with joint health and safety committees, worker health and safety representatives, WorkSafeBC prevention officers, and anybody with health and safety duties.
- Get treatment quickly should an injury happen on the job and tell the health care provider that the injury is work-related.
- Follow the treatment advice of health care providers.
- Return to work safely after an injury by modifying job duties and not immediately starting with your full, regular responsibilities.
- Never work under the influence of alcohol, drugs or any other substance, or if overtired.

## Supervisor Rights

Supervisors have the same rights as workers:

1. The right to know about hazards in the workplace.
2. The right to participate in health and safety activities in the workplace.
3. The right to refuse unsafe work without getting punished or fired.

## Supervisor Responsibilities

Supervisors have the following responsibilities (WorkSafeBC, 2016):

- Ensure the health and safety of all workers under their direct supervision.
- Know the WorkSafeBC requirements that apply to the work under their supervision and make sure those requirements are met.
- Ensure workers under their supervision are aware of all known hazards.
- Ensure workers under their supervision have the appropriate personal protective equipment, which is being used properly, regularly inspected, and maintained.

## Employer Rights

Employers have the right to expect workers to:

1. Pay attention during health and safety training.
2. Remember their training, and follow health and safety principles at all times.
3. Report any perceived hazards in the workplace.
4. Wear their personal protective equipment at all times.
5. Inform them about any physical or mental conditions that may impair their ability to perform their jobs safely.

## Employer Responsibilities

Employers have the following responsibilities (WorkSafeBC, 2016):

- Establish a valid occupational health and safety program.
- Train their employees to do their work safely and provide proper supervision.
- Provide supervisors with the necessary support and training to carry out health and safety responsibilities.
- Ensure adequate first aid equipment, supplies, and trained attendants are on-site to handle injuries.
- Regularly inspect their workplace to make sure everything is working properly.
- Fix problems reported by workers.
- Transport injured workers to the nearest location for medical treatment.
- Report all injuries to WorkSafeBC that required medical attention.
- Investigate incidents where workers are injured or equipment is damaged.
- Submit the necessary forms to WorkSafeBC.

### 6.1.5. Young & New Workers Program

WorkSafeBC's *Occupational Health & Safety Regulation*, has specific definitions and regulations for young and new workers, as per [Sections 3.22 - 3.25](#), as this group may be at more risk for injury. A "young worker" is defined as any worker who is under the age of 25. A "new worker" can be of any age, but is new to the workplace, location, or facing new hazards (WorkSafeBC, 2016).

A "new worker" is defined as someone who is (WorkSafeBC, 2016):

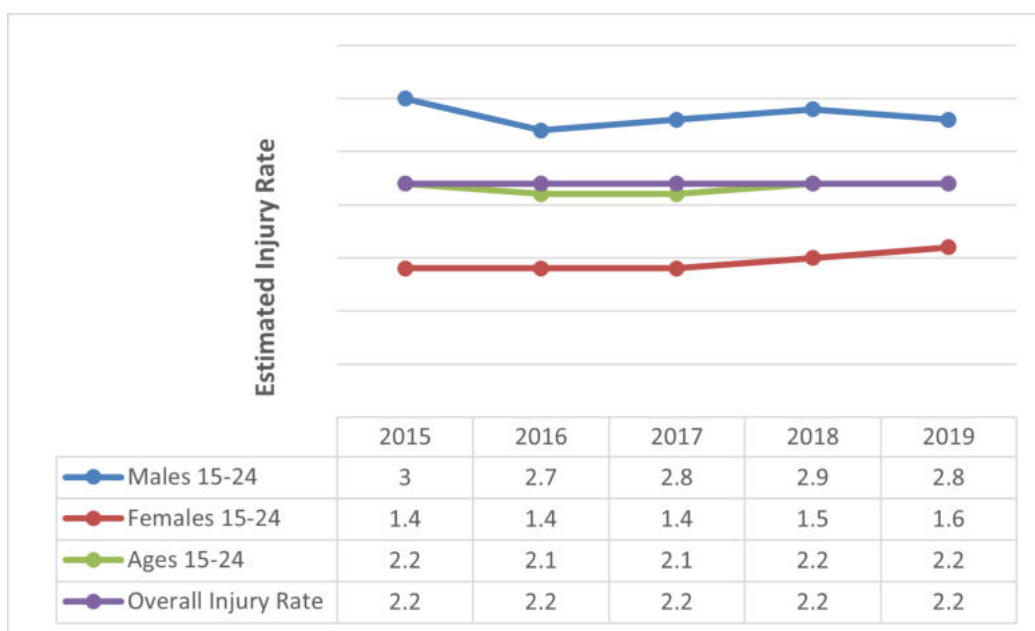
1. New to the workplace.
2. Returning to a workplace where the hazards in that workplace have changed during the worker's absence.

3. Affected by a change in the hazards of a workplace, or
4. Relocated to a new workplace if the hazards in that workplace are different from the hazards in the worker's previous workplace.

British Columbia has more than 350,000 young workers, aged 15 to 24. Young workers are at a much greater risk of injury than their older counterparts. More than **half of accidents involving young workers occur in the first six months on the job**, and nearly **20% occur during the first month**.

Two-thirds of injuries from young workers are **males aged 18 to 24**; this demographic is very high risk and more vulnerable in the workplace. Young males are often given the manual, more physically challenging jobs or the 'grunt' jobs that older, more experienced workers may not want to do. This power imbalance and inexperience may expose them to more hazards and increased opportunities for injury (Schooley, 2021). See the graph below for a comparison of injury rate by age and gender.

### Injury Rate Comparison by Age and Gender - 2015 - 2019



In the last five years, around 31,000 young workers were injured and had time loss claims; approximately 4,000 of these young workers were seriously injured. Young worker injuries accounted for 912,749 workdays lost and around \$326 million in claim costs for time-loss claims. With regards to Work-Integrated Learning, every “new” WIL student experience could potentially be defined as a “new worker experience”, regardless of age, if the student is new to the workplace, location, and in a new environment with various hazards (WorkSafeBC, 2016).



There are many reasons why new and young workers are more likely to be injured on the job. These may include, but are not limited to: inexperience, lack of preparation in the workplace, lack of training, supervision, and orientation, lack of understanding of their workplace, exposure to more dangerous jobs and hesitancy to ask questions (WorkSafeBC, 2016). Additionally, if WIL students are with the employer or host organization for a very short period of time, students may believe that these standards do not apply to them. There is also a power imbalance with the supervisor or fellow long term employees; students may be fearful of speaking up or voicing concerns, even if they think the work is unsafe and they have every right to voice this concern. Likewise, if a WIL student witnesses unsafe practices, they may be grateful for a hands-on opportunity and not inform their supervisor, fearful of being singled out or be concerned about the negative consequences of speaking up (Schooley, 2021).

Common reasons why young and new workers are injured include:

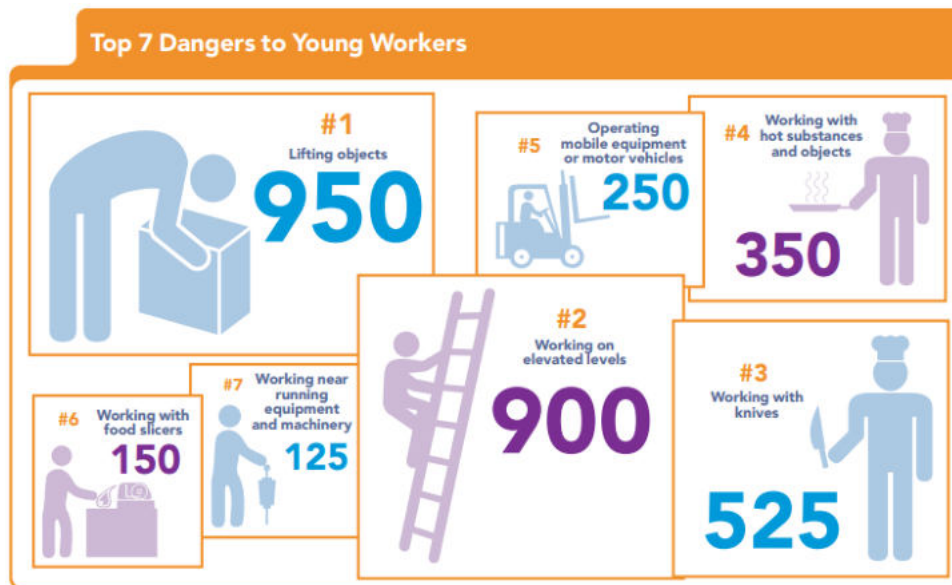


The **Top Four Sectors for Young Worker Injuries** are:



(WorkSafeBC, 2011)

The **top seven dangers and hazards** for young workers include the following (WorkSafeBC, 2011):



Young or new worker orientation and training guidelines are outlined below (WorkSafeBC, 2016):

1. An employer must ensure that before a young or new worker begins work in a workplace, the young or new worker is given health and safety orientation and training specific to that young or new worker's workplace.
2. The following topics must be included in the young or new worker's orientation and training:
  - a. The name and contact information for the young or new worker's supervisor.
  - b. The employer's and young or new worker's rights and responsibilities under the *Workers' Compensation Act* including the reporting of unsafe conditions and the right to refuse to perform unsafe work.
  - c. Workplace health and safety rules.
  - d. Hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation.
  - e. Working alone or in isolation.
  - f. Violence in the workplace.
  - g. Personal protective equipment.
  - h. Location of first aid facilities and means of summoning first aid and reporting illnesses and injuries.
  - i. Emergency procedures.
  - j. Instruction and demonstration of the young or new worker's work task, or work process.
  - k. The employer's health and safety program, if required under section 3.1 of this Regulation.
  - l. WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace.
  - m. Contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.

WorkSafeBC and their Young Worker Advisory Group have created some helpful [health and safety questions](#) that Young and New Workers can ask when they **interview and/or begin a new position**.

1. Does the job involve any hazards, like working with chemicals, hot grease, high noise levels, or heavy equipment? If so, will I be trained in what to do to prevent injuries?
2. Is there any safety gear that I'm expected to wear? If so, who provides it?
3. What specific health and safety orientation will I get before starting work, and who's responsible for supervising me?
4. What are my workplace health and safety responsibilities, and who do I go to with safety concerns?
5. If I'm hurt at work, what's the procedure? Who's the first aid person?

### Bullying and Harassment Regulation

Both workers and employers have certain responsibilities regarding bullying and harassment prevention as part of their obligations to ensure the health and safety of workers under the *Workers Compensation Act*. As previously discussed in the Employee of the Crown Section and Appendix E, workplace health and safety protections extend to unpaid WIL students, including compensation, as they are deemed 'workers' under the Act.

Bullying and harassment in the workplace occurs when:



“someone takes an action that he or she knew or reasonably ought to have known would cause that worker to be humiliated or intimidated” (WorkSafeBC, 2021).

Bullying and harassment may include behaviour or comments like verbal aggression, insults, using derogatory names, harmful initiation practices, vandalizing someone's personal belongings, and spreading rumours maliciously. If an employer or supervisor “takes reasonable action to manage and direct workers, it is not bullying and harassment” (WorkSafeBC, 2021); more information about bullying and harassment is found in [OHS policy P2-21-2](#).

As a worker, bullying and harassment must be reported to the employer if witnessed in the workplace. A worker may call the Prevention Information Line at WorkSafeBC if the employer has not taken the necessary steps to address the incident. If reporting to the employer or speaking to a WorkSafeBC Prevention Officer still has not resolved the issue, the Bullying and Harassment Questionnaire may be submitted. All initial claims can be made through WorkSafeBC.

## Employer Procedures

All employers are required to have a policy statement, indicating that bullying and harassment is not acceptable and clear procedures for reporting an incident. As an employer, certain procedures must be followed when responding to bullying and harassment incidents and reports and these should ensure a reasonable response to the incident or report. A third party is not always necessary, as long as the employer fully addresses the incident in good faith and that bullying and harassment is prevented or minimized in the future.

Some workplace procedures that employers could implement include (WorkSafeBC, 2021):

- How and when investigations will be conducted;
- What will be included in the investigation;
- The roles and responsibilities of employers, supervisors, workers, and others (such as investigators, witnesses, or union representatives);
- Follow-up to the investigation (description of corrective actions, time frame, dealing with adverse symptoms, etc.);
- Record-keeping requirements; and
- Mechanisms to ensure compliance with said procedures.



### 6.1.6. Working Alone

The *Occupational Health and Safety Regulation* defines working alone or in isolation as “work in circumstances where assistance would not be readily available to the worker in case of an emergency, or in case the worker is injured or in ill health” (WorkSafeBC, 2016). Proper procedures and measures must be in place for workers who are working alone or in isolation to ensure their safety. Lone workers are at an increased risk of confrontations or violence, especially if they work late at night. Assistance or help must be available to these lone workers if there is an emergency. Before a worker is assigned to work alone or in isolation, the employer must identify hazards to that worker and take measures to eliminate the hazard or minimize the risk from the hazard if elimination is not possible (WorkSafeBC, 2016).

### 6.1.7. Remote Work

Employers must ensure the health and safety of their employees, even when they are working remotely from home. The *Workers’ Compensation Act* and *Occupational Health and Safety Regulation* still applies; this B.C. legislation views working from home as an **extension of the workplace**. Employers should make sure there is a health and safety policy in place for employees while working at home. Both employers and workers should ensure that unsafe conditions and activities that may cause injury or illness are properly identified. Examples of health and safety risks may include electrical safety, ergonomics, violence, working alone, trips and falls, and environmental issues (mold, smoke, asbestos). Many of the health and safety roles, rights, and responsibilities still apply when working at home, and workers should continue to report workplace injuries and follow safe work procedures. Refer to the [Working From Home](#) document by WorkSafeBC for more information.

When referring to jurisdictional workplace coverage providers, the coverage follows the workers’ physical location. For example, if the employer is based in Alberta and the student is working remotely and located in B.C., the employer must have WorkSafeBC Coverage for the B.C. based student; see the *Workers Compensation Coverage Chart: Remote Work and Jurisdictional Considerations for Paid WIL* (Appendix F), for more information regarding jurisdictional coverage.

It is important to note that some jurisdictions across Canada **exempt particular industries** from requiring Workers’ Compensation Coverage. For example, Ontario excludes bank and trust companies, photography companies and more; Alberta has a [large list of excluded industries](#) including advertising, banking, insurance, laboratories, and travel agencies.

Other risk issues related to remote work include an unsecured home network, particularly when using unsecured personal or mobile devices; video conference security; phishing; appropriate antivirus and firewall software; ongoing cyber security training and best practices. This is an area of further research and development of practice for WIL stakeholders. More security tips can be found at the [Canadian Centre for Cyber Security website](#).



## Stakeholder Interviews

We were able to identify three main issues regarding Workers' Compensation Coverage expressed by interview participants:

1. The **need for staff/faculty training** surrounding Workers' Compensation regulations.
2. **Clearer process and procedures** for their particular WIL program, as many interviewees were unclear as to their obligations surrounding stakeholder communication and best practices.
3. **Jurisdictional concerns**, due to the significant increase in remote work due to COVID-19.

### 1. Staff & Faculty Training

Staff and faculty require training and support regarding Workers' Compensation Coverage. It was clear in the interviews that there was a need and desire for timely and relevant training as it relates to WIL and Workers' Compensation Coverage. There was also confusion between Insurance Liability Coverage and Workers' Compensation Coverage; having timely and frequent Webinars, Lunch & Learns, scenario-based learning, Q & A's, or Ask an Expert, would be valuable. Due to COVID-19 and the increase in remote work scenarios, more education, and training, particularly regarding jurisdictional considerations is needed.

### 2. Clear Process and Procedures

Participants stated that they would like to see a clear process regarding program operations, who to contact, and have uniformity in documents across the province and their dedicated PSI. Moreover, interview participants stated that it was challenging to keep track of all documents, especially when there are updates and changes being made every year to various agreements and contracts. Without a standard process, many staff and faculty are unsure of who to contact in certain situations and are unclear which documents are appropriate in certain scenarios. Some practitioners are also unaware of what practices are in place for different types of WIL. Many employers utilize different types of WIL at each institution and therefore, understanding the various Workers' Compensation Coverage providers and background information will help staff and faculty facilitate WIL across the province.

As one interview participant stated:

*“Clarity is the biggest issue...trying to put the practicum together, knowing who to get in touch with, what needs to be done, my legal responsibilities and the PSI's legal responsibilities...it would be helpful if I had a checklist of what I need to do so all boxes are checked off to ensure students are safe and all bases are covered.” (Anonymous participant, 2020).*



Many practitioners need more direction regarding their duties and more guidance in terms of what is required of them. For instance, there are uncertainties surrounding program legal responsibilities and the institutions' legal responsibilities when it comes to WIL and communicating these responsibilities to both students and employers. Particularly due to COVID-19, there have been concerns regarding WIL for students working, whether remote or on-site throughout the pandemic. Some PSI's have mitigated this risk by not allowing certain types of WIL or limiting international WIL experiences while other PSI's have created new documentation with internal legal departments in order to continue their programs, others have approved WIL, but only if the experience remains in B.C.

There is quite a discrepancy amongst PSI's current practices regarding Workers' Compensation. For example, some PSI's request a Clearance Letter at the time of job posting, while others request the employers WorkSafeBC Account Number; other PSI's state expectations of coverage responsibilities, while others do not. In order for stakeholders to have a cohesive experience when hiring WIL students, a more formalized approach to expectations and due diligence would benefit stakeholders and Work-Integrated Learning in B.C.

Without a central hub of information, resources, and processes, there is no uniformity, which leads to miscommunication and uncertainty for stakeholder groups. Currently, there is no standardized process among PSI's as it relates to stakeholder expectations. It would be extremely helpful if the province and/or each PSI had a contact list of key external and internal stakeholders, according to type of WIL program, and a central repository to access information, resources and other materials relevant to WIL (e.g. marketing/promotion). As part of this provincial project, over 60 documents were added to the ACE-WIL Resource Hub, which is an example of a centralized resource space for WIL practitioners.

### **3. Jurisdictional Challenges**

There are two main concerns regarding jurisdictional issues:

- a. Challenges and uncertainty regarding international or out of province placements.
- b. Remote work considerations.

For students working internationally or out of province, there are many concerns about jurisdictional issues impacting coverage for students and some of these issues will be the focus of **International Students (Section 6.5)**. Out of province placements raise coverage concerns for students, since WorkSafeBC does not cover any workers out of province unless they previously worked in B.C. with the same employer. Usually, private coverage is recommended or other insurance programs, but there is no guarantee, and interviewers were left uncertain about how to proceed. There are jurisdictional concerns with B.C. students working out of province, as some provinces exclude various

industries, and therefore, the student may not have coverage and assume they do; likewise, the PSI may assume the student has coverage when they do not. For out of country WIL experiences, most PSI's use some form of waiver or agreement that the student must sign; if the country or experience is unique, PSI's will generally recommend private insurance, if that is in the best interest of the student.

With the rise in remote work, especially due to COVID-19, there are questions and concerns when it comes to students who are working for organizations outside of B.C., whilst they are in B.C., and vice versa. For instance, a student living and working remotely in Alberta, while working for a B.C. company and going to a B.C. institution, would need to seek coverage in Alberta. As mentioned above, many other jurisdictions in Canada have exemptions for certain industries, and therefore, it would be recommended that students check in with their employer, to confirm Workers' Compensation Coverage requirements.

WIL experiences may be more complicated once students are working remotely for international companies or participating in an international remote experience. Practitioners and employers need to know the physical location of the student (worker), to ensure proper coverage. A scenario that also requires special attention is when the student is working remotely in B.C. and the employer is out of the country. For paid WIL, in this situation, the student must have WorkSafeBC provided by the employer, and all other Employment Standards of B.C. laws must be met as well: paid at least B.C. minimum wage, including being paid twice per month and in Canadian wages.

Another issue discussed by interviewees is when students move mid-way through the WIL experience from B.C. to another country; uncertainty with regards to best practices and clarity with direction was included in conversation here. Safety and risk personnel would advise, in this situation, to do the following:

1. Inform the student that they are no longer covered by WorkSafeBC.
2. Recommend the student purchase personal injury insurance.

Due to COVID-19, many PSI's quickly adapted to discourage travel while ensuring students could continue participating in WIL. From the participant interviews, it was found that, if students are living in their home country, and no travel is involved, most PSI's make case by case exceptions to approve these experiences when they can. Likewise, PSI's moved away from vetting international employers and posting positions and are approving experiences that the student finds through their own network, whether remotely or on site, in their home country.





## Recommendations

### **1. WIL staff and faculty require education and training about Workers' Compensation Coverage.**

Ongoing and timely training regarding coverage by jurisdiction, including B.C.'s *Workers Compensation Act* and Occupational Health and Safety legislation, specifically the key laws and regulations that impact WIL students, outlined earlier in this Section.

### **2. Continued development of the ACE-WIL Resource Hub regarding Workers' Compensation Coverage.**

Staff and faculty can access and view documents related to their program's WIL type; smaller institutions could potentially utilize documents and agreements that larger institutions have already vetted, to ensure work is not duplicated.

### **3. Create template documents based on WIL type to streamline work for staff and faculty; PSI's won't duplicate work and consistent messaging will be maintained.**

Smaller institutions may not have the staff or resources required to create specific documents. Template documents, such as checklists and other documents, could assist WIL staff and faculty and ensure that critical information is included to help mitigate risk for the PSI and/or program.

### **4. Standardized practices would assist in creating a unified approach for WIL.**

There is a vast difference amongst PSI's in terms of their approach to Workers' Compensation Coverage, including vetting employers and communicating expectations to students and employers. A cohesive messaging strategy could be very helpful in setting clear communication with stakeholder groups.

### **5. PSI's could be more proactive and take preventative measures with respect to workplace health and safety.**

Implementing a vetting process, which includes a statement of expectation for both students and employers, may be one way that all PSI's across the province can have unified communication on this matter. Alternatively, workplace health and safety checklists for students, PSI's and employers/host organizations which outlines all stakeholders' workplace health and safety rights and responsibilities (with links to relevant resources), could be completed as a condition of participation in WIL and/or incorporated into the PSI's policy.

**6. Programs could educate both students and employers and review their communication channels such as their website, pre-employment curriculum, messaging strategies, confirmation of WIL, WIL experience supports and others, particularly related to:**

- a. Rights & Responsibilities of Workers, Supervisors, and Employers.
- b. Young & New Workers Program.
- c. Working Alone.
- d. Remote Work.
  - i. Increased resources are recommended for students and employers as it relates to remote work, particularly cyber security safety, as many WIL students may be using their own personal devices; currently there are limited resources in this area for WIL stakeholders.

**7. WIL practitioners are encouraged to reach out to their dedicated Safety & Risk Team at their PSI rather than directly to Workers' Compensation Boards.**

It is advised that WIL practitioners' first point of contact be their PSI's dedicated Safety & Risk Staff. If WIL staff and faculty reach out directly to WorkSafeBC, for example, there could be issues with specific WIL definitions or they may not speak to the appropriate advisor. PSI's Risk Management Teams may have a better understanding of the WIL safety and risk issues that WIL staff and faculty encounter.



**WorkSafeBC Resources:**

[WorkSafeBC: Information for Workers](#)

[WorkSafeBC: Occupational Health and Safety](#)

[Young and New Workers Program](#)

[Working From Home](#)

[Did you know? Practicum Students](#)

[Support for Employers](#)



## 6.2 Employment Conditions

The legislation governing the employment conditions of WIL students depends on whether the employer is **federally or provincially regulated**. In this section, we will discuss the *Canada Labour Code* and [The Employment Standards Act](#) of British Columbia (ESA), as well as summarize the differences across Canada regarding employment standards for paid and unpaid WIL students.

### 6.2.1. Canada Labour Code

The *Canada Labour Code* (the Code) is an Act of the Parliament of Canada that applies to employees and employers in [federally regulated industries](#). Private sector federally regulated industries include airlines, banks, federal Crown corporations, post services, First Nations band councils, radio and television broadcasting, telecommunications, and many more; additionally, the federal sector and Parliament are protected by the Code.

The Code is separated into [four distinct parts](#). The Code prescribes which federally regulated industries must comply with each part of the Code:

#### 1. Industrial Relations

Rules for workplace relations and collective bargaining between unions and employers.

#### 2. Occupational Health & Safety

Rules which outline workplace health and safety obligations designed to prevent workplace-related accidents and injuries, including occupational diseases.

#### 3. Standard Hours, Wages, Vacations and Holidays

Rules which protects workers' rights by providing minimum working conditions

#### 4. Administrative Monetary Penalties


A monetary penalty system, as well as review and appeal procedures, in relation to non-compliance with the Code by employees, employers, officials or others.


### Federal Labour Standards for Interns and Student Interns

As stated in **WIL Definitions (Section 1)**, interns in federally regulated industries and workplaces must be paid at least the minimum wage and they do not need to be part of a formal education program. In contrast, **student interns** do need to be registered in a formal education program and they may be unpaid.

On June 8, 2019, the federal government published proposed regulations to extend some employment conditions and other workplace protections to unpaid interns under Part III of

the *Canada Labour Code* (Saint-Cyr, 2019). On September 1, 2020, the [Standards for Work-Integrated Learning Activities Regulations 2020](#) took effect (Regulations). The information sheet, [Federal labour standards for interns and student interns](#), provides a useful description of the matters covered in the section which follows. By virtue of the Regulations, the *Canada Labour Code* now recognizes two types of interns for the purpose of determining minimum employment standards:

 1. A person “who is not an employee but who performs for an employer ... activities whose primary purpose is to enable the person to acquire knowledge or experience” (s 167(1.1)) (labelled by the Government of Canada as ‘**intern**’); and

 2. A person covered by s 167(1.1) and the relevant activities are performed “to fulfil the requirements of a program that is offered by a secondary or post-secondary educational institution, vocational school, or equivalent educational institution outside Canada” (s 167(1.2)) (labelled by the Government of Canada as ‘**student intern**’).

The key points in determining whether a WIL student is an intern and student intern are:

1. Neither category of intern is an employee. A student who is paid a wage (‘paid WIL student’) is an employee, and therefore is not an intern or student intern;
2. The primary purpose for the workplace activities of both intern categories is to gain knowledge or experience;
3. Interns’ activities do not need to be part of a formal education program;
4. Student interns must: be enrolled in a valid education institution; complete the internship to fulfil formal education requirements; and provide the following documentation to the employer before the start of their internship (s 3, Regulations):
  - a. Student full name;
  - b. Name and address of employer and education institution;
  - c. A description of the activities to be performed that fulfils the requirements of the education program;
  - d. The start and end date of the activities, as well as the total number of hours;
  - e. The name and contact details for the education program administrator.
5. An unpaid WIL student is likely to be categorized as a ‘student intern’.

An ‘intern’ receives the same protections as employees, including payment of the minimum wage. As a student intern, unpaid WIL students receive some of the protections of

employees under the *Canada Labour Code*, as outlined in the section which follows.

### Minimum Employment Standards for Unpaid WIL Students

The *Canada Labour Code* covers federally regulated programs and students in these WIL programs. Under the *Canada Labour Code* and the [Standards for Work-Integrated Learning Activities Regulations](#), **student interns**, as they are unpaid WIL students, receive the following minimum employment conditions (Shah, 2020):

- A limit of 40 hours per week and eight hours per day, with at least one day of rest per week.
- The right to a modified work schedule.
- An unpaid 30-minute break for every period of five hours of work.
- Unpaid breaks for medical reasons or nursing.
- 96 hours advance notice of a schedule.
- 24 hours advance notice of a shift change or addition of a shift.
- Eight-hour rest period between shifts.
- Nine general holidays within a calendar year.
- Maternity-related reassignment.
- Protected leaves (i.e. personal leave, leave for victims of family violence, leave for traditional Aboriginal practices, bereavement leave, medical leave and leave for work-related illness and injury).
- Protections against genetic discrimination and prohibited reprisals.

In the [2021 Federal Government's Budget](#), it was announced that the Federal Government will implement a \$15 minimum wage for federally regulated employees that will rise with inflation. Where provincial or territorial minimum wages are higher, that jurisdiction's wage will prevail. This new federal minimum wage will impact over 26,000 workers in the federally regulated private sector currently making less than \$15 per hour (Department of Finance Canada, 2021). This change to the minimum wage applies to paid WIL students only -- the minimum wage is not one of the employment conditions extended to unpaid WIL students.



## 6.2.2. Employment Standards Act of B.C.

The [Employment Standards Act](#) of British Columbia (ESA), and its associated regulations ([Employment Standards Regulation](#)), provides for the minimum working conditions of employees, such as minimum wages, leave, holidays, working hours and overtime. The purposes of this Act are to (Government of B.C., 2021):

1. Ensure that employees in British Columbia receive at least basic standards of compensation and conditions of employment;
2. Promote the fair treatment of employees and employers;
3. Encourage open communication between employers and employees;
4. Provide fair and efficient procedures for resolving disputes over the application and interpretation of this Act.
5. Foster the development of a productive and efficient labour force that can contribute fully to the prosperity of British Columbia; and
6. Assist employees to meet work and family responsibilities.

All employees are covered under the ESA in B.C. unless an exception applies. If an exception applies, there are other laws that may apply and can protect workers; for instance, workers could still be covered under the *B.C. Human Rights Code*. It is important to note that if there is any doubt regarding if an exemption applies, it is generally in favour of the worker (Thomas, 2020).

### Who is an employee?

An 'employee' includes a person "receiving or entitled to wages for work performed for another" and "a person an employer allows ... to perform work normally performed by an employee". 'Work' means "the labour or services an employee performs for an employer ..." (s 1(1)) The various types and interpretations of WIL discussed in **WIL Definitions (Section 1)**, are not defined in the ESA, which raises this important question: in what circumstances is an unpaid WIL student, being a student who is not receiving wages, an employee? A policy interpretation of 'work' by the Government of B.C., which is not legally binding, provides that a 'practicum' in B.C. is not considered 'work', however, an internship or apprenticeship is considered as such. Further information about this policy interpretation, including a description of internship and practicum employed by the Government of B.C., can be found in the [Employment Standards Act & Regulation Definitions](#).

## Exemptions

Workers may be excluded from some or all parts of the *Employment Standards Act*. Some industries and workers will also have specific regulations in place that only apply to them.

### Full Exemption: Specific Occupations and Professions

Under [Section 31 of the \*Employment Standards Regulation\*](#), certain occupations and professions are completely excluded. These workers are **not covered** by the *Employment Standards Act*, based on their occupation:

1. An architect.
  2. A member, other than an honorary member, of the Organization of Chartered Professional Accountants of British Columbia or a person enrolled as a student under that Act.
  3. A member of the Law Society of British Columbia or a person enrolled as an articled student.
  4. A registrant of the College of Chiropractors of British Columbia.
  5. A registrant of the College of Dental Surgeons of British Columbia, other than a registrant who is only authorized under the bylaws of that College to use the title "dental therapist".
  6. A professional engineer, professional engineering licensee or engineer in training.
  7. A person licensed as an insurance agent or adjuster.
  8. A practising land surveyor, land surveyor associate or land surveyor in training.
  9. A registrant of the College of Physicians and Surgeons of British Columbia.
  10. A registrant of the College of Naturopathic Physicians of British Columbia.
  11. A registrant of the College of Optometrists of British Columbia.
  12. A registrant of the College of Podiatric Surgeons of British Columbia.
  13. A person licensed under the Real Estate Services Act.
  14. A person registered under section 35 of the Securities Act.
-

15. A registrant of the College of Veterinarians of British Columbia.

16. A professional forester.

### Full Exemption: Junior Ice Hockey Players

If a player on a major junior ice hockey team receives a scholarship from the team or the league of the team, in an amount to, or greater than, the cost of an academic year of a post-secondary educational program in Canada, then the *B.C. Employment Standards Act* does not apply to the player (s 37.16). More information can be found on [Ice Hockey Players, Regulation Part 7, Section 37.16](#)

### Partial Exemptions

Some occupations fall partly outside the *Employment Standards Act*. This means some of the employment conditions apply to these occupations, but others do not. There are some examples listed below.

The Employment Standards Branch of the Government of B.C. provides a detailed commentary on occupations that are **excluded from parts of the Act**:

#### High Technology Professionals

A “High Technology Professional” is excluded from the sections of the Act dealing with hours of work, overtime, and statutory holiday entitlements. More information on High Technology Professionals and related definitions is available under [Exclusions, High Technology Companies - Regulation Part 7, Section 37.8.](#)

#### Silviculture Workers

Silviculture workers (workers involved in reforestation) who are paid “primarily on a piece-rate basis” are excluded from some provisions of the Act dealing with split shifts, hours of work, and overtime; Sections 33, 35, 36(1), 37, 40 and 42(2) of the Act do not apply. More information is available on [Silviculture Workers - Regulation Part 7, Section 37.9.](#)

#### Farm & Fish Workers

Farm workers are excluded from some sections of the Act, such as the statutory holiday entitlements and overtime pay. The Government of B.C. ’s website has more information on [farm workers](#).



## **Commissioned Salespeople**

Workers paid on a commission or incentive basis are excluded from specific sections of the Act, including the overtime requirements; these exclusions include sections 35 and 40 and Part 5 of the Act “on the condition that all wages earned by the employee in a pay period exceed the wages that would be payable under those provisions when calculated at the greater of the employee's base rate or the minimum wage under the Act” ([Section 37.14\(1\), Regulations](#)).

## **Resident Caretakers**

Resident caretakers are excluded from the hours of work and overtime provisions of the Act, for example the requirement for scheduling a set amount of time free from work each week and being protected from excessive hours. More information is available on [Resident Caretakers - Regulation Part 7, Section 35](#).

Other types of industries and workers that are excluded from parts of the Act include oil and gas workers, taxi drivers, truck drivers, and young people (under the age of 15 years old). Information can be found on the Government of B.C.'s website for [specific industries and types of workers](#).

## **Post-Secondary Institution Exemptions**

There are exemptions for certain classes of employment under the [Employment Standards Regulation](#). Exemptions related to students in post-secondary education include:

1. Complete exemption from the Act: a person enrolled as a student under the Chartered Professional Accountants Act or an articulated student under the Legal Profession Act ([Section 31](#)).
2. Exemption from standards of hiring, hours of work, minimum wage, overtime, holidays, leave, vacation or termination: a student in training to be a registered nurse, or a student in training to be a licensed practical nurse, at a hospital as defined in the Hospital Act ([Section 33](#)).
3. Exemption from payment for minimum daily hours: a student enrolled at and employed by a public post-secondary institution or vocational school ([Section 43](#)).

### 6.2.3. Independent and Dependent Contractors

One of the most important factors in determining if a worker is an employee or independent contractor is **who controls and directs the work**. **Independent contractors** have increased control of their daily hours, including performance of their work and equipment. Employers, as per the *ESA*, have “control or direction of an employee”; independent contractors are not covered under the *ESA* and there are also tax implications, as independent contractors are responsible for paying their own taxes.

Another type of worker is the **dependent contractor**; this type of worker falls between the employee and independent contractor -- dependent contractors mainly rely on a single employer for their work. B.C. courts will generally look at the following factors in determining whether a worker is an employee, independent contractor or dependent contractor (Johnson & Thomas, 2020):

- Whether one works primarily for a single employer.
- How much control the employer has over the work and worker.
- Whether the worker relies on tools the employer provides.
- Whether the organization makes deductions from the worker’s pay cheque for items such as income tax and employment insurance.
- Whether the worker has a risk of loss or possibility of profit.
- Whether or not the worker plays an essential role in the business.
- The length of the work relationship; the longer the term of service, the more dependent the worker is considered to be.
- How much the worker and employer rely on and coordinate with each other.

### 6.2.4. B.C. Employment Standards Act: Key Provisions

#### Minimum Wage

All B.C. workers must be paid the minimum wage per hour unless an exemption applies. The B.C. minimum wage is **\$15.20 per hour, as of June 1, 2021**. If an employee’s wage for the hours worked is below the minimum wage, the employer must top-up the payment so it is equivalent to the minimum wage. The types of employees who have different minimum wage rates include Liquor Servers, Live-in Camp Leaders, Live-in Home Support Workers, and Resident Caretakers. (Government of B.C., 2020).



## Hours of Work

### Standard Work Hours

- Standard work hours are eight hours in a day and 40 hours in a week. A week is from Sunday to Saturday (Government of B.C., 2020).
- Standard work hours may be different if an employee is working under an averaging agreement or a variance (Government of B.C., 2020).

### Minimum Daily Hours

- Employees must be scheduled for at least **two hours of work**. They must also be paid if they report to work as scheduled and there is no work for them to do.
- If an employee is scheduled for more than 8 hours, they must be paid for 4 hours (s 34, ESA).

### Overtime Work Hours

- Employees can be required to work overtime. Employees who work more than eight hours in a day or 40 hours in a week must be paid time-and-a-half for overtime hours worked, and double-time for each hour over 12 hours in a day (s 35, ESA).

Section 34 of the *ESA* (Minimum Daily Hours) does **not** apply to a post-secondary student who is enrolled in one of the following bodies and is employed by that body:

- a. A university.
- b. A vocational school.
- c. An institution as defined in the College and Institute Act.
- d. The British Columbia Institute of Technology.

### Meal Breaks

Employees are entitled to a meal break of at least 30 minutes for every five consecutive hours of work. If an employer requires that the employee work or be available during their scheduled meal break, they must count this as time worked.

### Leave from Work and Statutory Holidays

Parts 5, 6 and 7 of the *ESA* set out employees' statutory holiday, leave and annual vacation

entitlements respectively. Employees may be entitled to statutory holiday pay for up to 10 prescribed statutory holidays per year (s 44, BSA), as well as a minimum 2 weeks' annual vacation after 12 consecutive months of employment, and 3 weeks after 5 consecutive years of employment (s 57, ESA).

There are several different types of [job-protected leaves](#) of absence. For instance, employees are able to take a leave of absence because of jury duty or other family responsibilities. The different types of leave of absence include (Government of B.C., 2020):

- [COVID-19 leave.](#)
- [Leave for COVID-19 vaccination.](#)
- Leave respecting domestic or sexual violence.
- Illness or injury leave.
- Family responsibility leave.
- Critical illness or injury leave.
- Compassionate care leave.
- Other job-protected leaves.

### **COVID-19 Related Sickness Benefit**

The B.C. Government recently introduced a new illness or injury leave, mostly in part to protect workers, due to COVID-19. Employees who have worked for their employer for at least 90 days are provided up to three days of paid, job-protected leave each year if they are unable to work (s 49, ESA). This leave is timely given that across B.C. and the country do not have paid sick leave. A 2016 study by U.B.C. found that 35% of Canadian workers cannot do their job from home; more importantly, 58% reported that they do not have any employer-paid sick leave benefits (PWHS, 2020).

In 2020, the Federal Government created a new sickness benefit for those who are either sick or required to self-isolate due to COVID-19. The **Canada Recovery Sickness Benefit (CRSB)** is administered by the Canada Revenue Agency and provides income support to employed and self-employed individuals who are not able to work because they are sick or need to self-isolate due to COVID-19, or who have a greater risk of contracting COVID-19 due to health conditions (Government of Canada, 2021). If eligible, an individual can receive **\$500 for a one-week period (\$450 after taxes withheld)**. For situations that last longer than one week, an individual would have to apply again, up to a total of four weeks between September 27, 2020, and September 25, 2021; the four weeks do not have to be taken continuously (Government of Canada, 2021). More information about who can apply, how to apply, and how much an individual will receive in benefits can be viewed on the [Canada Recovery Sickness Benefit \(CRSB\)](#) page.

## Leave for COVID-19 Vaccination

In addition to paid leave related to COVID-19, a recent amendment to B.C.'s ESA (effective April 19, 2021) entitles employees to **paid leave for up to 3 hours** to be vaccinated against COVID-19 (s 52.13, ESA).

## Training Wages

When training time is considered "work" for the purposes of the Act:

- Employers are **required to pay for the training an employee needs in order to learn how to do their job at the employer's business**. Training directed by the employer, or on the employer's behalf, which is related to performing the employment duties the employee has been hired to do is considered work. For example, an employee must be paid while they are being trained how to do such things as use tools and equipment, follow procedures in the workplace, or assist customers and handle money and other forms of payment (Government of B.C., 2021).

When training time is **not** considered work for the purposes of this Act:

- Training to obtain or maintain a permit, licence, certificate or ticket which enables the holder to seek employment with any number of employers is not considered to be "work". An employer is not required to pay for time spent by an employee to obtain and maintain "portable" permits issued, certified or mandated by the government; examples include obtaining a driver's licence, FoodSafe Certificate or a security guard licence (Government of B.C., 2021).

## On-call Employees

An employee is considered 'on call' if an employer requires them to remain in their own residence to await a call to work; this means that the employee is not considered to be at work. The employee must be paid wages if they are on call and must remain at a specific location, because they are still under the employer's direction and not free to pursue their own interests. Generally, employees' time that is controlled by the employer is paid time; the exception to this rule is when employees are required to remain on call at home (Government of B.C., 2021).



## 6.2.5 Monetary and Non-Monetary Benefits Related to Work-Integrated Learning

As per the Canada Revenue Agency's (CRA) guidelines, gifts to employees are a taxable benefit if they are cash or near-cash. However, CRA has an administrative policy that exempts non-cash gifts from being a taxable benefit in some cases. MAEST would consider a non-cash gift (or award) as a form of compensation, if it falls under CRA rules to be a taxable benefit. If CRA deems the gift (or award) to be a taxable benefit, **this may put the eligibility as an unpaid practicum definition, at risk**; for example, the monetary award could put MAEST's WorkSafeBC coverage at risk. Any gift or award should be reviewed closely, particularly, as it pertains to unpaid practicums, as there are multiple risks including taxation law, health and safety regulations, and employment law. For more information, please see the [CRA guidelines here for rules for gifts and awards](#).

## 6.2.6 Jurisdictional Differences Across Canada

As illustrated by Bowal et al., 2020 in the chart below, **there are significant variations in the labour laws across Canadian provinces**. For instance, many provinces exclude unpaid WIL students from employment conditions based on their classification as a student, a student learner, or due to a professional exemption. Almost all provinces have other exceptions based on sectors. For example in Ontario, an unpaid WIL student is not covered by the Employment Standards Act 2000, based on their classification as "an individual who performs work under a program approved by a college of applied arts and technology or a university" (s 3(5)).

The jurisdictional differences create uncertainty for WIL practitioners and students involved with 'out of province' WIL placements.

WIL students who work in other jurisdictions or who travel to other jurisdictions may be more open to risk if they are not aware of provincial exemptions, which could impact their pay, overtime, statutory holidays and other worker entitlements. This is an area for future research and review so that WIL stakeholders, and in particular students, who travel interprovincially, are aware of potential implications and staff can advise accordingly. The chart by Bowal et al., 2020 provides a useful guide for WIL stakeholders in this situation.

## Regulation Differences Across Canada (Reproduced from Bowal et al., 2020)

SUMMARY OF INTERNSHIP REGULATION ACROSS CANADA				
Jurisdiction	Definition of Internship	Legislation	Relevant Provisions in Regulation	Type of Internship Regulated
<b>British Columbia</b>	On-the-job training that continues to form an employment relationship, requiring minimum wage to be paid unless it meets an exemption under the <i>Regulations</i> for a school program or professional training.	<a href="#">Employment Standards Act</a> <a href="#">Regulation</a>	Sections 31 and 32(1)	- Professional - School program - Major junior hockey players
<b>Alberta</b>	Individuals working to fulfill a requirement of their school program are exempt from being paid minimum wage. The Part II exemptions of the Regulation also preclude members or those in training in professional fields like law, accounting, optometry and medicine from specific employment standards like minimum wage, hours of work and overtime pay.	<a href="#">Employment Standards Code</a> <a href="#">Regulation</a>	Sections 1 (exemptions) and 8 (minimum wage)	- Professional - School program
<b>Saskatchewan</b>	A person whom an employer permits, directly or indirectly, to perform work or services normally performed by an employee, or a person being trained by an employee for the employer's business.	<a href="#">Saskatchewan Employment Act</a> <a href="#">Regulation</a>	Section 2(2)	- School program - General
<b>Manitoba</b>	The <i>Code</i> does not apply to employees who: (1) work as volunteers for charitable or political organizations, (2) work as beneficiaries under rehabilitation or therapeutic plans or projects, (3) are given training or work experience for a limited time through a program implemented or approved by a provincial or federal government authority, or school board under the <a href="#">Public Schools Act</a> .	<a href="#">Employment Standards Code</a> <a href="#">Regulation</a>	Sections 2 and 2.1	- School program - Volunteers - Major junior hockey players
<b>Ontario</b>	Under the Act, an intern is appropriately classified as an employee if the individual receives training from a person who is an employer when the purpose of the training is for the individual to perform work completed by employees at the organization.	<a href="#">Employment Standards Act</a> <a href="#">Exemptions, Special Rules and Establishment of Minimum Wage</a>	Section 1(2)	- Professional - School program
<b>Quebec</b>	The Regulation expresses that minimum wage established in Division II does not apply to students employed in a non-profit organization having social or community purposes, such as a vacation camp, recreational organizations, or a trainee under a programme of vocational training recognized by law.	<a href="#">Act Respecting Labour Standards</a> <a href="#">Regulation</a>	Sections 3(5) and 3(5.1)	- School program - Athlete
<b>Newfoundland and Labrador</b>	Employee is defined as a person working under a contract of service for an employer. The definition of contract of service excludes a contract entered into by an employee qualified in or training for qualification in and working for an employer in the practice of (i) accountancy, architecture, law, medicine, pharmacy, professional engineering, surveying, teaching, veterinary science, and (ii) other professions and occupations that may be prescribed.	<a href="#">Labour Standards Act</a>	Section 2(b)	- Professional
<b>New Brunswick</b>	Athletes are exempted from employment standards under the Act. Professionals are exempt from the Public Holiday's section of the Act.	<a href="#">Employment Standards Act</a> <a href="#">Regulation</a>	Sections 2.1 and 3(1)	- Professional - Athlete
<b>Prince Edward Island</b>	It is unclear whether an intern is properly classified as an employee. Athletes, while engaged in activities related to their athletic endeavors, are exempt from pay and notice for termination provisions of the Act.	<a href="#">Employment Standards Act</a> <a href="#">Regulation</a>	Section 2	- Athlete
<b>Nova Scotia</b>	Interns that are properly categorized under the professional or apprenticeship exemptions can legally be unpaid.	<a href="#">Labour Standards Code</a> <a href="#">Regulation</a>	Section 2(2)	- Professional - School program
<b>Yukon</b>	If the internship entails the individual being trained by the employer for the company's business, the individual is appropriately classified as an employee.	<a href="#">Employment Standards Act</a> <a href="#">Regulation</a>	Section 2	- General
<b>Northwest Territories</b>	Unpaid internships are illegal unless the individual is a student who, as part of their curriculum, is employed in a work program.	<a href="#">Employment Standards Act</a> <a href="#">Regulation</a>	Sections 3 and 3.1	- School program
<b>Nunavut</b>	Students who are undertaking a work experience program as part of their school curriculum are exempt from minimum wage standards under the Act.	<a href="#">Labour Standards Act</a> <a href="#">Regulation</a>	Section 2	- School program
<b>Federal</b>	Part II of the <i>Code</i> does not apply to internships undertaken to meet formal education requirements. Section 167(1) precludes employers from treating employees as if they were not their employees, intending to avoid obligations concerning the labour standards outlined in Part III of the <i>Code</i> .	<a href="#">Canadian Labour Code</a>	Sections 167(1) and (2); Part III (Employment Standards)	- School program - General

## Stakeholder Interviews

Through our interviews, the main issues identified relevant to employment conditions include:

- 1. Illegal or unsafe working conditions.**
- 2. Contracts and agreements.**
- 3. Layoffs and termination.**
- 4. Accessibility and inclusion issues.**
- 5. Jurisdictional concerns.**

### 1. Illegal or Unsafe Conditions

Unsafe, unfair or illegal conditions may be underreported, as students may not be aware of their employment rights or are too scared to speak up. When these concerns are raised, WIL staff and faculty need to be informed of the laws and responsibilities of that particular sector so they can best mediate the situation. All stakeholders require greater awareness, education and training related to employment standards regulations, both provincially and federally.

Some students in a paid WIL experience have reported not being paid or paid below the minimum wage, which is a breach of law in B.C. Additionally, it appears there is confusion as to which WIL experiences count as 'work' and must be paid according to B.C.'s Employment Standards Act. As discussed in **WIL Definitions (Section 1)**, there is ambiguity between various regulatory bodies which further complicates what is defined as "work".

Working remotely may also add another layer of complexity when determining students' employment conditions, as the place of employment may be in a different jurisdiction than the supervisor and/or employer. Interviewees had concerns regarding whether the conditions are optimal for the student working at home; particularly how PSI's can ensure safe and equitable conditions as supervision has shifted away from in-person interactions.

### 2. Contracts and Agreements

With a lack of formal agreements in many cases, particularly in paid WIL experiences, there have been misunderstandings between employers, institutions, and students. Without a formal employment contract among parties, there are potential issues related to expectations and miscommunication can occur. It was very clear in the interviews that unpaid WIL experiences generally have very solid and lengthy contracts that set clear expectations; paid WIL experiences and contracts between the student and employer varied, as did contracts between employers and PSI's regarding expectations. Further work in this area could be conducted so there is greater consistency and expectations are clear amongst students and partners.



With respect to intellectual property, all stakeholders should be aware of their rights are when it comes to ownership and who, explicitly, owns the material. For instance, some employers may want to have copyright control over students' work, which is an area of concern for students. Contracts between employers and students regarding intellectual property should balance both parties' needs. Potential contracts need to clearly state who owns the intellectual property. A concern that was addressed in the interviews was that there was no clear process or standard of practice when handling this particular issue, and it was only addressed when there was a problem.

### **3. Layoffs and Termination**

Particularly during COVID-19, there have been many more cases of temporary lay-offs, and associated concerns about the rights of students. Immediate termination of contracts and students being laid off pose legal issues. Students were advised to maintain registration in courses as backup plans and made aware of all of the possible issues in order to mitigate risk in these situations.

*“COVID-19 uncertainties and new situations really put this issue at the forefront - our program is unfamiliar with temporary layoffs - so how to support students and employers, in addition to working remotely, has been a huge challenge” (Anonymous participant, 2020).*

For international students, the next steps may be more complicated, as practitioners were unsure of how to advise students in situations where they were laid off at the start of the work term and many of these students were not sure if being laid off impacted their permits or immigration status in Canada.

### **4. Accessibility and Inclusion**

Many interviewees stated that students face barriers when it comes to the workplace and understanding of fair hiring practices. Accommodations need to be made for students with disabilities, however some students are reluctant to disclose disabilities or other issues they have, to WIL staff or the host organization, since they fear being discriminated against. Likewise, if the student doesn't disclose and they enter the workplace and have challenges, there could potentially be other issues such as physical harm to clients and staff, discrimination claims, and students being exposed to risk of harm. A number of interviewees were not clear on the process regarding how students can ask for accommodations, at which stage of the hiring process the issue of accommodations be raised and what their role as practitioner, coordinator, or faculty member, should be with respect to accommodations.

As one interview participant stated:

*“How do we make accommodations for a specific student? How can we educate our employers? It would be great to have a source for employers on how to support students with accessibility needs. We also need to support students when and if they are targeted in the host environment” (Anonymous participant, 2020).*

International students may also face barriers when it comes to accessibility and inclusion. For domestic students who travel abroad, there are concerns about discrimination and persecution in countries that are not open and friendly to the LGBTQIA community or other minorities. Furthermore, international students studying in B.C. may face cultural barriers in addition to not being aware of British Columbian or Canadian law; these students in particular may be in situations that are uncomfortable and potentially conflict with employment standards in their home country.

We will be discussing accessibility issues, human rights concerns and international students in upcoming sections.

## **5. Jurisdictional Concerns**

Many participants expressed concern about jurisdictional differences and were unclear about the steps they should take to support students in different locations across the country and the world. For instance, international WIL experiences may not be aligned with Canadian employment conditions, and that could pose legal risks in the international jurisdiction. Moreover, employment standards law may be different from Canadian employment law, as different countries may not have minimum employment standards in place like Canada.

A participant stated their concerns:

*“How do we support international WIL experiences when they are not aligned with Canadian standards?”  
(Anonymous participant, 2020)*

There are also jurisdictional concerns across provinces, as employment standards and regulations are different across the country. For instance, students in WIL programs may be exempt from employment standards law in some provinces but not others, as outlined previously in this section.



## Recommendations

### 1. Staff and faculty require education and training surrounding the B.C. Employment Standards Act in relation to their WIL Program.

Ongoing training regarding Employment Standards, including the *B.C. Employment Standards Act* and its regulations, particularly, the regulations that impact WIL students, as outlined in this section. Education about standards may include hours of work, minimum wage, exemptions, and leave entitlements, as well as differences in employment standards in other provinces.

### 2. Training and education for staff regarding the *Canada Labour Code*.

Education and training on the *Canada Labour Code* as it pertains to WIL students. This includes educating practitioners about the new regulations that extend some of the employment conditions enjoyed by paid WIL students (being employees) to unpaid WIL students: [Standards for Work-Integrated Learning Activities Regulations](#).

### 3. Education and training related to jurisdictional exemptions and related issues.

There are many differences across provinces in terms of their Employment Standards and legislation for workers and interns, including when the laws apply to WIL students or not. Depending on the province, interns might be excluded from Employment Standards. It is recommended that this issue is reviewed further, as there are many levels of legislation that need to be investigated.

### 4. Continued development of best practices and documentation for WIL stakeholders.

#### **Students:**

Evaluating the WIL experience, learn about B.C. ESA law, how to disclose a potential disability, scenario-based training to manage risks.

#### **Supervisors/Employers:**

Evaluating the WIL experience, being aware of B.C. ESA law (i.e. improve the legal literacy of supervisors and employers), how to support students when they ask for a particular accommodation.

### 5. Ensure a system is in place for non-compliant host organizations/employers.

Host organizations must follow the *Employment Standards Act* and abide by jurisdictional laws and regulations. It could be made clear in all communication to host organizations that failure to abide by the ESA Act, will result in a potential discontinuation of the partnership. An internal system within each PSI would be helpful in order to 'flag' risky employers/hosts, that are not supportive learning partners.

## 6. Legal clarity as to the labour rights of unpaid WIL students under the ESA.

There is uncertainty as to whether some or all of the labour rights enjoyed by employees (which includes paid WIL students) with respect to employment conditions are extended to unpaid WIL students. Currently, unpaid WIL students in federally regulated workplaces receive some employment conditions, whereas under B.C. Law, the Government of B.C. has suggested, through non-binding policy interpretation, that unpaid WIL students may be excluded from all employment conditions. In fact the Government of B.C. makes it clear that their [guide to the ESA and Regulation](#) is “not a legal document and should not be used as a substitute for legal counsel”. Legal clarity, for example through specific regulation of WIL under the ESA, would assist WIL stakeholders in the delivery of WIL experiences.



### **Resources:**

[B.C. Employment Standards Act](#)

[CRA: Gifts, Awards, and Social Events](#)

[The Canadian Intern Rights Guide](#)

[Federal Labour Standards for Interns](#)





### 6.3. Student Access to WIL

Student access to WIL poses potential legal risks, for both institutions and employers, and students themselves are at risk of being unable to secure an appropriate WIL placement. For Canadians with a disability, 12% reported that they have been refused a job because of their condition, and the number is even higher, at 33% among Canadians with a disability aged 25 to 64 (Statistics Canada, 2015). Graduates with a disability were less likely to hold a management position and earned less than those without a disability, especially among males (Statistics Canada, 2015). International students and students from different cultural backgrounds may have trouble finding WIL positions due to cultural differences, language barriers, communication challenges, and lack of support. From the stakeholder interviews, WIL students face barriers ranging from having various disabilities, both visible and invisible, along with other health conditions. Financial and cultural barriers were also noted as key issues. Students who are financially struggling may not partake in WIL due to costs and associated fees. There are federal and provincial laws in place to ensure individuals have appropriate access to opportunities and the laws are dependent upon whether the employer's jurisdiction is regulated provincially or federally.

In defining **access**, we are using the following definition:



“...all people can take part in their communities through work, play and other daily activities” (Government of B.C., 2021).

Disabilities can be both visible and invisible. Examples of invisible disabilities include chronic pain, mental illness, fibromyalgia, and other disabilities. One of the greatest barriers facing students is an invisible disability -- mental health. Mental health was also revealed in **Literature Review (Section 2)**, and the vast majority of post-secondary students note this as a health issue. In a research report by CASA, over 70% of post-secondary respondents reported they have felt stressed, anxious, or isolated due to the COVID-19 pandemic. 82% reported worry about their futures beyond the pandemic and students are generally reporting more stress about various issues including their finances, and future. Many counselling and mental health services are currently overwhelmed, leading to long wait times for students in need. According to the Canadian Association for Mental Health, 40% of people with depression or anxiety will not seek help due to stigma (CAMH, 2021).

**Stigma** is when someone **sees** an individual in a negative way due to their mental illness.

**Discrimination** is when an individual is **treated** in a negative way due to their mental illness. (Better Health Channel, 2015)



## Accessible Canada Act: Federally Regulated Industries

The federal government introduced Bill C-81, an Act to ensure a barrier-free Canada (the *Accessible Canada Act*), on June 20, 2018 which came into effect on July 11, 2019. The [Accessible Canada Act](#) builds on other human rights related frameworks to create equity for those with disabilities including a systemic approach for identifying, removing, and preventing barriers. The Act applies to all [federally regulated industries](#) and its goal is to make Canada barrier-free by January 1, 2040.

The following areas are priorities:

- Employment.
- The built environment (buildings and public spaces).
- Information and communication technologies.
- Communication, other than information and communication technologies.
- The procurement of goods, services and facilities.
- The design and delivery of programs and services.
- Transportation (airlines, as well as rail, road and marine transportation providers that cross provincial or international borders).

The Act will ensure that communication includes the use of:

- American Sign Language;
- Quebec Sign Language (Langue des signes québécoise), and
- Indigenous sign languages.

The Act recognizes these sign languages as the primary languages of Deaf people in Canada and requires that federally regulated organizations do the following (Government of Canada, 2020):

### **1. Prepare and publish accessibility plans.**

- Make accessibility plans to identify, remove and prevent barriers in the priority areas in their:
  - a. Policies
  - b. Programs
  - c. Practices
  - d. Services
- Update their plans every 3 years or as specified in regulations, and
- Consult people with disabilities when creating and updating their plans.

### **2. Set up a feedback process.**

- Have a way to receive and deal with feedback about their accessibility.

### **3. Prepare and publish progress reports.**

- Make regular progress reports that describe the actions the organization has taken to implement their accessibility plans.
- Include information in their reports on feedback received and how the organization took the feedback into consideration.
- Consult people with disabilities when preparing their reports.

## **Proposed Accessibility Legislation for B.C.**

The B.C. government undertook extensive community consultative steps in the Fall 2019, to connect with organizations and individuals, regarding accessibility legislation. In fact, approximately 25% of B.C.'s population over the age of 15 have some form of disability (Government of Canada, 2020). Proposed accessibility legislation aims to remove barriers for those with disabilities.

The current plan to this proposed accessibility legislation is as follows:

1. The Minister of Social Development and Poverty Reduction will appoint a Committee to assist in developing Accessibility Standards.
2. The Committee is intended to be named the Provincial Accessibility Committee.
  - a. At least 50% of the members will be people with disabilities.
  - b. The Provincial Accessibility Committee must speak with the following groups when creating Accessibility Standards:
    - i. People with disabilities.
    - ii. People and organizations that support people with disabilities.
    - iii. Indigenous Peoples (First Nation, Métis, and Inuit).
    - iv. Organizations that may be impacted by the standard.
    - v. B.C. Government Ministries that may be impacted by the standard.

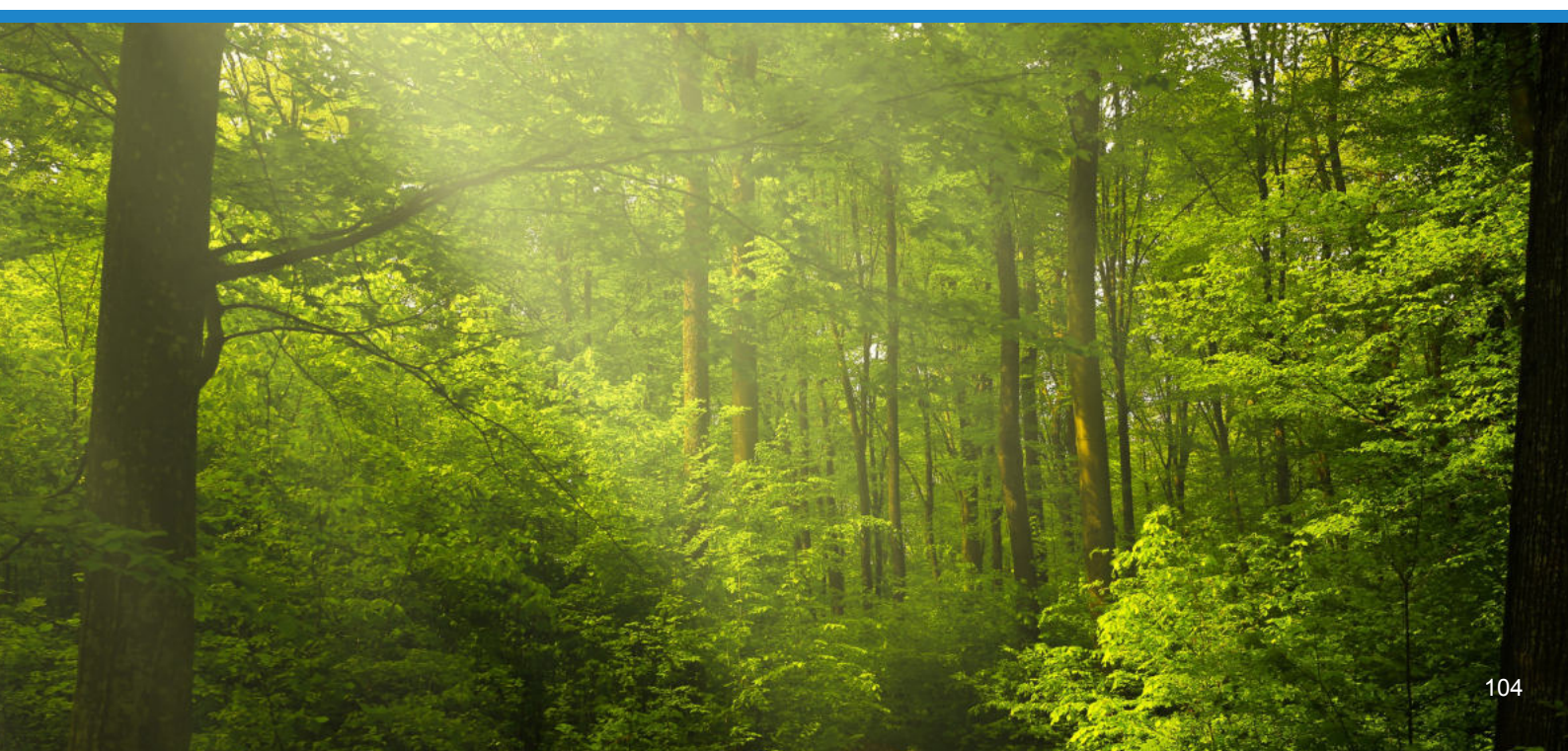
3. Accessibility Standards will outline the rules organizations must follow to remove disability barriers, including, but not limited to:

- Employment.
- Service delivery (getting goods, services or programs).
- Built environment (buildings, places, and spaces).
- Information and communication.
- Transportation (buses, trains, etc.).
- Health.
- Education (all levels).
- Procurement (buying services).

If the legislation is passed, and organizations do not abide by the new accessibility law, they may be fined by the government. Further information on the proposed Accessibility Legislation can be found [here](#).

### Accommodations & the B.C. Human Rights Code

Currently, under the [B.C. Human Rights Code](#), employers cannot discriminate against people with disabilities, and employers must provide **reasonable accommodations**. It is important that students know their rights in the workplace and the steps required to disclose their disability and request accommodation. The *B.C. Human Rights Code*, *Occupational Health and Safety Regulation*, *B.C. Employment Standards Act*, and *B.C.'s Office of the Human Rights Commissioner* are in place to protect employees and ensure fair treatment. Employers need to make reasonable accommodations in the workplace to allow individuals with disabilities to be able to perform their duties. For instance, employers can make accommodations, such as arranging flexible work schedules and ensuring a quiet and comfortable working station.



A key issue is whether the human rights protections extend to unpaid WIL students. The *B.C. Human Rights Code* does not specifically define ‘employment’ to include students completing ‘unpaid work’ or work as part of an education program. Notwithstanding this, it appears that ‘employment’ is interpreted broadly to include ‘work’ of an unpaid WIL student. Recently, [B.C.’s Office of the Human Rights Commissioner](#) has stated that:

“The right to be free from discrimination in employment under the *B.C. Human Rights Code* includes full-time and part-time work, volunteer work, student internships, special employment programs, probationary employment and temporary or contract work” (BCOHRC, 2020).



Employers are obligated to make accommodations before and during the WIL experience. If known at the job interview stage, employers are required to make accommodations that can help potential employees with a disability; these accommodations could include providing interview questions in advance or implementing other communication methods. There are certain interview questions that employers are prohibited from asking, by law; these are established by the *Human Rights Commission*. For example, the law prohibits employers from asking questions about disabilities, medical conditions, and other discriminatory topics. If the candidate has already disclosed the disability to the employer, the employer may ask what kind of accommodations are required. If accommodations are required, then the candidate must disclose the type of disability to the potential employer.

All employers have a **duty to accommodate** employees with disabilities, up to a point of undue hardship.

**Undue hardship** means that reasonable accommodations are substantial or disruptive to the business or employer, which would exhaust an employer's duty to accommodate.



The relevant factors that may be considered when assessing an employer's duty to accommodate an employee to the point of undue hardship include (go2HR, 2016):

- The financial cost of the possible method of accommodation.
- The disruption of operations.
- The relative changeability of the workforce and facilities.
- The prospect of substantial interference with the rights of other employees.
- The impact on a collective agreement.
- Any other health and safety concerns.

Exceptions to accommodations would require employers to prove that the specific job or requirement is a [bona fide occupational requirement \(BFOR\)](#). In this case, employers do not have to accommodate for a disability.



## Mental Health Challenges

As stated in the handbook, [Post-Secondary Student Mental Health: Guide to a Systemic Approach](#), by the Canadian Mental Health Association, students' mental health is essential to their academic success and throughout all aspects of their lives. Discussions around mental health in WIL are important and students should be encouraged to address their mental health issues and participate in these discussions to maintain their well-being.

In B.C., there are free mental health and counselling services available to post-secondary students. In April 2020, the B.C. government launched [Here2Talk](#), a 24/7 free mental health service; all post-secondary students across the province can access chat sessions or call clinical counsellors; the counsellors can also refer students to local resources. Here2Talk is an additional support for students on top of support they can find either in the community or on-campus. [MySSP](#) is another useful health counselling resource with 24/7 support through instant messaging, chat and phone. There are other virtual mental health supports available through the [Ministry of Mental Health and Addictions' website](#) (MAEST, 2020).

## Stakeholder Interviews

The main issues identified in our interviews regarding student access to WIL were:

1. **Disabilities and health conditions**, particularly mental health;
2. **Equal opportunity to WIL**, both culturally and financially; and
3. Understanding amongst stakeholders regarding **accommodation requests**.

As with the preceding issues, staff and faculty training regarding steps to take in terms of student disclosure, legislative awareness and best practices regarding accessibility, was at the forefront of the conversation. Further, there is a perceived lack of staff support while working with students with a disability, as more one-on-one time and advising is often required, and many interviewees noted that this can be problematic due to existing work demands. Consequently, students may suffer from the lack of resources.

### 1. Disabilities & Health Conditions

For many students with disabilities and other health conditions, WIL can be difficult to access without accommodations. There also appears to be quite a difference in levels of other supports for accommodations among industry sectors. Some employers are reluctant to accommodate students with disabilities, provide poor accommodations or state they are uncomfortable accepting students with disabilities. Other employers do not want to accommodate students with disabilities as they fear that there are additional costs and time involved, particularly as many WIL experiences may be short-

term in nature. In particular, healthcare settings (e.g. hospitals), with set schedules and limited flexibility, appear to be especially challenging for those with accessibility challenges, as outlined below:

***“Ironically, it has been very challenging to get students into health care related practicums, such as nursing...there has been a lot of push back and employers don’t seem to understand how they can accommodate these students” (Anonymous participant, 2020)***

From the interviews, students with disabilities have reported unpleasant experiences in WIL arising from a lack of accommodations. The issues may include: accessibility in the work environment, lack of assistive technology, pain, discomfort, health problems, and sensory and communication barriers. Students may not come forward because they fear of discrimination and stigma with disclosure; fear being treated negatively; worry about repercussions, and feeling misunderstood.

Students also experienced challenges securing certain co-op positions, which require a dedicated co-op employer who is willing to accommodate and support the student with a disability. Even though employers have the duty to accommodate employees, it is difficult for many employers to properly accommodate some students, and therefore the WIL experience may not proceed as planned. Finally, mental health is an issue that almost all interviewees noted their students struggle with; this is a real challenge and there remains a stigma related to disclosing mental health issues. The method and manner of disclosing disability to a potential employer is daunting for many students.

Interviewees noted a lack of staffing, as many students with disabilities need more one-on-one support. Participants also stated that securing an international WIL experience for a student with a disability is a greater challenge due to cultural values and/or cost factors involved. Interview participants also described a lack of awareness by employers in terms of their responsibilities or expectations if a student needs to be accommodated.

***“There are real issues specific to students with disabilities...inaccessibility of the built environment, lack of assistive technology, pain, discomfort, health problems, mental health concerns, including sensory and communication barriers. There is also a fear of discrimination and stereotypes with disclosure” (Anonymous participant, 2020).***

## 2. Disclosure & Accommodations

Many interview participants were unclear about what kind of support is required when students ask for accommodation in the workplace. If students face an issue, depending on the type of WIL, participants are unsure of best practices. For example, with an unpaid practicum, practitioners were unclear if they need to inform the Ministry of Advanced Education and Skills Training (MAEST).

It would also be helpful if there were clear expectations for employers, from the start of the WIL experience, that they must abide by human rights law as part of the partnership with PSI's. Currently each PSI may or may not communicate this to stakeholders, which is problematic and leaves a gap in terms of risk management.

Disabilities do not have to be disclosed to a potential employer if it does not affect one's ability to complete the work. However, it is necessary to disclose a disability and inform the employer if one needs accommodations. Disclosure is a process of several steps:

1. Make decisions on whether to disclose the disability.
2. Reflect on when and how to disclose.
3. Work with the employer to create an accommodation plan.
4. Ensure consistent communication with the employer (SFU, n.d.).

There is also no requirement to explain the exact diagnosis of the disability to the employer. More information about disclosure can be accessed [here](#).

## 3. Financial Barriers

Students report that they face financial barriers to WIL. For many students, WIL is a luxury, as they are not able to participate if it is unpaid or minimum wage. Additionally, there is the cost of associated fees such as potential relocation costs, application and registration fees, commuting costs and clothing or equipment.

International students may pay additional fees; examples include health care fees (Medical Services Plan), medical exams and higher WIL application and registration fees. For example, at one PSI in the province, the co-op workshop course tuition and fee is **355% higher than for domestic students** (KPU, 2020).

In January 2020, the B.C. Government **doubled international students' Medical Services Plan (MSP) fee** from \$37.50/month to \$75/month. International students with a study permit, valid for

6 months, are required to apply for this coverage as soon as they arrive in B.C. (Government of B.C., 2021). When international students plan to stay in Canada for 6 months or more and are applying for certain types of positions, they may be required to complete a medical exam, which can cost between \$250 and \$450 (Government of Canada, 2021). More information regarding medical exams will be discussed in **International Students (Section 6.5)**.

Although WIL offers multiple benefits to students, it often prolongs their graduation. Students may work part-time while pursuing their academic studies and this may extend their graduation, which increases their educational and living costs. Work-related expenses and unexpected costs that generate additional debt are of most concern for students. These financial barriers may significantly impact low-income students, who may be unable to financially support themselves when partaking in WIL. If parental or family financial support is not available, low-income students may decide not to participate in WIL.

International students, in particular, may be impacted as they need to complete their degree requirements in a set time frame due to work and study permits. For example, international students may experience delays in obtaining work permits, biometrics, and medical exams in addition to needing further time to secure a WIL experience.



#### 4. Equity in Access

Some students do not receive equal access in learning about potential WIL opportunities. Interviewees stated that there are instances, particularly in academia, when many students will not even hear about potential opportunities as students are ‘hand-picked’:

*“We have heard from many students that research-oriented WIL experiences often aren’t posted publicly in the same way as other WIL experiences. Oftentimes, students are “tapped” by faculty members due to volunteering in labs or having high GPAs in courses. We have made some considerable strides in our promotional efforts ...and try to position our research WIL experiences alongside our work terms in terms of competitive compensation or subsidy” (Anonymous participant, 2020).*

#### 5. Cultural Barriers

Employers need to build awareness in terms of cultural, equity, diversity, and inclusion issues. For Indigenous People, international students in B.C., and domestic students working abroad, cultural barriers may impact student accessibility to WIL experiences. These student groups may face social and psychological challenges, especially if they are exposed to a new environment with minimal support. For instance, international students may face language and workplace culture barriers. Also, there are concerns about cultural differences and misunderstandings involving communication.

*“International students have little time to learn what Canadian culture is, while many employers are still quite unaware and have certain perceptions of the skill set that international students bring to the workplace” (Anonymous participant, 2020).*

Further barriers and challenges of international students in WIL will be further discussed in the upcoming section, **International Students (Section 6.5)**.





## Recommendations

### 1. WIL Staff and faculty require training regarding accessibility issues.

- a. Topics may include: The proposed accessibility legislation, *B.C. Human Rights Code*, undue hardship, and how to assist students who want to disclose their disability and/or request accommodation.
- b. Resources that can encourage students to disclose their disability. These resources could be produced as a collaboration with disability and equity service divisions at the Post-Secondary Institution.

### 2. Educate employers regarding accessibility regulations, diversity and inclusion issues.

- a. Inform employers about accessibility issues, how to accommodate, and the benefits of hiring and working with a diverse group of students.

### 3. Educate students regarding accessibility regulations, diversity and inclusion issues.

- a. Provide resources to students about accessibility issues, including how to disclose a potential disability and their legal rights.

### 4. WIL programs require a dedicated Accessibility Coordinator or point person at their PSI in order to work one-on-one with students.

- a. Many PSI's noted that they were lacking in both time and knowledge regarding this issue and required more support. This coordinator could work with dedicated staff in the PSI's disability and equity division to build capacity and expertise.

### 5. Continue to provide mental health support to all post-secondary students.

- a. Inform WIL partners, along with students, that these supports are there for students when needed, as the supervisor often sees the student more frequently than other WIL staff during the WIL experience.

### 6. WIL Programs could be more proactive, as opposed to reactive.

- a. Many interview participants stated that they were reactive and not proactive on the issue of accessibility for students with a disability or medical condition. The reasons for their reactive response included not being aware of steps involved in assisting these students and lack of resources.
  - i. WIL programs could supply information on best practices to ensure that stakeholders have pertinent information and support in place prior to a WIL experience.

**7. WIL Programs could collaborate and integrate further with their PSI's dedicated Accessible Learning Centre.**

- a. Academic courses are aligned with PSI's Accessible Learning Centre. Students who are registered with the Accessible Learning Centre are 'flagged' for course instructors. Non-academic courses and WIL programs are not currently all aligned as such, registered WIL students could be better identified so that WIL practitioners can best support the student.

**8. Provide ongoing and consistent Accessibility Resources support to students during a WIL experience, irrespective of location and type of WIL.**

- a. Some PSI's exclude students who are on a WIL experience from receiving support because they are not physically located on-campus.

**9. Provide financial support to students who want to participate in WIL, which includes indigenous, domestic and international students.**

- a. Bursaries and other forms of financial assistance could be available to students who face financial hardship and who can demonstrate a need for additional financial support to undertake WIL.
  - i. International students on Work Permits have especially been impacted due to federal funding eligibility requirements that exclude them.
    - 1. COVID-19, industry shut-downs and the increase in business financial assistance have impaired the British Columbian economy and many organizations have relied on these funding grants such as the Student Work Placement Program (SWPP).

**10. Encourage universal design principles within WIL experiences.**

- a. Some common elements that could be implemented in WIL programs based on Universal Design for Learning principles include (Posey, 2021):
  - i. All learners know the goal.
  - ii. Intentional, flexible options.
  - iii. Student access to resources from the start of their WIL experience.
  - iv. Students build and internalize their own learning.



**Resources:**

[B.C. Human Rights Code](#)

[Supports and Services for Disabilities \(B.C.\)](#)

[B.C. Office of the Human Rights Commissioner](#)

[SFU Accessibility Resources](#)

[Here2Talk](#)

[Proposed B.C. Accessibility Legislation](#)

[Universal Design for Learning](#)





## 6.4. Human Rights

There are **30 human rights** as outlined in the [United Nations Universal Declaration of Human Rights](#). In Canada, both the [Canadian Human Rights Act](#) and the [Canadian Charter of Rights and Freedoms](#) prescribe human rights protections. The *Canadian Human Rights Act* and the *Canada Labour Code* protects those working for federally regulated employers, including paid and unpaid WIL students, from harassment and discrimination. The Charter, which applies to government actions (e.g. policies, laws and decisions):

*“...protects every Canadian’s right to be treated equally under the law”*  
(Canadian Human Rights Commission, 2020).

In B.C. employers that are not in federally regulated industries are bound by the [B.C. Human Rights Code](#).

Protection from harassment in the workplace is a fundamental human right. According to the 2016 General Social Survey on Canadians at Work and Home, 19% of women and 13% of men reported that they experienced some form of harassment, including sexual harassment, in the past year; in B.C. reported harassment was 15.7% and 15.6% respectively. Moreover, reported workplace harassment (including sexual harassment) for homosexual or bisexual individuals was 22.9%, compared to individuals with a heterosexual orientation at 15.6% (Moyser & Hango, 2018). Workplace harassment includes verbal abuse, humiliating behaviour, threats, physical violence, and unwanted sexual attention or sexual harassment.

**Health occupations and union environments** were the areas most impacted by harassment; 23% of those with mobility limitations reported harassment behaviour (Moyser & Hango, 2018). More widespread harassment was reported in the Harassment and Sexual Violence in the Workplace study (2017), where **60% of respondents experienced harassment, violence or sexual harassment in the workplace** in the past two years; this study encompassed an online survey and stakeholder consultations (Government of Canada, 2021).



## Definitions and Legislation

<b>Human Rights</b>	Universal rights based on simply being human (for example, the right to equality).
<b>Civil Liberties</b>	Rights and freedoms of individuals that protect them against the actions of the state or country (for example, freedom of association).
<b>B.C. Human Rights Code</b>	Provincial legislation that identifies, prohibits and remedies discriminatory treatment. The discrimination is limited to areas such as employment, the provision of services and tenancy.
<b>Canadian Charter of Rights and Freedoms</b>	The part of the Canadian constitution that outlines the rights of all people in Canada.
<b>International Human Rights Treaties</b>	Agreements entered into by countries that define and uphold universal human rights.
<b>Indian Act</b>	Outlines the federal government's obligations to Indigenous Peoples and pertains to people with <a href="#">Indian Status</a> .

(B.C.'s Office of the Human Rights Commissioner, 2021)

### 6.4.1. Federal Legislation

There are a number of federal laws in place to protect Canadians' human rights and many of these laws protect those in [federally regulated industries](#), such as banking, Crown corporations, air transportation, and telecommunications.

According to the *Canadian Human Rights Act*, discrimination is:



*“an action or a decision that treats a person or a group badly for reasons such as their race, age or disability.”*

It is illegal for federally regulated employers and services to discriminate under the *Canadian Human Rights Act* (Section 3) based on the following grounds (Canadian Human Rights Commission, 2010):

- Race
- National or Ethnic Origin
- Colour
- Religion
- Age
- Sex
- Sexual Orientation
- Gender Identity
- Expression of Marital Status
- Family Status
- Disability
- Genetic Characteristics

Recently, both the [\*Act to amend the Canada Labour Code \(harassment and violence\), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1 \(Bill C-65\)\*](#) and the [\*Work Place Harassment and Violence Prevention Regulations\*](#), which came into effect on January 1, 2021, strengthen the health and safety of workers in federally regulated workplaces by putting in place a regime under the Canada Labour Code that prohibits harassment and violence in the workplace, including sexual harassment and violence. This legislation applies to the federally regulated private sector, federal public service and Parliament.

Further, the [\*Standards for Work-Integrated Learning Activities Regulation\*](#), which took effect on September 1, 2020, extends the protections against harassment and violence under the *Canada Labour Code* to unpaid and paid WIL students. More information regarding the *Standards for Work-Integrated Learning Activities Regulation* can be found in **WIL Definitions (Section 1)**.

In terms of employment equity, the [\*Regulations Amending the Employment Equity Regulations\*](#) support the introduction of new pay transparency measures in federally regulated private-sector workplaces. With the leadership of employers, the expectation is that there will be an increase in pay transparency to help reduce wage gaps, improve equality in the workplace and lead to better outcomes for employees.



These measures aim to address wage gaps experienced within the following groups:

- Women.
- Indigenous Peoples.
- Persons with disabilities.
- Members of visible minorities.

#### 6.4.2. B.C. Human Rights Laws & Support Systems

The *B.C. Human Rights Code* is a provincial law created to **ensure equality and prevent discrimination** in areas such as employment, services, and housing. The Code's purpose is to prevent **discrimination** based on protected grounds which include:



*“race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, political belief or conviction of a criminal or summary conviction offence unrelated to their employment”*  
(Government of B.C., 2017).

The *B.C. Human Rights Code* protects employees from discrimination and harassment in the workplace. **Harassment** is defined as:



*“upsetting behaviour or comments that ought to reasonably be known as offensive or unwelcome”* (Government of B.C., 2017).

Under the *B.C. Human Rights Code*, ‘employment’ includes:



*“the relationship of master and servant, master and apprentice and principal and agent, if a substantial part of the agent's services relate to the affairs of one principal, and “employ” has a corresponding meaning”* (B.C. Human Rights Code, 1996).

Employment has been interpreted broadly by B.C. courts to include unpaid work, such as volunteering (*Vancouver Rape Relief Society v. Nixon*, 2005 BCCA 601), which strongly suggests that unpaid WIL students would also be covered by the *B.C. Human Rights Code*.

Under the Code, prohibited conduct may be “verbal, non-verbal, physical, deliberate or unintended, unsolicited or unwelcome, as determined by a reasonable person” (Government of Canada, 2017); depending on the context, it may be one incident or multiple incidents.

According to *The B.C. Human Rights Code*, harassment includes, but is not limited to (Government of B.C., 2017):

- Actions or comments that are directed at no person in particular but that create an intimidating, demeaning or offensive work environment.
- Any objectionable comment, act or display that demeans, belittles, compromises or causes personal humiliation or embarrassment and any act of intimidation or threat.
- Offensive behaviour.

The **three systems** that support B.C.'s human rights legislation are (BCHRT, 2021):

1. [B.C.'s Office of the Human Rights Commissioner](#).
2. [B.C. Human Rights Tribunal](#).
3. [B.C. Human Rights Clinic](#).

### **1. The B.C.'s Office of the Human Rights Commissioner**

An independent office of the Legislature, which is focused on education, research, advocacy, inquiry and monitoring.

### **2. The B.C. Human Rights Tribunal**

The tribunal is responsible for dealing with human rights complaints made under the *B.C. Human Rights Code*. The tribunal is the forum for making and resolving complaints of discrimination and harassment (a form of discrimination) under the Code. Experts in human rights law make up the tribunal decision-makers, and the tribunal operates similar to a court, but is more flexible and less formal than a court.

### **3. The B.C. Human Rights Clinic**

The clinic offers free legal advice and representation to those who need assistance with a provincial human rights complaint. In addition to providing legal services, the clinic provides education and workshops on discrimination and the duty to accommodate.

## **6.4.3. Sexual Harassment**

Harassment of any kind is prohibited in the workplace, and under the *B.C. Human Rights Code*, sexual harassment is a form of sex discrimination. According to the *Human Resources Policy 11-Discrimination and Harassment in the Workplace*, which applies to B.C. Public Service employees, sexual harassment is:



*“any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job related consequences for the victim of harassment”*

(Government of B.C., 2017).

These comments and misconduct are not permitted outside of the workplace, whether **during or outside of working hours**, provided there is a connection to the employment relationship.

Studies have identified incidence of sexual harassment in the workplace. According to the *2016 General Social Survey on Canadians at Work and Home*, 4% of women in Canada reported sexual harassment in the workplace and young women, aged 15-24 were at higher risk. Furthermore, lesbian or bisexual women reported higher rates of sexual harassment (10.9%) compared to heterosexual women (3.5%). The most likely offenders were clients/customers (56%) and colleagues/peers (44%) (Moyser & Hango, 2018).

However, in the *Harassment and Sexual Violence in the Workplace* online survey, **30% of respondents reported sexual harassment**. Approximately 75% of those that experienced harassment or violence reported it, but 41% of these incidents had **no action taken** (Government of Canada, 2021). Under-reporting and insufficient data were two concerns identified by stakeholders that needed to be explored in any new regime regulating workplace harassment and violence (Government of Canada, 2021).

#### **6.4.4. Bullying**

Bullying is a workplace health and safety issue, and may be discrimination under the *B.C. Human Rights Code* if the bullying is connected to a protected characteristic such as race or sex. In a study by the *Workplace Bullying Institute*, 37% of Canadian workers reported being bullied and 57% of these workers were women, with the majority of offenders being in a **power position over the worker** (72%) (Canada Safety Council, 2018). In addition, higher reports of bullying and harassment were reported by individuals with a disability (Moyser & Hango, 2018). As with sexual harassment, many individuals who are bullied in the workplace will not report it (Workplace Bullying Institute, 2021).



Common forms of bullying are (Canadian Red Cross, n.d.):

### **Verbal**

Name-calling, mocking, hurtful teasing, insults, slurs, humiliating or threatening someone, racist comments, or sexual harassment.

### **Social**

Rolling your eyes or turning away from someone, excluding others from the group, getting others to ignore or exclude, gossiping or spreading rumours, setting others up to look foolish, and damaging reputations and friendships.

### **Physical**

Hitting, kicking, shoving, spitting, beating up, stealing or damaging property.

### **Cyber/Electronic**

The use of email, mobile phones, text messages, and internet sites to threaten, harass, embarrass, socially exclude, or damage reputations and friendships.

Other forms of bullying could include bullying due to a protected characteristic under the *B.C. Human Rights Code* such as race, religion, or disability. Bullying is not simply having a difference of opinion or having disagreements between employees due to poor communication. In cases where the actions are hard to distinguish if it is bullying or not, there is the “reasonable person” test that can be used. The reasonable person test asks the following question:

“*Would most people consider this behaviour unacceptable?*”  
(Government of B.C., 2017).

The responsibilities of both supervisors and employees to prevent and address bullying and harassment in the workplace are outlined in the *Workers Compensation Act*. If bullying and harassment is seen in the workplace, employees are responsible for reporting it. Further information about the occupational health and safety laws related to bullying and harassment is found in **Workers’ Compensation Coverage (Section 6.1)**.

## Stakeholder Interviews

Interviewees raised several issues in relation to human rights, including:

- 1. Training and awareness for all WIL stakeholders**, particularly related to specific legislation, definitions, disclosure and accommodation supports.
  - a. WIL staff and faculty require more support (time, consultation with experts, educating stakeholders, support requesting accommodation) in this area in order to help both students and host organizations navigate this sensitive subject matter.
  - b. WIL students could receive human rights information before their WIL experience.
  - c. Host organizations could receive human rights information before participating in a WIL experience.
- 2. Discrimination Awareness and Program Process**
- 3. Diversity Training and Awareness**

### 1. Training & Education for all WIL Stakeholders

All stakeholders (WIL staff, students and host organizations) require further clarity regarding human rights regulation, discrimination issues, and best practices when responding to human rights scenarios. In terms of student awareness, participants mentioned that they have both a lack of training and information about their rights in the workplace. Some students are unsure if they are being discriminated against, and are unsure if and when they should report the situation. With a lack of information and resources about occupational health, safety and human rights law, there are concerns that students do not know when to ask for support, or will not seek support, because they want to complete their WIL experience without perceived negative consequences. Ensuring students are aware of their human rights prior to a WIL experience would better prepare them in cases where students are in a situation where they need to take action; this would also likely help reduce their anxiety if a scenario(s) arises.

PSI's could better communicate human rights law to host organizations beyond a statement in the WIL agreement that the host will comply with human rights law. Education and/or resources could be provided to host organizations (for example, this report), particularly smaller host organizations that may not have a sophisticated understanding of human rights law. WIL staff and faculty need to be trained in human rights law so that they can best mediate (and be an advocate) in scenarios, that is, manage the risks associated with human rights.

As one interviewee stated:

*“It would be helpful if we knew of the key pieces of legislation. As a WIL practitioner, we need to know who to contact, what are best practices, what steps do I need to take, legally -- to best help the student when situations arise. We need more training on this subject matter” (Anonymous participant, 2020).*

Interviewees stated that risks could be minimized if expectations were clear at the beginning of the WIL experience, for both students and host organizations. For example, a clear articulation of stakeholder responsibilities may improve student understanding and provide an important part of PSI's due diligence when communicating and setting expectations with host organizations.

## **2. Discrimination Awareness & Program Process**

Stakeholder interviewees expressed concerns about power imbalances, as some students are scared to speak out or to discuss discrimination, a sensitive topic, with their WIL supervisor. Students might wait until after the term is over to approach the WIL office, as they may be scared of: repercussions; jeopardizing the likelihood of attaining a reference; or a failing grade. An interviewee stated that:

*“We’ve found that we don’t hear about discrimination issues until after the work term is over. Students are fearful of a failing grade and don’t come forward during the work term” (Anonymous participant, 2020).*

Without appropriate procedures, WIL staff and faculty do not know how to support students when they are facing discrimination. Students and practitioners are unsure of what they are required to do in terms of process. In particular, many international students may face discrimination and cultural barriers. For instance, interviewees stated that for some international students, the fear is that they do not sound “Canadian,” and are worried that their accents will impact finding a WIL experience.

## **3. Diversity Training & Awareness**

Interviewees stated that some industries and sectors were more accepting of a diverse work culture than others. Some participants stated that minority group students were more prone to discrimination. The [Employment Equity Act](#) covers visible minority groups, which may include non-white individuals, such as South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean and Japanese. Three other designated groups under the Act are women, Indigenous People and people with disabilities.

Participants noted that minority students have also made a positive impact, particularly in smaller communities:

*“Our hospitality co-op program, which is mandatory, has many minority students, but our program has been very successful and the community has rallied around these students, having a positive impact in the economy and community” (Anonymous participant, 2020).*





## Recommendations

### **1. Train and educate WIL staff and faculty regarding human rights legislation, particularly definitions of discrimination, harassment and sexual harassment.**

- a. WIL staff and faculty are unclear of human rights legislation, including core definitions, more professional development in this area and reviewing particular scenarios in a safe environment would improve legal literacy.

### **2. Train and educate WIL students regarding human rights legislation, particularly definitions of discrimination, harassment and sexual harassment.**

- a. Establish clear procedures on what students can do if they face discrimination during their WIL experience.
- b. Continue to monitor and connect with students on their WIL experience in a one-on-one setting, if possible.

### **3. PSI's should state that it is their expectation that all WIL host organizations abide by human rights legislation.**

- a. Establish clear communication and highlight human rights legislation.
- b. PSI's could state that if WIL organizations do not abide by human rights legislation then the PSI has the right to terminate the relationship. This should be covered in the WIL agreement between the host and institution.

### **4. Educate WIL host organizations and stakeholders about human rights legislation.**

- a. Ensure WIL host organizations not only abide by human rights legislation but also know about the regulations and laws.

### **5. ACE-WIL could create clear guidelines and best practices at a provincial level related to human rights legislation and definitions.**

- a. Clear guidelines and best practices could be created at a provincial level so that WIL staff and faculty at PSI's across the province have procedures to follow when needed. These resources would be particularly beneficial for smaller institutions with limited resources and/or institutions that do not have a dedicated WIL faculty or office on campus.



**Resources:**

[B.C. Human Rights Code](#)

[B.C. Government: Address a Respectful Workplace](#)

[Canadian Centre for Occupational Health and Safety](#)

[People to People Communication](#)

[The Professional Institute of the Public Service of Canada](#)

[WorkSafeBC: Bullying and Harassment](#)





## 6.5. International Students

Post-secondary institutions have seen tremendous growth in students travelling from other countries to study in B.C. In the last decade, college enrollments in this group have tripled, from 5,000 to 17,000. According to a 2018 report on [International Students in B.C.'s Education Systems](#), most students come to B.C. from China (38%) and India (21%) and nearly half were enrolled at research-intensive universities. In 2016/17 the top three choices among international students for post-secondary institutions were Langara College, University of British Columbia, and Simon Fraser University; the key programs of study were business and engineering.

In 2017, international education services in B.C. was the province's **third largest export**, after oil and wood products; public post-secondary international students **spent an estimated \$2.05 billion** in education and daily living costs.

“...the value of international education services exceeded the value of B.C.'s export of pulp and paper products, or fishery products, among many others. In fact, the value of international education services in B.C. amounted to the equivalent of 10.5% of the total value of B.C.'s export of goods during 2017” (Roslyn Kunin & Associates, 2019).

Despite the growth in international students choosing B.C. as an educational destination, this student group is at a disadvantage. This group may face financial, social-cultural, language, and other systemic barriers, including regulatory challenges. According to the 2019 [International Students in British Columbia report](#), “...international student fees at universities have risen almost 600% since 1991, from \$3,991 in 1991 to \$27,705 in 2019”.

“international student enrolment has been growing across the province for more than a decade. About 78,000 international students were enrolled in B.C. public post-secondary schools in 2019-20, more than three times the 22,000 students enrolled in 2008/09.”

The increase in international student enrolments will also be an important contributor to the labour market in Canada as the country responds to the labour impacts of COVID-19. For example, one of the Canadian government's goals is to offer recent graduates permanent residency over the next year. As of May 6, 2021, the Minister of Immigration, Refugees and Citizenship [announced that over 90,000 essential workers and international graduates](#) will gain permanent residency for those already in Canada. Of these 90,000 essential workers and international graduates, effective May 6, 2021, 40,000 applications are allocated for international students who graduate from a Canadian institution.

Eligible applicants will need to have one year of Canadian work experience in the [health-care profession](#) or [essential occupations](#), such as trades people, labourers, and sales related occupations. The scheme will remain open until November 5, 2021 or until the 90,000 permanent residency cap is reached. To be eligible, international graduates must also have graduated within the past four years.

### What is an international student?

The term 'international student' has varying connotations. In reality, there are two sub-groups of international students and both groups have very different challenges. For the purposes of this project, we have defined international students as:



Domestic students who travel internationally to secure a WIL experience.

**Students on an international WIL experience.**

Students travelling from other countries to Canada to secure a WIL experience.

**International students on a WIL experience.**

#### 6.5.1 Students on an International WIL Experience

Domestic students travelling abroad for a WIL experience may face cultural and language barriers. Further, other countries have different laws, regulations and safety standards in the workplace, which may put students at risk. Prior training and information provided by institutions is essential to educate students about their rights and in particular, the support systems available while in another country. It is essential that institutions provide students with the proper resources, information, and host country contacts, as these students may need support in the host country, especially in an emergency situation. Students on an international WIL experience may face other issues related to cultural and societal norms. For example, stakeholders during our interviews noted that minority students may face discriminatory environments. In one instance, female students reported that they were placed in “gender related roles” simply because they were women.

PSI’s can minimize legal risk by ensuring that students complete waivers, checklists, pre-departure forms, and provide medical information. From the stakeholder interviews it was acknowledged that even with pre-departure resources and training, some students were not prepared for the contrasting work environment and cultural aspects associated with a cross-cultural WIL experience.

## 6.5.2 International Students on a WIL Experience

Multiple barriers impact international students on a WIL experience. This student group may: experience language barriers while adapting to a new culture; need to obtain both work and study permits; incur substantial tuition and fee charges; have a lack of social support; experience prejudice in the workplace; and are ineligible for federal funding grants. Criminal record checks are another barrier because international students have no Canadian personal or work history. A criminal record check is mandatory in B.C. for students who want to work with children or vulnerable adults.

### Stakeholder Interviews

There were five main issues expressed by interview participants related to international students:

- 1. Federal funding and regulatory challenges.**
  - a. SWPP
  - b. Work Permits
  - c. Biometrics
  - d. Medical Exams
  - e. Criminal Record Checks
- 2. Safety & liability issues for students on an International WIL experience.**
- 3. Lack of Canadian employment rights training for International Students on a WIL experience.**
- 4. Financial inequities for International students on a WIL experience.**
- 5. Other systemic barriers to International students on a WIL experience.**

### 1. Federal Funding and Regulatory Challenges

#### a. Student Work Placement Program (SWPP):

The [Student Work Placement Program](#) is federally funded through Employment and Social Development Canada (ESDC). The goal is to help give STEM post-secondary students hands-on experience while providing wage subsidies for eligible employers and is part of a \$73 million dollar commitment from the 2017 Federal Budget.

Eligible student groups include Canadian citizens, permanent residents and refugees. International students on a work permit are not eligible for this funding. Even though this program benefits organizations, it creates a real challenge for international students trying to secure a WIL experience in Canada:



*“Particularly due to COVID, with the increase in funding demands, international students have been hit very hard. The employers benefit, but not the international students, it has impacted them negatively” (Anonymous participant, 2020).*

#### **b. Work Permits:**

Interview participants require greater clarity, and a shorter and simpler process, for granting work permits to international students. While wait times fluctuate, some interviewees stated that it can take 12-24 weeks for students to receive their initial work permit and depending on the country of origin, the wait time can vary. Work permits have a significant impact on when students can begin their WIL experience, and the types of opportunities that these students can access:

*“It is difficult getting work permits in a timely manner. We have found this is particularly challenging for students in a diploma program, which are shorter in nature. There are also longer wait times from certain countries” (Anonymous participant, 2020).*

There was also confusion concerning timelines and what type of WIL is covered by the permit; for instance, there were concerns about the title of the work permit, as they stated that it was labelled, a “co-op work permit,” and not all WIL experiences are co-op experiences. Additionally, students will often need a renewal permit; again, these permits take time to obtain and the student may not be able to access a WIL experience or search for an experience if the renewal permit is not received in a timely manner.

Another issue relates to the process of submitting a work permit request. The PSI must state that the WIL experience is mandatory; while not all WIL experiences are mandatory, once they opt into the program, it does in many respects become mandatory. This process is a source of confusion for WIL staff and faculty. Furthermore, there are exclusions to working in certain fields in respect of both work permits and potential medical exams.

#### **c. Biometrics:**

Fingerprints and photographs are part of the biometric screening process. This is yet another step that international students must complete when they study in Canada. Most visitors to Canada require biometrics as part of the entrance requirements to the country.

Visitor visas, work or study permits, permanent residence, refugee or asylum status, or work/study permit extensions (as of December 3/19), may require biometrics. Biometrics are valid for 10 years.

Due to COVID-19, biometrics have been **suspended temporarily until further notice** if individuals are:

- In Canada and applying to work, study or stay temporarily and;
- Have applied for permanent residence and have completed biometrics in the past 10 years.

Groups that are **excluded** from biometric requirements include:

- Canadian citizens, citizenship applicants (including passport applicants), or existing permanent residents.
- Visa-exempt nationals coming to Canada to visit only.
- Children under the age of 14.
- Applicants over the age of 79 (there is no upper age exemption for asylum claimants).
- Heads of state and heads of government.
- Applicants who qualify for or hold a diplomatic or official visa.
- U.S. visa holders transiting through Canada.
- Refugee claimants or protected persons who have already provided biometrics and are applying for a study or work permit.
- Temporary resident applicants who have already provided biometrics in support of a permanent resident application that is still in progress.

(Government of Canada, 2020)

#### **d. Medical Exams:**

A medical exam is required when international students plan on staying in Canada for longer than six months and hope to work in health-care related positions, clinical lab roles or with children, as well as [other types of jobs](#). Medical exams can be done prior to submitting a permit by a [panel physician](#) or, if a permit has been requested, the medical exam must be completed within 30 days from the date an individual is notified.

On a review of B.C. physician offices, medical exams can cost upwards of \$250-450.00. According to Citizenship and Immigration, medical exam fees can include the physician or radiologist fee, as well as other specialists and tests. Medical exams are valid for 12 months. Exam fees are not refundable and most exams must be paid in cash.

A medical exam will generally include the following:

- Height and weight.
- Hearing and vision.
- Blood pressure and pulse.
- Heart and lung assessment.
- Abdomen check.
- Limb movement.
- Skin assessment.

#### e. Criminal Record Checks:

There are varying levels of criminal record check requests regarding an individual's criminal history. Potential employers or volunteer organizations can request a check, which can range from a statement of criminal history, to a full record check, including personal information, all convictions and charges that did not lead to a conviction. There must be written consent by the individual concerned to submit a check, with the check completed by the [police or RCMP detachment](#) (depending on municipality).

In accordance with B.C.'s [Criminal Records Review Act](#), a criminal record check is **mandatory for people working with children or vulnerable adults** and/or they have unsupervised access to this group. Positions such as doctors, nurses, teachers, early childhood educators, long term care workers, youth and child workers, and others must complete a criminal record check.



Registered students in a post-secondary institution who will work with children or vulnerable adults **must complete a criminal record check and post-secondary institutions are obligated to ensure the check is done.**

As per Section 17.1 of the Act, an education institution must ensure that every registered student who will work with children or vulnerable adults undergoes one of the following measures:

- a. A criminal record check, or
- b. A criminal record check verification.



**Education institutions must inform students** of the requirements of this Act, as per Section 17.1 (2). If the registrar determines that a registered student does not have a criminal record check, they must ensure the student does not work with children or vulnerable adults until one is provided (Section 17.21).

Students also have an obligation to complete a record check. As per Section 17.2 of the Act:

1. Before working with children or working with vulnerable adults, a registered student must provide to his or her education institution a criminal record check authorization or a criminal record check verification authorization, as applicable.
2. A registered student must **not** work with children or work with vulnerable adults unless the registered student has complied with subsection (1).

Students who are new to Canada may have difficulty obtaining a criminal record check because they do not have any background or employment history in Canada.

## **2. Safety & liability issues for students on an International WIL experience.**

Interview participants were confused about both medical and insurance coverage for students on an international WIL experience. There are many intricacies associated with a WIL experience overseas, and interview participants noted that they require more education and training regarding the overall process and obligations of PSI's. Of particular concern is that students on an international WIL experience will be in environments not consistent with Canadian standards. Without education and training for both practitioners and international students, there is uncertainty about topics such as safety, employment and human rights, and workplace insurance coverage.

*"It's very difficult to try and do job development in other countries. How can we vet these employers and ensure the safety of our students? We also need more information on how liability insurance coverage impacts students when they are out of the country" (Anonymous participant, 2020).*

## **3. Lack of Canadian employment rights training for International students on a WIL experience.**

Interview participants stated that many international students do not know their rights as a Canadian worker. As such, there should be a greater emphasis on education and training for this student group regarding both provincial and Canadian employment standards and

human rights laws, which may vary considerably from their home country. Interviewees stated that these students lack training and education when it comes to rights, roles, and responsibilities in the workplace which exposes them to higher risk, as they are coming to Canada from another country with other employment laws, cultural norms and ideologies.

#### **4. Financial inequities for International students on a WIL experience.**

As discussed in **Human Rights (Section 6.4)**, all international students are required to purchase Medical Services Plan (MSP) provincial insurance. In addition to this mandatory fee, academic tuition fees and WIL application and tuition fees are often higher for this student group. According to [International Students in British Columbia](#), "...while international university students only account for one fifth of B.C. university enrolment, they contribute almost half of B.C. universities' tuition fee revenue". Additionally, almost half of these students (47%) do not have "strong" financial resources. In fact, in a 2015 report by *The B.C. Council on Admissions and Transfer*, 63% of undergraduate students and 71% of graduate students reported difficulty with adjusting to B.C.'s high cost of living (Celeste, 2018).

Although the provincial government has developed a 2% [tuition limit policy](#), the policy does **not apply to international student tuition and fees**. As outlined earlier in this report, international students may pay for a medical exam and experience higher tuition fee costs compared to domestic students. Further, organizations are ineligible for funding grants provided by the federal government to hire WIL students, placing an additional barrier for international student access to WIL.

#### **5. Other systemic barriers to International Students on a WIL experience.**

There are language, cultural and systematic barriers to obtaining a WIL experience for this student group. While this student group is adapting to a new city/country, they are also away from their social support system. International students are likely to have less support from family and friends, when compared to domestic students, during their WIL experience, making it increasingly difficult to balance work, finances, school, and their social life. Interview participants acknowledged that international students have unique challenges:

*"With the increase in international students over the past few years we've had to make a real shift. We have cross-cultural competencies workshops and often take more time advising this student group as they need more one-on-one support"*  
(Anonymous participant, 2020).

Some international students also struggle with securing WIL placements due to their developing English skills. Employers may be reluctant to hire international students because they fear that they are not as competent. International students are also at risk of discrimination because of preconceived notions, and may be either rejected from roles or placed in roles that are irrelevant to their professional goals. One interviewee stated:

*“We had a student who changed his name because he was so frustrated, with no interviews. After he changed his name, in one month, he received 5 interviews and a job offer. There were mixed feelings here, of both frustration and excitement”*

*(Anonymous participant, 2020).*

It is clear that some employers engage in discriminatory behaviour when they assess international students as unsuitable based on nationality, and not competency. This may expose the employer to legal risk and undermine the international student experience (a reputation risk for PSI's). This situation demands education and training to effect change.





## Recommendations

1. **ACE-WIL could facilitate training and education for WIL staff and faculty as it relates to:**
    - a. Students on an international WIL experience.
    - b. International students on a WIL experience.
  2. **ACE-WIL, MAEST and CEWIL could advocate to create funding options for organizations so that international students on a WIL experience are eligible.**
    - a. CEWIL could champion the federal government for more funding dollars specifically for international students on a WIL experience.
  3. **ACE-WIL and MAEST could advocate for individual bursaries or awards to international students on a WIL experience based on a criteria of financial need.**
  4. **ACE-WIL and PSI's could provide international students on a WIL experience with other flexible WIL options in order to reduce regulatory and financial barriers.**
  5. **PSI's could provide a dedicated Advisor to assist international students on a WIL experience.**
    - a. Most PSI's provide International Advisors for domestic students who choose to leave the country; there does not appear to be the same level of direct support for international students on a WIL experience.
  6. **ACE-WIL, CEWIL and MAEST can continue to advocate for a simpler approach to having a separate work permit.** For example, the work permit could be combined with the student's study permit.
  7. **ACE-WIL and MAEST could create a working group or committee to address the unique needs of international students on a WIL experience, in particular the financial and regulatory barriers to this group.**
    - a. This group will aid in supporting students in B.C. along with developing long-term supports and recruitment efforts.
    - b. The B.C. Council for International Education would be a recommended stakeholder for inclusion on the group/committee.
  8. **ACE-WIL, CEWIL, and MAEST could advocate for 'co-op work permit' to be replaced with 'WIL experience' on all work permits, for greater clarity.**
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9. ACE-WIL could create best practices and documents for students on an international WIL experience so that there is consistency and shared practices, particularly as it relates to expectations, risk waivers, emergency response and pre-departure checklists.
10. Education and resources for international students on their rights and responsibilities in the workplace, particularly B.C. employment law, human rights and other cultural communication strategies.
11. ACE-WIL and MAEST could recommend that the provincial government include international students in the Tuition Fee Limit Policy, as it does for domestic students.
- This inclusionary clause will help support students currently in B.C. and ensure that expectations are clear and PSI's can not raise fees intermittently.
12. PSI's need to ensure that all students who will work with children or vulnerable adults complete a Criminal Record Check. ACE-WIL and MAEST should ensure that this information is relayed to students and host organizations prior to working with these groups and when promoting these WIL opportunities.



**Resources:**

[Students from International Pathways](#)

[An Assessment of the Economic Impact of International Education in British Columbia: An Update in 2017](#)

[B.C. Council for International Education](#)

[International SOS](#)

[Canadian Bureau for International Education](#)



## Conclusion

This report aims to highlight the breadth and complexity of risk as it relates to various Work-Integrated Learning activities. This report covered the following issues and provided recommendations regarding: clarification of WIL definitions amongst stakeholders; Workers' Compensation Coverage clarity and greater legal awareness of the provincial and federal laws, including employment standards regulations and exemptions; defining and determining student access to WIL, and international students completing WIL.

COVID-19 has highlighted health, safety and liability concerns, and the increase in remote work and considerations of jurisdictional insurance coverage have impacted WIL stakeholders in this new landscape. With a small working group of B.C. PSI Safety and Risk experts, a chart was developed to indicate the key considerations when determining coverage provider, including the physical jurisdiction of the paid student (worker). The shift to remote work has brought about other factors such as safety, security and privacy concerns, working alone and other environmental risks.

Survey results revealed the most significant issues of concern for B.C. WIL practitioners. For instance, 86% of respondents agreed that international students face a disadvantage when attempting to secure a WIL experience; interview participants also cited many areas of inequity for this student group including obtaining work permits, biometrics and medical exams, increased financial costs, and lack of federal funding opportunities. Many respondents were interested in learning more about co-op in different provinces, self-directed co-op, working remotely, WorkSafeBC, employment contracts, and accessibility, which highlights the importance of education and awareness in this dynamic and complex environment.

Stakeholder interview participants emphasized the need for education and training of all stakeholders. The lack of practitioner 'legal literacy' and the shift to remote work due to COVID-19, were noted in the literature and apparent in the interviews. Increased support and education is needed for WIL practitioners so that they understand the correct guidelines and steps to follow in different WIL scenarios and can advise accordingly. Host organizations require further clarification regarding their role and responsibilities, which is consistent with the literature. This is of particular concern for those students who require appropriate support or accommodations due to a medical condition or disability. Other issues explored in both the literature and interviews included: students' mental health, particularly when the WIL experience causes or exacerbates distress, anxiety, stress or loneliness; physical health and safety concerns, access to WIL, human rights, bullying and harassment and financial costs of completing WIL.

Currently, each PSI is handling the challenges attached to risks in WIL differently; a consistent approach and a comprehensive Enterprise Risk Management Plan for Work-Integrated Learning in the province will provide guidance and reduce the risks to PSI's and MAEST. As a consequence, host organization participation may increase, as hosts may be encouraged to provide a WIL experience if proper support and directions are in place. Likewise, students from diverse populations and international students, specifically, may choose to participate in WIL when they have equitable and transparent information and guidance. Many of the challenges identified in our research can be addressed through education and clear communication, as well as changes to existing regulation. We present 17 final recommendations to move risk management in B.C. Work-Integrated Learning forward. These recommendations may also be considered by stakeholders in other provinces to strengthen their existing risk management frameworks.





## Final Recommendations

### 1. A Task Force of experts could drive the WIL risk management agenda through advocacy, education, and resources, including the provision of a WIL Enterprise Risk Management Plan.

Potential areas, as identified in this report and the literature, include, but are not limited to:

- a. Jurisdictional differences across the country, particularly in relation to employment law and Workers' Compensation.
- b. Workers' Compensation, liability insurance, including what claims have occurred to attempt to address them proactively.
- c. Occupational Health & Safety
  - i. Identify staff and student safety during WIL experiences.
  - ii. Address legal issues, human rights, contracts and possible waivers requested from host organizations.
- d. Staffing, unions, paid versus non-paid, contracts, taxation, human rights, etc.
- e. Staff and security issues.
- f. Privacy issues.

Working group members could include, but are not limited to:

- WIL staff and faculty from PSI's across the province.
  - MAEST.
  - PSI's risk management and legal experts to assist in identifying risk, layers of insurance, including other areas of risk.
  - CURIE and UCIPP Representatives.
  - PSI Human Resources experts.
  - PSI security experts.
  - PSI FOIPPA experts.
  - WorkSafeBC
  - Employment Standards Branch of B.C.
  - Indigenous Partners.
  - Student Groups.
    - Alliance of B.C. Students.
    - B.C. Federation of Students.
  - B.C. Council for International Education.
  - Labour Partners.
    - Post-Secondary Employers' Association.
    - Canadian Union of Public Employers.
    - B.C. Government and Service Employees' Union.
    - Public Sector Employers' Council.
  - Industry Training Authority (ITA).
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- 2. Continue to develop the Risk Management & WIL, ACE-WIL Resource Hub.**
    - a. Continue to share learning, practice, and knowledge with ACE-WIL practitioners.
  - 3. ACE-WIL to increase training, education and professional development opportunities.**
    - a. Special guests, industry experts in particular niche areas, best practices and dialogue. Stakeholder interviews cited this as a need in most areas.
  - 4. ACE-WIL and MAEST to partner with stakeholder groups and develop a universal definition for Work-Integrated Learning.**
    - a. A suggested definition of WIL discussed in this report is “work, which is part of a formal education program”.
    - b. Variations in definitions of WIL is a challenge and may expose PSI’s and host organizations to risk.
  - 5. Provide financial assistance for students who want to participate in WIL and require aid.**
    - a. This includes ensuring that international students on a WIL experience are eligible, with clear eligibility criteria based on demonstrated need.
      - i. Financial support for WIL could be in the form of PSI bursaries, which are currently offered in other countries, including Australia.
  - 6. Create a Toolkit for WIL Faculty and Staff regarding WIL Rights and Responsibilities.**

Topics may include:

    - a. WorkSafeBC: Coverage Provider, Safety Standards, Orientation, stakeholder responsibilities (student, host organization, PSI), Young & New Workers Initiative, Bullying & Harassment laws.
    - b. Employment Standards laws .
    - c. Human Rights laws.
    - d. Best practices to support students with disabilities.
    - e. Best practices for equity, diversity, and inclusion.
    - f. Support for international students.
  - 7. Create a Toolkit for Host Organizations regarding WIL Rights and Responsibilities.**

Topics may include:

    - a. WorkSafeBC: Coverage Provider, Safety Standards, Orientation, stakeholder responsibilities (student, host organization, PSI), Young & New Workers Initiative, Bullying & Harassment laws.
    - b. Employment Standards laws.
    - c. Human Rights laws.
    - d. Best practices to support students with disabilities.
    - e. Best practices for equity, diversity and inclusion.
    - f. Support for international students.
-

## **8. Create a Toolkit for students regarding WIL Rights and Responsibilities.**

Topics may include:

- a. WorkSafeBC: Coverage Provider, Safety Standards, Orientation, stakeholder responsibilities (student, host organization, PSI), Young & New Workers Initiative, Bullying & Harassment laws.
- b. Employment Standards laws.
- c. Human Rights laws.
- d. Mental Health and Wellness Supports.
- e. Access and disabilities, and steps to request accommodations.
- f. Best practices for equity, diversity and inclusion.
- g. Support for international students.

## **9. PSI's can include the legal responsibilities of hosts when posting a WIL experience to the host, and in any WIL agreement involving the PSI and the host.**

Legal responsibilities may include:

- a. COVID-19 Safety Plan.
- b. Human rights and employment standards law.
- c. Workers' Compensation Coverage in the jurisdiction where the student will be working, if applicable.

## **10. ACE-WIL to formulate a WIL policy template for PSI's.**

- a. ACE-WIL to collaborate with the Task Force, to formulate a WIL policy template that PSI's can use to create their own policy, or evaluate their existing policy, which covers the WIL lifecycle (before, during and after the WIL activity) including WIL curriculum design, stakeholder responsibilities, and the delivery and evaluation of WIL programs.
  - i. A key feature of the policy would be risk management, with links provided to existing PSI policies designed to manage risk in higher education activities, which should include WIL (e.g. bullying, accommodations, discrimination, assessment, health and safety).

## **11. PSI's to partner with Centres for Accessible Learning Offices.**

- a. WIL registration should be similar to that of academic registration; all stakeholders would have critical information early in the WIL experience, particularly if students require accommodations.
  - i. Centres for Accessible Learning could conduct, as part of their procedures, an assessment of students' recommended accommodations for WIL in conjunction with any assessment in respect of traditional study courses ('accommodation plan'), and the Centre could communicate to students the importance of providing accommodation plans to WIL staff in a timely manner.

**12. Create a system to ‘flag’ problematic host organizations within the PSI.**

a. Host organizations that expose the PSI to significant risk, such as disregarding health and safety regulations, human rights or employment standards laws, should be noted so that other WIL faculties that deal with the host are aware and refuse to partner with them.

**13. PSI’s and their affiliated union and/or Human Resources Offices need to understand the complexities of a WIL practitioner role.**

a. Grade and Pay Scales should be recognized when negotiating contracts for WIL staff and faculty, particularly the workload for WIL staff which may take place outside normal teaching periods and work hours, as well as their role in managing risks attached to WIL scenarios.

**14. ACE-WIL and CEWIL to review Workers’ Compensation Coverage and Employment Standards Law.**

a. Further review and research is required from a national perspective as to the challenges and implications of variations in legal regulation of WIL across provinces. This is an issue that may be assessed by the recommended Task Force.

**15. Further research and review of intellectual property and security practices.**

a. Ownership of intellectual property and best practices surrounding confidentiality agreements and contracts could be assessed.

**16. Create best practices to support international students.**

a. Students on an international WIL experience:

i. Pre-departure forms, waivers, contracts, agreements.

b. International students on a WIL experience:

i. Work permit information, biometrics, medical exams, financial aid, peer support, Canadian culture.

**17. ACE-WIL to continue to build a database of WIL programs across the province.**

a. This database would be helpful in distributing critical information from MAEST or other governmental agencies, along with creating greater awareness, building best practices, and supporting those practitioners in ‘niche’ areas to connect with their WIL colleagues at other PSI’s.

i. Consider providing all WIL programs access to the ACE-WIL Resource Hub.



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## Appendices

### Appendix A: Table of Risks and Description (Literature Review)

Risk	Reference
<b>Student: exposure to harm</b>	
Physical abuse of the student by host patients/clients	Waddell et al., 2005
The student suffers physical injury arising from the work environment	Newhook, 2016
The student experiences mental health concerns or issues such as loneliness, distress, anxiety or stress arising from the WIL program	Clements-Cortes, 2015; Newhook, 2016; Campbell and Warner, 2016; Wojtowicz et al., 2014; Slemmon et al., 2018; Pretti et al., 2020; Morton et al., 1997; Didham et al., 2011; Wang et al., 2019; Klassen and Durksen, 2014; Barlow and Hall, 2007
The student witnesses unethical or unsafe behaviour in the workplace	Slemmon et al., 2018; MacFarlane et al., 1999
Verbal abuse, bullying, harassment (sexual or otherwise), sexist comments or intimidation of the student by the host supervisor, client, host employees and/or members of the host community (in the case of international WIL)	Newhook, 2016; Turcotte et al., 2016; Tiessen and Kumar, 2013; Cameron et al., 2019; Didham et al., 2011; Barlow and Hall, 2007; MacFarlane et al., 1999;
The student incurs additional financial costs of completing the WIL program (e.g. accommodation, travel, foregoing paid work)	Clements-Cortes, 2015; Gerard et al., 2013; Kinsella et al., 2008
Students who require additional supports cannot access WIL opportunities	Sattler, 2011
International students cannot access, or there is a delay in access to, WIL opportunities (e.g. immigrations laws limiting off-campus WIL placements, work permits, language barriers/competencies, reluctance by host organisations to employ)	Sattler, 2011; Turcotte et al., 2016; Kinsella et al., 2008

<b>Risk</b>	<b>Reference</b>
The student loses employment insurance benefits by quitting a paid job to complete a WIL experience	Turcotte et al., 2016
The student experiences an unforeseen event which impacts their WIL experience (natural disaster, COVID-19)	Myhre et al., 2017; Pretti et al., 2020; Van Nuland et al., 2020; Jackman et al., 2020
The workplace environment is not inclusive to LGBTQ+ students (e.g. homophobic attitudes or behaviours of host employees)	Mallozzi and Drewery, 2019
The student experiences disability discrimination arising from a failing grade for the WIL program	Watkinson and Chalmers, 2008
Racial discrimination (racism) against students before or during WIL placement by a host client/employee/supervisor, or the use of race to match students to hosts and/or host supervisors	Trilokekar and Kukar, 2011; Razack, 2001; Srikanthan, 2019; Didham et al., 2011
The student encounters cultural challenges in an international environment: negative behaviours (corruption, violence), language barriers and differences in clinical practices (privacy/confidentiality, record keeping)	Tiessen and Kumar, 2013; Elit et al., 2011; Crawford et al., 2010; Cameron et al., 2013; Chapman, 2018
Students experience issues with completing WIL in a remote location (resources, workload, community acceptance and understanding, isolation)	Hellsten et al., 2018
<b>Student: conduct</b>	
Student interaction with clients: outside the workplace; outside the term of the WIL placement; by accepting a gift from the client	Clements-Cortes, 2015
Unsatisfactory student performance on WIL placement	Peters, 2012; Brown et al., 2007
The student fails to disclose their disability or a medical condition to the host organisation and/or institution	Turcotte et al., 2016; Cameron et al., 2019; Sokal et al., 2017; Wilson et al., 2018
The student engages in misconduct during WIL placement (e.g. disclosure of client information, dishonesty, not accepting responsibility for actions, disrespect, inappropriate behaviour towards client/patient or host)	Tam et al., 2018; So et al., 2019; Brown et al., 2007; Scanlan et al., 2001; Cameron et al., 2019

<b>Risk</b>	<b>Reference</b>
employees; misuse of host and institution property, plagiarism)	
Student incompetence or error that exposes the host, student and/or client to an unsafe environment (e.g. by causing the client or patient harm)	So et al., 2019; Foote and El-Masri, 2015; Brown et al., 2007;
LGBTQ+ students do not identify before and during WIL placement for fear of discrimination	Mallozi and Drewery, 2019
A student engages in misconduct when dealing with a potential host organization (revoking the acceptance of an offer, not committing to a potential host while searching for alternative hosts)	Cameron et al., 2019; Ralevich et al., 2012
A student makes false or misleading representations about their experience, work hours, or qualifications before or during WIL placement (e.g. resumes, falsifying time records)	Cameron et al., 2019; Page Walker Buck et al., 2016; MacFarlane et al., 1999
<b>Student: characteristics</b>	
The student has a disability or medical condition which prevents them from being offered a specific WIL experience; meeting the requirements for professional accreditation on graduation; impacts their work performance; comprises their ability to complete the WIL program; exposes clients to a risk of harm; causes the student to leave the WIL program	Newhook, 2016; Epstein et al., 2020
The student does not understand their rights and responsibilities for intellectual property (IP) they generate during WIL, or they feel compelled to assign their IP rights to the host organization	Turcotte et al., 2016
The student, who is admitted to the WIL program, does not have the competency to successfully complete the WIL experience	Tam et al., 2018; So et al., 2019
The student has a learning, personal and/or relationship issue which can affect the performance of their duties during the WIL experience	Tam et al., 2018
<b>Institution</b>	
Institution-wide pre-departure training of students undertaking international WIL placements is not insufficient or is not tailored to the student's discipline and/or host site (e.g. risk management, personal security)	Ahluwalia et al., 2014; Tiessen and Kumar, 2013

<b>Risk</b>	<b>Reference</b>
The institution does not appropriately debrief the student post-international WIL placement so as to deal with reverse culture shock, reflect on WIL experiences, including risks encountered	Ahluwalia et al., 2014; Tiessen and Kumar, 2013; Crawford et al., 2010; Cameron et al., 2013;
The institution does not provide WIL practitioners with appropriate education or training (risk management, supervision, supporting students with disabilities), or at all	Newhook, 2013; Tam et al., 2018; Gatto et al., 2020;
The student demand for suitable WIL experiences exceeds supply by host organizations	Peters, 2012; Sattler, 2011; Ayala et al., 2017; Smith et al., 2010;
The institution and/or host organization does not provide appropriate support / adjustments / accommodations for students with a disability or medical condition	Epstein et al., 2020; Turcotte et al., 2016; Cameron et al., 2019; Gatto et al., 2020
The institution does not have sufficient financial resources for delivering WIL programs	Peters, 2012; Sattler, 2011;
The institution does not have appropriate processes and personnel to facilitate relationships with host organizations	Sattler, 2011
The institution rejects a student application for WIL based on a police record check, which may be discriminatory	Turcotte et al., 2016
Poor WIL curriculum design (admission, assessment, matching of students to placement, learning objectives/outcomes)	Tam et al., 2018; Peters, 2012
<b>Host organization</b>	
The host organisation and/or the institution does not provide appropriate support / adjustments / accommodations for students with a disability or medical condition	Epstein et al., 2020; Turcotte et al., 2016; Cameron et al., 2019; Gatto et al., 2020
The host organisation does not offer a WIL experience because of financial and economic pressures on business operations, costs (program administration, student payment, staff and student training, student supervision), lack of awareness of WIL programs, no suitable work, students lacking necessary skills, or timing of WIL programs	Sattler, 2011; Sattler and Peters, 2012;
Host organizations do not understand the purpose of WIL (student learning) and their responsibilities as partners in student learning	Sattler, 2011

<b>Risk</b>	<b>Reference</b>
The host organization makes a discriminatory request of institutions to select a student of a certain attribute (e.g. race or gender)	Turcotte et al., 2016
The student is allocated and performs tasks which exceed their competency and training in an international WIL placement	Elit et al., 2011; Chapman, 2018
The host diverts scarce resources away from patients to supervise the student on international WIL placement	Elit et al., 2011;
The host organization encourages the student during their WIL experience to commence full time work with the host	Cameron et al., 2019
The host organization requests that the institution selects students for their consideration	Cameron et al., 2019
The host organization withdraws an offer of employment to the student	Cameron et al., 2019
<b>Host supervisor</b>	
Host supervisors undertake additional workload and responsibility for educating students during the WIL experience, which may: be a source of stress, cause the supervisor to divert resources away from core responsibilities or decide not to take on supervisory responsibilities	Yonge et al., 2002; So et al., 2018; Cameron et al., 2013; Staples and Sangster-Gormley, 2018;
Inappropriate qualifications for and/or level of supervision of the student	Tam et al., 2018; Cameron et al., 2019;
The host supervisor or WIL practitioner is reluctant to fail the student, passing grades are assigned to students who should have failed, and/or pressure on the host supervisor to pass the student	Tam et al., 2018; So et al., 2019; Luhanga et al., 2008; Danyluk et al., 2015;
<b>WIL practitioner</b>	
The WIL practitioner or the host supervisor is reluctant to fail the student, passing grades are assigned to students who should have failed, and/or pressure on the host supervisor to pass the student	Tam et al., 2018; So et al., 2019; Luhanga et al., 2008; Danyluk et al., 2015;
The WIL practitioner accepts the student into the WIL program or approves the continuation of a WIL experience in breach of, or as an exception to, institution rules or processes	Cameron et al., 2019; MacFarlane et al., 1999;

Risk	Reference
WIL practitioners do not have adequate 'legal literacy', for example, they do not understand the nature and extent of their responsibility for managing risk in WIL program, the law underpinning the risks (e.g. IP, labour law, workplace health and safety insurance coverage) or relevant institution policies and procedures	Newhook, 2013; Turcotte et al., 2016; Brown et al., 2007
WIL practitioners experience increased workload, for instance by: performing tasks additional to their regular duties, meeting student demands and expectations, and finding suitable WIL experiences in a competitive environment	Peters, 2012; Sattler, 2011; Ayala et al., 2017; Smith et al. 2010
The WIL practitioner feels pressured to provide the student with a WIL experience	Cameron et al., 2019
A student with a history of poor performance or misconduct during previous WIL placements is granted or denied access to another WIL placement	Cameron et al., 2019
WIL practitioners transitioning from physical work/learning environment to remote work/learning environment caused by COVID-19 (IT connectivity, supervision, allocation of tasks, student and staff workload)	Pretti et al., 2020; Van Nuland et al., 2020

# **Appendix B: Survey Analysis Report**



Association for  
Co-operative Education  
and Work-Integrated  
Learning  
BC/Yukon

## **Risk Management Landscape Survey of ACE WIL Members, August 2020**

### **Survey Analysis Report**

**Review of Risk Management, Legal Safety and Liability Coverage for WIL Students**

**Ministry of Advanced Education, Skills & Training**

**Provincial Project #320**

**Prepared by Marion Gasbarro**

**Simon Fraser University**

**Work Integrated Learning**

**August 17, 2020**

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## Executive Summary

### Brief Survey Methodology

The survey was created as part of the BC Ministry of Advanced Education, Skills and Training, Project #320, Review of Risk Management: Legal, Safety and Liability Coverage for Students Working in Diverse Types of WIL. The objective of the survey and project is to determine the key issues with regards to safety, legal and liability that ACE WIL Practitioners face in BC and ultimately determine where gaps exist and provide recommendations.

Primary questions include the type of WIL their role supports, institution name, key issues facing their work, international student supports, equity and diversity, working remotely, employment contracts and forms, and other key risk management topics. As a key project outcome, respondents were also asked about their top three Professional Development topics they would like to learn about in an upcoming WIL BC Professional Development Session. See Appendix A for the Survey Introduction. Review Appendix B for a full list of questions and associated results.

### Survey Key Results

Of the respondents, 90% work within Co-operative Education. Over half (54%) of the respondents stated they are Co-op Coordinators and 60% work at Simon Fraser University. The top 5 key issues facing practitioners in their work include: WorkSafeBC, BC Employment Standards, Employment Contracts, Accessibility and Human Rights. More than half of respondents, (56%) do not feel that their program's website highlights the employers' commitment to equity and diversity. A majority of respondents (86%) agree that international students face a disadvantage when attempting to secure a WIL experience; the main issues related to this are obtaining a work permit (90%) and funding eligibility (80%). Another issue regarding international students that's noted is regarding working within other countries and the differing wage and employment standards that students encounter.

Within Co-operative Education, respondents focused on two types of co-op work terms that they wanted to learn more about: international (74%) and self-directed co-op (72%). Key issues regarding students working remotely are students using their personal computer (84%) and initial training and best security practices (80%). 30% of respondents did not know if their institution's WIL forms and contracts are consistent across WIL types. Regarding an upcoming Professional Development Session, respondents note that they are most interested in learning about: WorkSafeBC (84%), Employment Contracts (50%), followed by Accessibility (36%).

### Conclusions & Recommendations

The current risk management environment within WIL has been further elevated with the current health pandemic, COVID-19, and increased concern regarding students working on site and employer obligations under jurisdictional health office guidelines. In addition, students working remotely, international student concerns and equity and diversity issues are at the forefront of the Canadian societal and economic landscape at this time.

Smaller institutions within BC need to be included as part of the stakeholder group meetings. A working group has been created to review the survey results and help facilitate the best course of action regarding best practices in moving forward with the project. The survey results will assist in guiding project scope as the risk management issues are great and the project's timeline is tight, commencing March 31, 2021. Working group members include: Dr. Craig Cameron (Griffith University, Queensland, Australia); Cynthia Maclean (BCIT); Andrea Sator (SFU); Darleen Bemister (SFU); Marion Gasbarro (SFU).

## Background

As part of the BC Ministry of Advanced Education, Skills and Training, Project #320, Review of Risk Management: Legal, Safety and Liability Coverage for Students Working in Diverse Types of WIL, a survey was sent to WIL Membership to gain feedback and information regarding risk management issues.

The main purpose of the survey is to determine the key risk management issues facing ACE WIL BC practitioners, including the key areas that BC practitioners support, main challenges, challenges facing international students, areas of risk, how working remotely impacts risk, along with potential PD topics. The objective is to determine the key issues with regards to safety, legal and liability that ACE WIL Practitioners face in BC and ultimately determine where gaps exist and provide recommendations.

The goal of the Review of Risk Management: Legal, Safety and Liability Coverage for Students Working in Diverse Types of WIL Project, is to investigate the various institutional, governmental, ministry, and Faculty/departmental documents that pertain to risk management, legal, safety, and liability coverage for students working in diverse types of WIL. The need for clarity and to expose gaps in coverage is integral for student safety, program and stakeholder risk management. As part of the process, we will meet with diverse partners and stakeholder groups to investigate risk, safety and legal / non-legal documents as they pertain to WIL. Since the results are BC focused, we can determine questions and areas of risk that impact WIL practitioners in BC and the greater Canadian WIL environment.

The key topics within the project include:

- An overview of risk, safety and legal/ non-legal documents as they pertain to WIL.
- A report on the terminology used in legal/ non-legal documents with recommendations on terminology use.
- A report on international and domestic student coverage.
- A report on the possible coverage gaps for students in diverse WIL opportunities.
- A final report that provides professional development for ACE-WIL Members about risk management, legal, safety, and liability.

There are currently limited publications and resources, in both BC and Canada, regarding risk mitigation and related issues within WIL. In order to understand the topic and issues more clearly, there were a few articles and webinars reviewed to develop a sense of the overall WIL Risk Management landscape. The following publications helped frame the survey questions, particularly the key themes and top issues within WIL:

- 1). Cameron, Craig, The Strategic and Legal Risks of Work-Integrated Learning: An Enterprise Risk Management Perspective *Asia-Pacific Journal of Cooperative Education*, 2017, 18(3), 243-256
- 2). Canadian Association for Co-operative Education (CAFCE), Risk Management Webinar, Part II, April 29, 2015
- 3). Turcotte, J.F., Nichols, L., Philipps, L. (2016) Maximizing Opportunity, Mitigating Risk: Aligning Law, Policy and Practice to Strengthen Work-Integrated Learning in Ontario, Toronto: *Higher Education Quality Council of Ontario*

At the conclusion of this project, we will make recommendations to the Accountability Council for Co-operative Education and Work Integrated Learning, BC (ACCE-WIL BC) in order to move forward with a framework for WIL and student coverage. In addition, we will provide a Professional Development session to ACE WIL Members upon completion of the final report, in 2021. The project is resourced at 10.8 hours per week, until March 31, 2021.

## Methodology

A 17 question Risk Management survey was created using SurveyMonkey. The survey was emailed directly to all ACE WIL Council Members (27 Members) to complete and forward to their respective programs/staff members. In addition, the survey was emailed to all 223 ACE WIL BC Membership, across 25 institutions through the ACE WIL E-Newsletter. Of the 223 WIL BC Membership, the survey received 50 responses (22% response rate). Participants were encouraged to respond in order to obtain key issues/topics and were not provided payment for completion of the survey. Respondents were given approximately 2 ½ weeks to complete the survey before the deadline of August 4, 2020.

See Appendix A, which outlines the key objectives of the survey prior to respondent submission. Survey questions included multiple choice, rating scale (Likert Scale) and open-ended questions. Participants were asked about risk management areas impacting WIL within BC. Primary questions included the type of WIL their role supports, institution name, key issues facing their work, international student supports, equity and diversity, working remotely, employment contracts and forms, and other key risk management topics. As a key project outcome, respondents were also asked about their top 3 Professional Development topics they would like to learn about in an upcoming WIL BC Professional Development Session. See Appendix B with a full list of questions and associated results.

## Key Results

*Question #1: Of the CEWIL definitions, what is the primary type of WIL that your role supports (more than 50% of your role)? Review the definitions if needed.*

**Key result: 90% of respondents define their primary role as within Co-operative Education.**

*Questions #2: Which of the following best describes your current job title?*

**Key result: 54% of respondents defined their role as a Coordinator.**

*Questions #3: What is the name of your institution?*

**Key result: 60% of respondents listed Simon Fraser University as their workplace institution.**

*Questions #4: Which risk mitigation issues are most predominant in your work within WIL? Please rank with your greatest issue being #1.*

**Top 5 Key Issues: WorkSafeBC, BC Employment Standards, Employment Contracts, Accessibility and Human Rights.**

*Questions #5: Are there other risk management issues that you have dealt with that are not listed above, in Question #4? If so, please list here.*

**Key result: International co-op, bullying and harassment definitions, cultural safety.**

*Questions #6: Do you feel that your institution's website, within your primary WIL program, supports a student focused approach to equity, diversity and inclusion?*

**Key result: 30% of respondents stated that their institution's website does not support a student focused approach to equity, diversity and inclusion.**

*Questions #7: Do you feel that your institution's website, within your primary WIL program, highlights the employer's commitment to equitable and diverse hiring practices?*

**Key result: 56% of respondents do not feel that their institution's website, within their primary WIL program, highlights the employer's commitment to equitable and diverse hiring practices.**

*Questions #8: Students are increasingly working remotely in BC for employers located outside of the province. Which location(s) would you like more information, if the student is based in BC and the employer is located in one or more of the following? Select all that apply.*

**Key result: Most respondents were interested in learning more about employers from within Canada (84%). Most specifically: ON, AB, SK and QC.**

*Questions #9: Students are increasingly working remotely and residing outside of BC. Which location(s) that you would like more information on if the student is based in one or more of the following? Select all that apply.*

**Key result: 74% of respondents were interested in learning more about students working remotely in other provinces. 72% of respondents stated international locations: China, India and Iran.**

*Questions #10: Regarding students working remotely, please select what you believe to be the most important issues related to risk management. Select your top 3 issues.*

**Key result: Security issues if student is using personal computer (84%); initial training regarding best security practices (80%); inadequate supervision regarding following procedures related to security (58%).**

*Questions #11: If applicable, of the following co-op options, which would you like more risk management information on? Select all that apply.*

**Key result: 74% of respondents were interested in learning more about international co-op and secondly, 72% noted self-directed co-op.**

*Questions #12: Which of the following issues do you believe affects international students the most regarding obtaining a WIL experience in Canada? Select all that apply.*

**Key result: 90% of respondents stated that securing a work permit (Application, length of time to secure a permit), affects international students from obtaining a WIL experience in Canada; 80% stated that funding grant ineligibility was a key issue (Example: SWPP Federal Funding).**

*Questions #13: Do you believe that international students are at a disadvantage when attempting to secure a WIL experience?*

**Key result: 86% of respondents agree that international students face a disadvantage when attempting to secure a WIL experience.**

*Questions #14: Please select how strongly you agree or disagree with this statement. My institution does an exceptional job of communicating risk to **students** through our institution's WIL contracts and forms.*

**Key result: 38% of respondents 'somewhat agree' with this statement: My institution does an exceptional job of communicating risk to *students* through our institution's WIL contracts and forms.**

*Questions #15: Please select how strongly you agree or disagree with this statement. My institution does an exceptional job of communicating risk to **employers** through our institution's WIL contracts and forms.*

**Key result: 38% of respondents 'somewhat agree' with this statement: My institution does an exceptional job of communicating risk to *employers* through our institution's WIL contracts and forms.**

*Questions #16: Please select how strongly you agree or disagree with this statement. My institution's WIL contracts and forms are consistent throughout the institution. (Example: Co-operative Education, Clinical Placement, Field Experience).*

**Key result: 30% of respondents responded that they 'did not know' about whether or not their institution's WIL contracts and forms are consistent.**

*Questions #17: Which of the following topics would you like to learn more about in a future professional development session? Select your top 3.*

**Key result: Top 3 topics for a potential professional development session are: WorkSafeBC (84%), Employment Contracts (50%), followed by Accessibility (36%).**

## Appendix A

### Introduction to Survey

Funded through The Ministry of Advanced Education, Skills and Training's recent investment in WIL and on behalf of the Association for Co-operative Education and Work-Integrated Learning BC/Yukon, Simon Fraser University is leading a project to review risk management issues related to legal, safety and liability coverage for students working in diverse types of WIL.

When referring to Work-Integrated Learning (WIL), we are using the CEWIL definition of WIL: as 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. Read more about [CEWIL's nine types of WIL](#) and their attributes here.

Your responses will help **drive this project and will be kept confidential.**

Most post-secondary institutions in BC use an Enterprise Risk Management (ERM) approach to mitigating risk - "the coordinated, ongoing application of risk management across all parts of an organization, at all levels, from strategic planning to service delivery" (Risk Management Guide for the BC Public Sector).

The goal of this project is to review the gaps, seek advice from experts and ultimately educate and inform WIL practitioners and stakeholders in order to minimize risk for all involved. A professional development session on this subject will be planned for 2021.

Please contact Marion Gasbarro, [marion\\_gasbarro@sfu.ca](mailto:marion_gasbarro@sfu.ca), for any further questions.

This survey will take no more than 9 minutes to complete. Please complete no later than Tuesday, August 4, 2020.

Thank you for your participation!

Marion

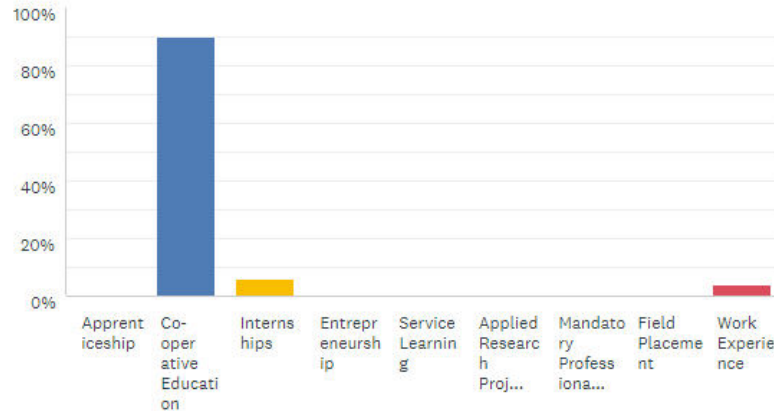
## Appendix B

Question #1: Of the CEWIL definitions, what is the primary type of WIL that your role supports (more than 50% of your role)? Review the definitions if needed.

**Key result: 90% of respondents define their primary role as within Co-operative Education.**

Of the CEWIL definitions, what is the primary type of WIL that your role supports (more than 50% of your role)? Review the definitions if needed.

Answered: 50 Skipped: 0



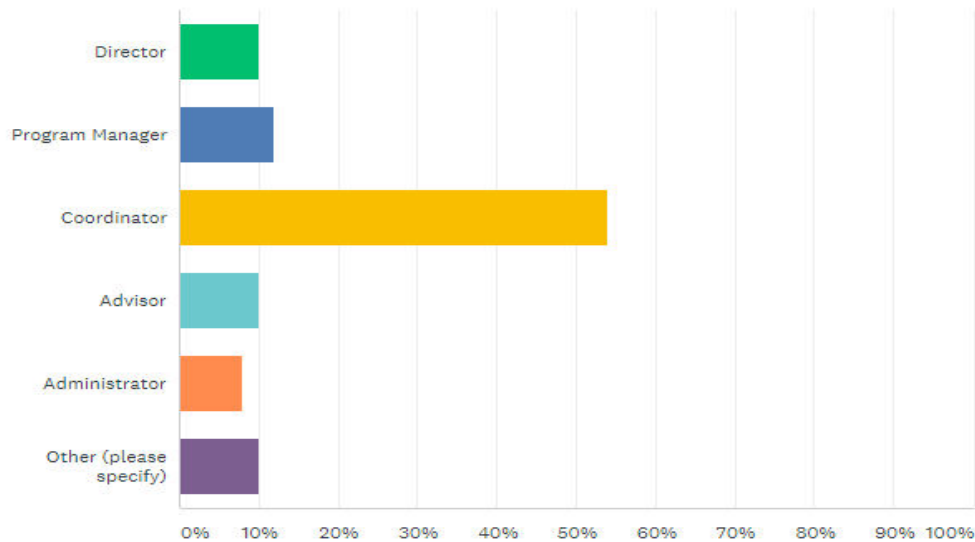
ANSWER CHOICES	RESPONSES
Apprenticeship	0.00% 0
Co-operative Education	90.00% 45
Internships	6.00% 3
Entrepreneurship	0.00% 0
Service Learning	0.00% 0
Applied Research Projects	0.00% 0
Mandatory Professional Practicum/Clinical Placement	0.00% 0
Field Placement	0.00% 0
Work Experience	4.00% 2
<b>Total Respondents: 50</b>	

Questions #2: Which of the following best describes your current job title?

**Key result: 54% of respondents defined their role as a Coordinator.**

Which of the following best describes your current job title?

Answered: 50 Skipped: 0



Other (please specify):

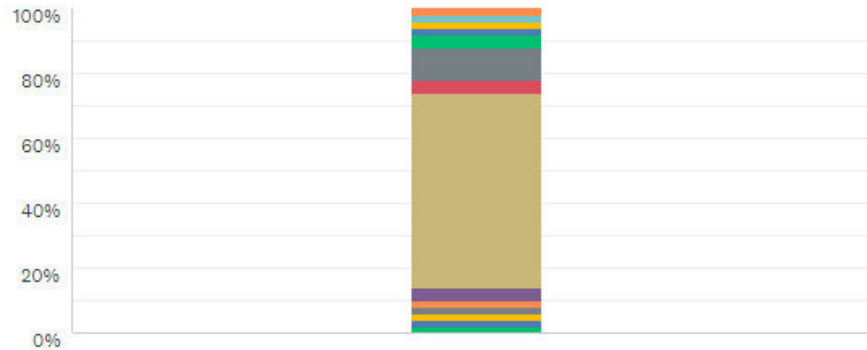
- Program Assistant
- Manager
- My job title is 'coordinator', but because I am the only staff member directly attached to the program my actual work also involves elements of advising, administration and management
- Faculty
- Program Head

Questions #3: What is the name of your institution?

**Key result: 60% of respondents listed Simon Fraser University as their workplace institution.**

## What is the name of your institution?

Answered: 50 Skipped: 0



- BCIT
- Camosun College
- Capilano University
- Coast Mountain College
- College of New Caledonia
- College of the Rockies
- Douglas College
- Emily Carr University of Art and Design
- Justice Institute of British Columbia
- Kwantlen Polytechnic University
- Langara College
- Nicola Valley Institute of Technology
- North Island College
- Northern Lights College
- Okanagan College
- Royal Roads University
- Selkirk College
- Simon Fraser University
- Thompson Rivers University
- University of British Columbia
- University of Northern British Columbia
- University of the Fraser Valley
- University of Victoria
- Vancouver Community College
- Vancouver Island University

ANSWER CHOICES	RESPONSES
BCIT	2.00% 1
Camosun College	2.00% 1
Capilano University	2.00% 1
Coast Mountain College	0.00% 0
College of New Caledonia	0.00% 0
College of the Rockies	0.00% 0
Douglas College	0.00% 0
Emily Carr University of Art and Design	0.00% 0
Justice Institute of British Columbia	0.00% 0
Kwantlen Polytechnic University	2.00% 1
Langara College	0.00% 0
Nicola Valley Institute of Technology	0.00% 0
North Island College	0.00% 0
Northern Lights College	0.00% 0
Okanagan College	2.00% 1
Royal Roads University	4.00% 2
Selkirk College	0.00% 0

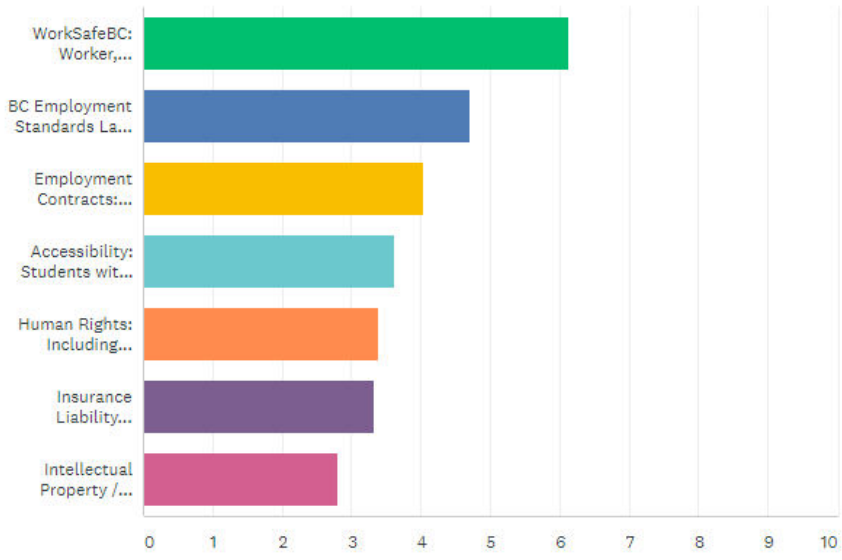
▼ Simon Fraser University	60.00%	30
▼ Thompson Rivers University	4.00%	2
▼ University of British Columbia	10.00%	5
▼ University of Northern British Columbia	4.00%	2
▼ University of the Fraser Valley	2.00%	1
▼ University of Victoria	2.00%	1
▼ Vancouver Community College	2.00%	1
▼ Vancouver Island University	2.00%	1
<b>TOTAL</b>		<b>50</b>

Questions #4: Which risk mitigation issues are most predominant in your work within WIL? Please rank with your greatest issue being #1.

**Top 5 Key Issues: WorkSafeBC, BC Employment Standards, Employment Contracts, Accessibility and Human Rights.**

Which risk mitigation issues are most predominant in your work within WIL?  
Please rank with your greatest issue being #1.

Answered: 50 Skipped: 0



	1	2	3	4	5	6	7	TOTAL	SCORE
WorkSafeBC: Worker, employer, supervisor rights and responsibilities, coverage, COVID-19 Safety Plan, working remotely, etc.	62.00% 31	16.00% 8	6.00% 3	10.00% 5	4.00% 2	0.00% 0	2.00% 1	50	6.14
BC Employment Standards Law: Temporary layoffs, just cause re: termination, minimum and maximum hours, etc.	12.00% 6	24.00% 12	24.00% 12	14.00% 7	16.00% 8	8.00% 4	2.00% 1	50	4.70
Employment Contracts: Examples of employment contracts, best practices, lack of employment contracts and implications	10.00% 5	14.00% 7	20.00% 10	18.00% 9	16.00% 8	8.00% 4	14.00% 7	50	4.04
Accessibility: Students with disabilities, mental health challenges, equal education issues	4.00% 2	14.00% 7	14.00% 7	20.00% 10	18.00% 9	16.00% 8	14.00% 7	50	3.62

▼ Human Rights: Including discrimination, bullying and harassment	6.00% 3	6.00% 3	14.00% 7	16.00% 8	22.00% 11	24.00% 12	12.00% 6	50	3.38
▼ Insurance Liability Coverage: Insurance liability, coverage and certification information	4.00% 2	20.00% 10	10.00% 5	8.00% 4	12.00% 6	20.00% 10	26.00% 13	50	3.32
▼ Intellectual Property / Privacy & Security: Copyright, students working remotely, storage of information, information security and transmission, sharing of information	2.00% 1	6.00% 3	12.00% 6	14.00% 7	12.00% 6	24.00% 12	30.00% 15	50	2.80

*Questions #5: Are there other risk management issues that you have dealt with that are not listed above, in Question #4? If so, please list here.*

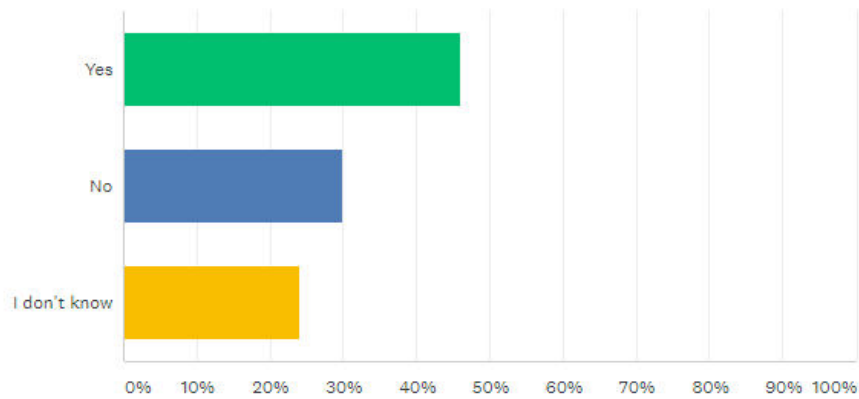
- Validation of a 6 credit research internship position
- Restrictions on international co-op terms due to federal government restrictions on essential travel and/or university policies.
- I would add cultural safety as a separate topic. I imagine it could be conceived within Human Rights, but I think its a big and pressing enough topic to deserve its own space. Other than that, I think these are the relevant issues, but they often look very different in my particular context, which involves arts organizations and studio practices that have specific risks/concerns that can sometimes be hard to relate back to policies created for more traditional work places. And, the practitioners who help with risk mitigation can often look very different from traditional HR. An example would be an intimacy coach in a theatre or dance context. Translating across these languages/disciplines can be a challenge.
- Students working out of British Columbia
- Harassment in the workplace: what constitutes harassment and bullying?
- Min wage/salary and other employment standards for international employers.
- Working with International employers who do not have similar Canadian standards

Questions #6: Do you feel that your institution's website, within your primary WIL program, supports a student focused approach to equity, diversity and inclusion?

**Key result: 30% of respondents stated that their institution's website does not support a student focused approach to equity, diversity and inclusion.**

Do you feel that your institution's website, within your primary WIL program, supports a student focused approach to equity, diversity and inclusion?

Answered: 50 Skipped: 0

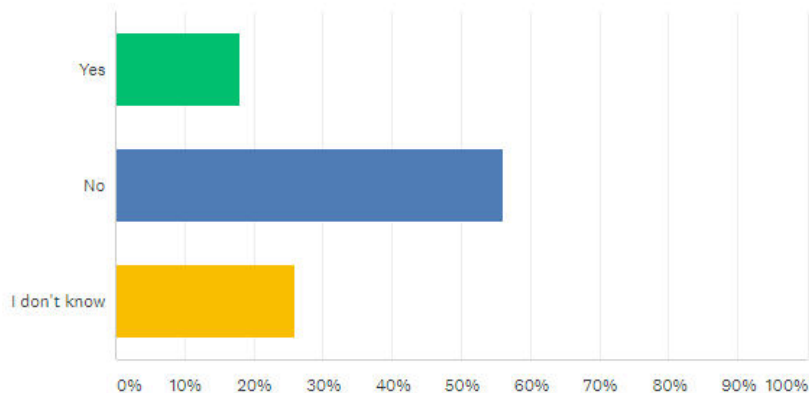


Questions #7: Do you feel that your institution's website, within your primary WIL program, highlights the employer's commitment to equitable and diverse hiring practices?

**Key result: 56% of respondents do not feel that their institution's website, within their primary WIL program, highlights the employer's commitment to equitable and diverse hiring practices.**

Do you feel that your institution's website, within your primary WIL program, highlights the employer's commitment to equitable and diverse hiring practices?

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	18.00% 9
No	56.00% 28
I don't know	26.00% 13
Total Respondents: 50	

*Comments:*

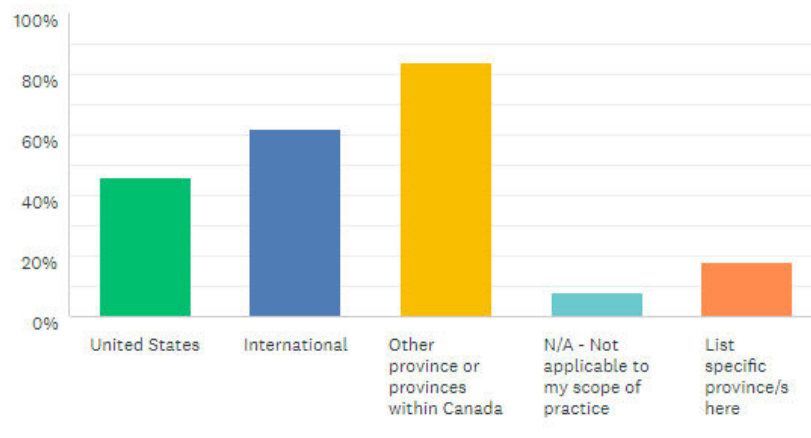
- The university is currently focused on a website renewal plan that will provide student-focused EDI.
- We will be adding more content as we currently have a project on this topic underway.
- I think we're likely doing our best, but speaking to my specific program area (contemporary arts), I would love EDI examples that were focused on student experiences that related to their work experiences within the arts.
- At least, we try to!
- The rigidity of our processes on our website do not assume inclusive practices/exceptions for those with disabilities.
- We are in the process of working on this and will be updating it shortly.
- JSS, EIC curriculum offerings for new students.
- Websites are under review at this time.
- Would like to work on this!
- Not clearly.

Questions #8: Students are increasingly working remotely in BC for employers located outside of the province. Which location(s) would you like more information, if the student is based in BC and the employer is located in one or more of the following? Select all that apply.

**Key result: Most respondents were interested in learning more about employers from within Canada (84%). Most specifically: ON, AB, SK and QC.**

Students are increasingly working remotely in BC for employer's located outside of the province. Which location(s) would you like more information, if the student is based in BC and the employer is located in one or more of the following? Select all that apply.

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
United States	46.00% 23
International	62.00% 31
Other province or provinces within Canada	84.00% 42
N/A - Not applicable to my scope of practice	8.00% 4
List specific province/s here	18.00% 9
<b>Total Respondents: 50</b>	

List specific provinces here:

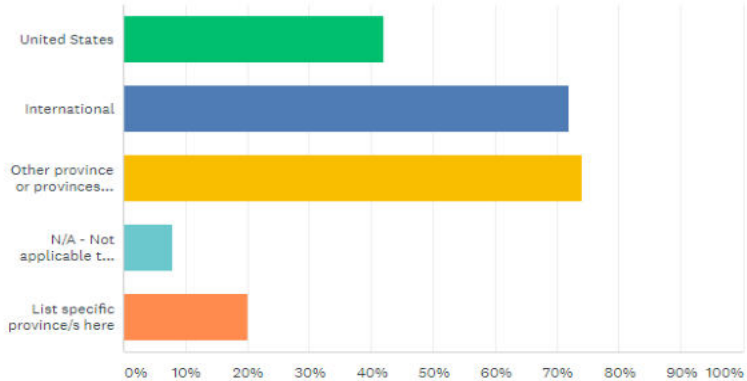
- Ontario and Alberta
- Alberta, Ontario, Quebec
- Ontario, Alberta
- Alberta, Ontario
- Ontario
- Alberta, Ontario, Quebec
- ON, QC, AB, SK are the priorities
- Ontario, Quebec, Alberta
- Alberta and Ontario

Questions #9: Students are increasingly working remotely and residing outside of BC. Which location(s) that you would like more information on if the student is based in one or more of the following? Select all that apply.

**Key result: 74% of respondents were interested in learning more about students working remotely in other provinces. 72% of respondents stated international locations: China, India and Iran.**

Students are increasingly working remotely and residing outside of BC. Which location(s) that you would like more information on if the student is based in one or more of the following? Select all that apply.

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
United States	42.00% 21
International	72.00% 36
Other province or provinces in Canada	74.00% 37
N/A - Not applicable to my scope of practice	8.00% 4
List specific province/s here	Responses 20.00% 10
Total Respondents: 50	

List specific provinces here:

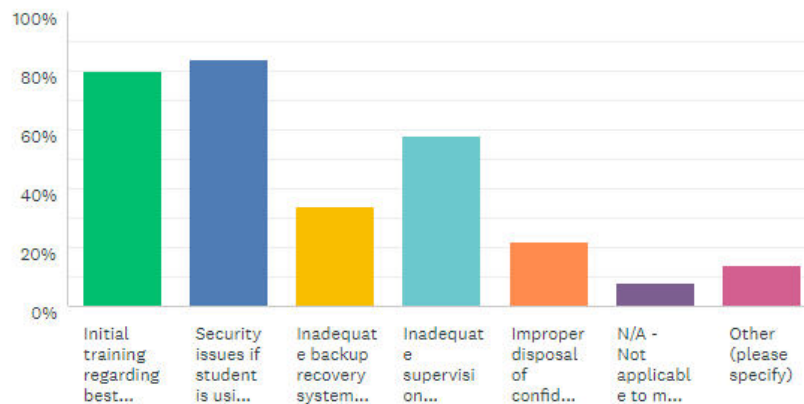
- Alberta and Ontario
- Ontario
- All provinces but especially Quebec, AB, ON
- Ontario, Alberta
- China, India, Iran
- China, India
- Ontario
- Ontario/Quebec
- ON, AB are the priorities
- Ontario, Alberta

Questions #10: Regarding students working remotely, please select what you believe to be the most important issues related to risk management. Select your top 3 issues.

**Key result: Security issues if student is using personal computer (84%); initial training regarding best security practices (80%); inadequate supervision regarding following procedures related to security (58%).**

Regarding students working remotely, please select what you believe to be the most important issues related to risk management. Select your top 3 issues.

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
Initial training regarding best security practices	80.00% 40
Security issues if student is using personal computer	84.00% 42
Inadequate backup recovery systems if student is using personal computer	34.00% 17
Inadequate supervision regarding following procedures related to security	58.00% 29
Improper disposal of confidential documents	22.00% 11
N/A - Not applicable to my scope of practice	8.00% 4
Other (please specify)	Responses 14.00% 7
<b>Total Respondents: 50</b>	

Other (please specify):

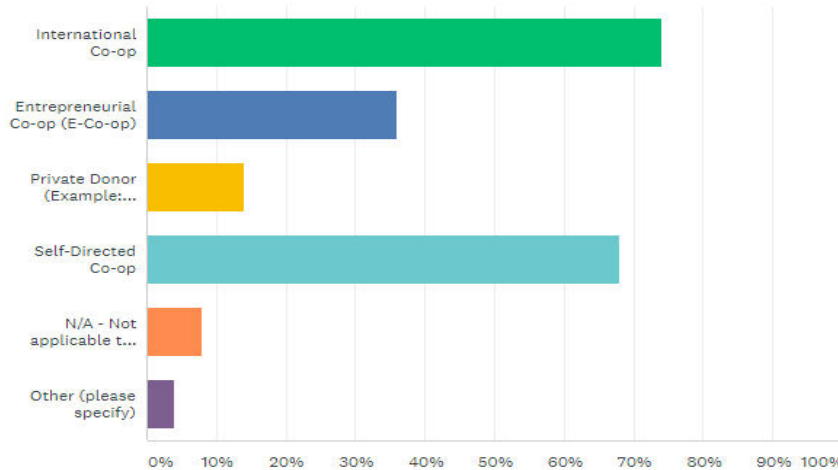
- Validity and rigour of the work term duties & responsibilities
- Proper ergonomic setup as most of my students work at desks
- My concerns are more around student wellness and potential pressure to take on risky work to further their careers.
- Safety
- Long term physical impact to poor ergonomic set up
- Most students aren't using their own personal computer
- Not sure

Questions #11: If applicable, of the following co-op options, which would you like more risk management information on? Select all that apply.

**Key result: 74% of respondents were interested in learning more about international co-op and secondly, 72% noted self-directed co-op.**

If applicable, of the following co-op options, which would you like more risk management information on? Select all that apply.

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
International Co-op	74.00% 37
Entrepreneurial Co-op (E-Co-op)	36.00% 18
Private Donor (Example: Academy to Community Award)	14.00% 7
Self-Directed Co-op	68.00% 34
N/A - Not applicable to my scope of practice	8.00% 4
Other (please specify)	Responses 4.00% 2
<b>Total Respondents: 50</b>	

Other (please specify):

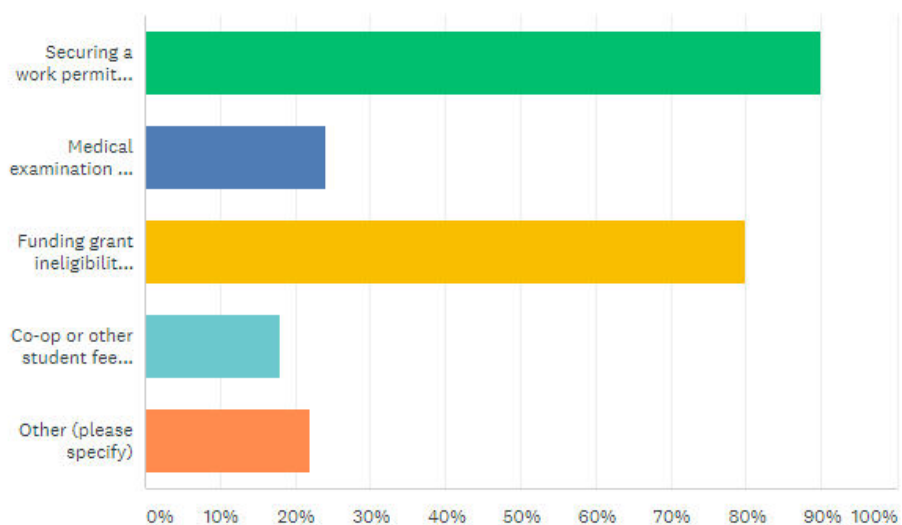
- Contract work.
- International Internships

Questions #12: Which of the following issues do you believe affects international students the most regarding obtaining a WIL experience in Canada? Select all that apply.

**Key result: 90% of respondents stated that securing a work permit (Application, length of time to secure a permit), affects international students from obtaining a WIL experience in Canada; 80% stated that funding grant ineligibility was a key issue (Example: SWPP Federal Funding).**

Which of the following issues do you believe affects international students the most regarding obtaining a WIL experience in Canada? Select all that apply.

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
Securing a work permit (Application, length of time to secure a permit)	90.00% 45
Medical examination and fees associated (Can be upwards of \$300)	24.00% 12
Funding grant ineligibility (Example: SWPP Federal Funding)	80.00% 40
Co-op or other student fee structure	18.00% 9
Other (please specify)	<a href="#">Responses</a> 22.00% 11
<b>Total Respondents: 50</b>	

Other (please specify):

- Ability to relocate to Canada to begin their academic program to qualify for co-op work permit
- The international students' PAID work experiences outside of Canada (in their home countries) are not valued by some employers and possibly not even valued by some WIL staff in Canada. The international students themselves, as a result of this, might internalize such negative perceptions about their paid work experiences in their home countries. Therefore, their sense of self-worth and self-confidence could be negatively impacted.
- EAL
- Unpaid internships are a good option for many students, but can be inaccessible. This is particularly true for international students who pay international student tuition for the credits.

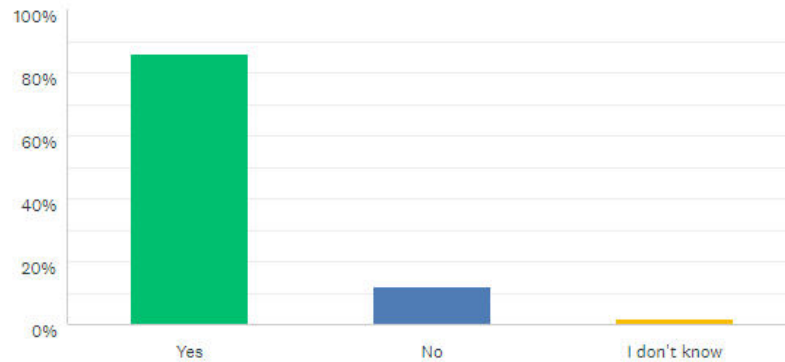
- Employer wage fund or grant options to hire ALL post graduate students. Only two grants currently support international students.
- Securing a co-op job with government funding criteria excluding international students.
- Many of them have to work in addition to school, and when they get a co-op they don't want to lose their part time job, so tend to work at both the ft co-op jobs and then part job
- Institutional policy restricting ALL international activity which includes co-op
- Communication skills
- Biometrics
- Time it takes to provide biometrics

Questions #13: Do you believe that international students are at a disadvantage when attempting to secure a WIL experience?

**Key result: 86% of respondents agree that international students face a disadvantage when attempting to secure a WIL experience.**

Do you believe that international students are at a disadvantage when attempting to secure a WIL experience?

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	86.00% 43
No	12.00% 6
I don't know	2.00% 1

Total Respondents: 50

Comments:

- Employers often overlook international students, perceiving domestic students to be easier to hire and onboard
- See above.
- Ineligibility due to funding restrictions is biggest issue.
- Increase in SWPP funding has benefited domestic students, but has disadvantaged international students.
- Funding currently available excludes them.
- I think the accessibility issues I outlined above are a disadvantage, as well as the additional burden of work permits.
- Lack of funding options for employers to hire them.
- Language barriers.
- They may lack Canadian work experience and references.
- There is a lot of federally-funded programs that they can't take advantage of.
- Many positions give preference to Canadian citizens and permanent residents based on funding criteria or federal government positions.
- Lengthy work permit processing time; Fed Govt postings typically don't allow intl students; employers with roles funded by CSJ, SWPP cannot hire intl students, intl students sometimes have EAL challenges; intl students may have different approach to job search due to home culture which may pose a barrier to getting hired.
- Funding eligibility requirements limit their access to certain opportunities.

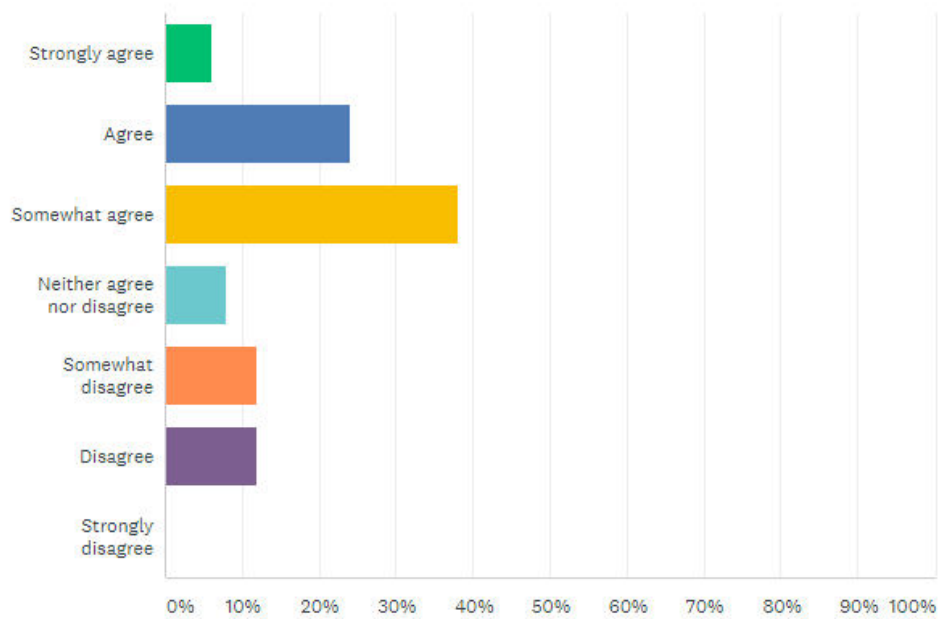
- Delays in work permits, lack of access to govt jobs, issues around accommodation wherein they might have to leave their SFU accommodation to go somewhere else for a semester, finishing on an academic semester, etc.
- Yes, but hard to quantify. "Systemic..."

Questions #14: Please select how strongly you agree or disagree with this statement. My institution does an exceptional job of communicating risk to **students** through our institution's WIL contracts and forms.

**Key result: 38% of respondents 'somewhat agree' with this statement: My institution does an exceptional job of communicating risk to *students* through our institution's WIL contracts and forms.**

Please select how strongly you agree or disagree with this statement. My institution does an exceptional job of communicating risk to students through our institution's WIL contracts and forms.

Answered: 50 Skipped: 0



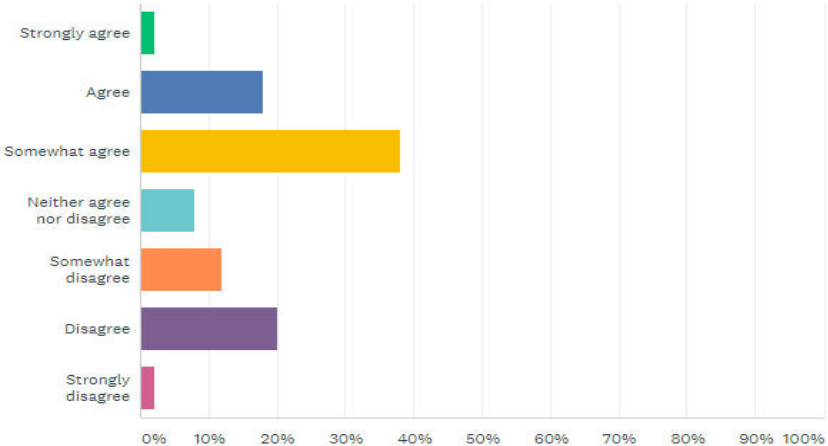
ANSWER CHOICES	RESPONSES
Strongly agree	6.00% 3
Agree	24.00% 12
Somewhat agree	38.00% 19
Neither agree nor disagree	8.00% 4
Somewhat disagree	12.00% 6
Disagree	12.00% 6
Strongly disagree	0.00% 0
<b>TOTAL</b>	<b>50</b>

Questions #15: Please select how strongly you agree or disagree with this statement. My institution does an exceptional job of communicating risk to **employers** through our institution's WIL contracts and forms.

**Key result: 38% of respondents ‘somewhat agree’ with this statement: My institution does an exceptional job of communicating risk to *employers* through our institution's WIL contracts and forms.**

Please select how strongly you agree or disagree with this statement. My institution does an exceptional job of communicating risk to employers through our institution's WIL contracts and forms.

Answered: 50 Skipped: 0



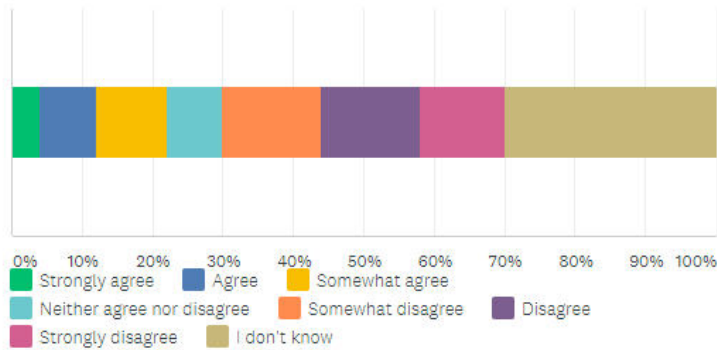
ANSWER CHOICES	RESPONSES
Strongly agree	2.00% 1
Agree	18.00% 9
Somewhat agree	38.00% 19
Neither agree nor disagree	8.00% 4
Somewhat disagree	12.00% 6
Disagree	20.00% 10
Strongly disagree	2.00% 1
<b>TOTAL</b>	<b>50</b>

Questions #16: Please select how strongly you agree or disagree with this statement. My institution's WIL contracts and forms are consistent throughout the institution. (Example: Co-operative Education, Clinical Placement, Field Experience).

**Key result: 30% of respondents responded that they 'did not know' about whether or not their institution's WIL contracts and forms are consistent.**

Please select how strongly you agree or disagree with this statement. My institution's WIL contracts and forms are consistent throughout the institution. (Example: Co-operative Education, Clinical Placement, Field Experience).

Answered: 50 Skipped: 0



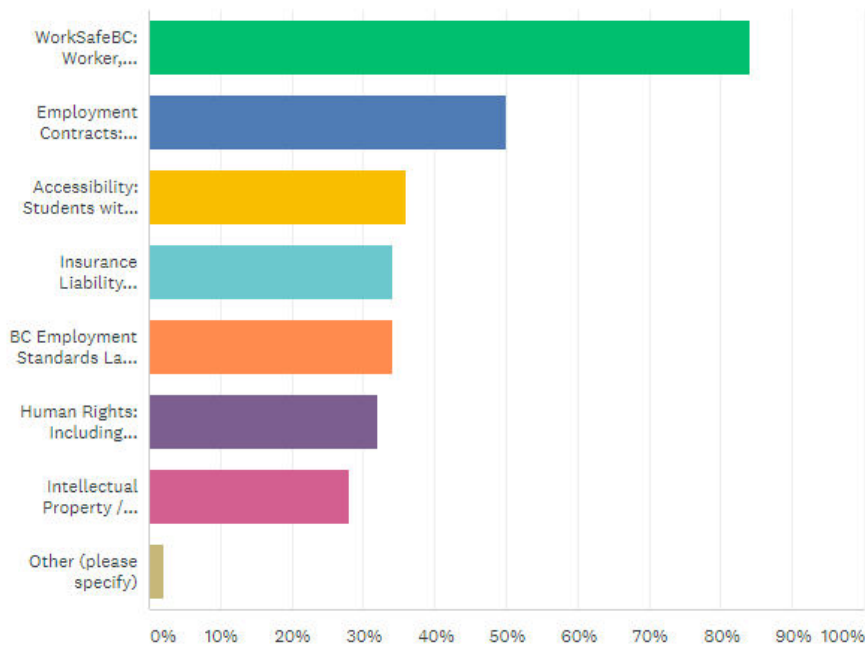
ANSWER CHOICES	RESPONSES	
Strongly agree	4.00%	2
Agree	8.00%	4
Somewhat agree	10.00%	5
Neither agree nor disagree	8.00%	4
Somewhat disagree	14.00%	7
Disagree	14.00%	7
Strongly disagree	12.00%	6
I don't know	30.00%	15
<b>TOTAL</b>		<b>50</b>

Questions #17: Which of the following topics would you like to learn more about in a future professional development session? Select your top 3.

**Key result: Top 3 topics for a potential professional development session are: WorkSafeBC (84%), Employment Contracts (50%), followed by Accessibility (36%).**

Which of the following topics would you like to learn more about in a future professional development session? Select your top 3.

Answered: 50 Skipped: 0



ANSWER CHOICES	RESPONSES
WorkSafeBC: Worker, employer, supervisor rights and responsibilities, coverage, COVID-19 Safety Plan, working remotely, etc.	84.00% 42
Employment Contracts: Examples of employment contracts, best practices, lack of employment contracts and implications	50.00% 25
Accessibility: Students with disabilities, mental health challenges, equal education issues	36.00% 18
Insurance Liability Coverage: Insurance liability, coverage and certification information	34.00% 17
BC Employment Standards Law: Temporary layoffs, just cause re: termination, minimum and maximum hours, etc.	34.00% 17
Human Rights: Including discrimination, bullying and harassment	32.00% 16
Intellectual Property / Privacy & Security: Copyright, students working remotely, storage of information, information security and transmission, sharing of information	28.00% 14
Other (please specify)	<a href="#">Responses</a> 2.00% 1
<b>Total Respondents: 50</b>	

Other (please specify):

- Forced to pick 3. I'd like more information on Baumol's Cost Disease.

## Appendix C: Letter from Dr. Bonnie Henry to B.C. PSIs, March 8/21



1190387

March 8, 2021

Dear Post-Secondary Institution Presidents:

I am writing to you to acknowledge the important leadership the post-secondary sector has shown in BC's response to the COVID-19 pandemic over the past 12 months, and to support you with the critical goal of resuming safe on-campus teaching, learning and research in September 2021.

Your institutions worked in partnership with the BC Centre for Disease Control, WorkSafeBC, the Ministry of Advanced Education and Skills Training, and staff in my office to produce and update the "COVID-19 Go-Forward Guidelines for B.C.'s Post-Secondary Sector." Those Guidelines and your institutional health and safety plans helped the sector to be very successful in mitigating the spread of COVID-19. The quick adaptation to remote learning, while staying open and available for learners, played a major role in the success of B.C.'s pandemic response.

My office and our medical health officers share your concerns about the wellbeing of young adults who are disproportionately affected by the pandemic, including worsening mental health, increased financial instability and diminished future prospects. We also acknowledge this has been a difficult and stressful time for faculty and staff. It is imperative to get back on campus for everyone's health and well-being.

There are very good reasons to be confident that a return to on-campus instruction in the fall can be undertaken safely and successfully. Current projections of the COVID-19 vaccine supply in BC suggest that all vulnerable and high-risk groups should be immunized this spring, and the majority of the adult population by the summer. Young adults aged 18-24 should receive the vaccine no later than the end of July, but more likely sooner. The timing of immunization should not be a determinant of planning for a return to on-campus activities.

Given the expected timelines for immunization it is essential that we plan for a full return to in-person activities on campus in September 2021, including in-person instruction, with faculty and staff returning to campus sooner. Immunization will support what seems likely to become stable coexistence with COVID-19 as another manageable, seasonal ailment.

.../2

New variants of the SARS CoV-2 virus will likely continue to emerge. We will respond to them through monitoring, re-formulation of tests and vaccines, and through other measures as needed depending on the characteristics of the variants. Targeted testing and contact tracing by health authorities will remain key supplements to immunization in rapidly controlling transmission. These activities will be part of normal, ongoing life with COVID-19.

We have also learned over the past year that when we implement effective safety plans, large sectors can operate safely. Reducing the opportunity for infectious contacts will continue to be an important strategy. As such, safety plans will remain important, with updates as required. My team looks forward to working with you to fine-tune plans for the prevention activities we have all become so familiar with: self-administered health checks; facilitating hand cleaning through access to soap and water or encouraging people to use hand sanitizers; use of masks; early detection and rapid testing of potential cases; isolation; and case and contact management.

The experience of the past year can help with a safe return to post-secondary campuses. Above and beyond immunization, infectious contacts in group settings at post-secondary institutions can be reduced through a variety of prevention and exposure control measures. Two-meter physical distancing has been my guidance for uncontrolled group settings. Such distancing is neither practical, nor necessary, in the controlled context of post-secondary instructional settings. I am very confident that the combination of immunization and continued application of the “COVID-19 Go-Forward Guidelines for B.C.’s Post-Secondary Sector” will support the safe and complete resumption of campus teaching, learning, and research.

We also believe student housing, dining and other on-campus student services will be able to return to normal or close-to-normal capacities by following revised protocols in the “COVID-19 Go-Forward Guidelines for B.C.’s Post-Secondary Sector.”

Based on what we have learned in the past year, and the important protection that immunization will provide, I, as well as the medical health officers in British Columbia, strongly support the resumption of on-campus activities in September 2021. Public health will also continue to work with post-secondary institutions to determine if measures are needed to keep activities inside and outside the classroom safe in the fall, such as public transportation, socializing outside of class, athletics, and arrival and quarantine of international students.

Thank you, again, for the important role you play in supporting the provincial COVID-19 response, and in helping British Columbians to realize the full experience and benefits of post-secondary education. I look forward to working with you to strengthen the collaboration between public health and post-secondary institutions for a full and safe return to on-campus instruction in September 2021. We all look forward to the rich campus interactions that will make learning and personal development so much more effective and supportive for students, faculty, and staff.

.../3

Sincerely,



Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

Cc Honourable Anne Kang, Minister of Advanced Education and Skills Training  
Shannon Baskerville, Deputy Minister of Advanced Education and Skills Training  
Max Blouw, President Research Universities' Council of BC  
Ruth Wittenberg President, BC Association of Institutes and Universities  
Colin Ewart, President BC Colleges  
Honourable Adrian Dix, Minister of Health  
Stephen Brown, Deputy Minister, Ministry of Health  
Chief Medical Health Officers, Regional Health Authorities  
Chief Medical Officer, First Nations Health Authority  
Deputy Provincial Health Officers

### WIL DEFINITIONS



Co-operative  
education and  
work-integrated  
learning



Enseignement  
coopératif et  
apprentissage  
en milieu de travail

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:

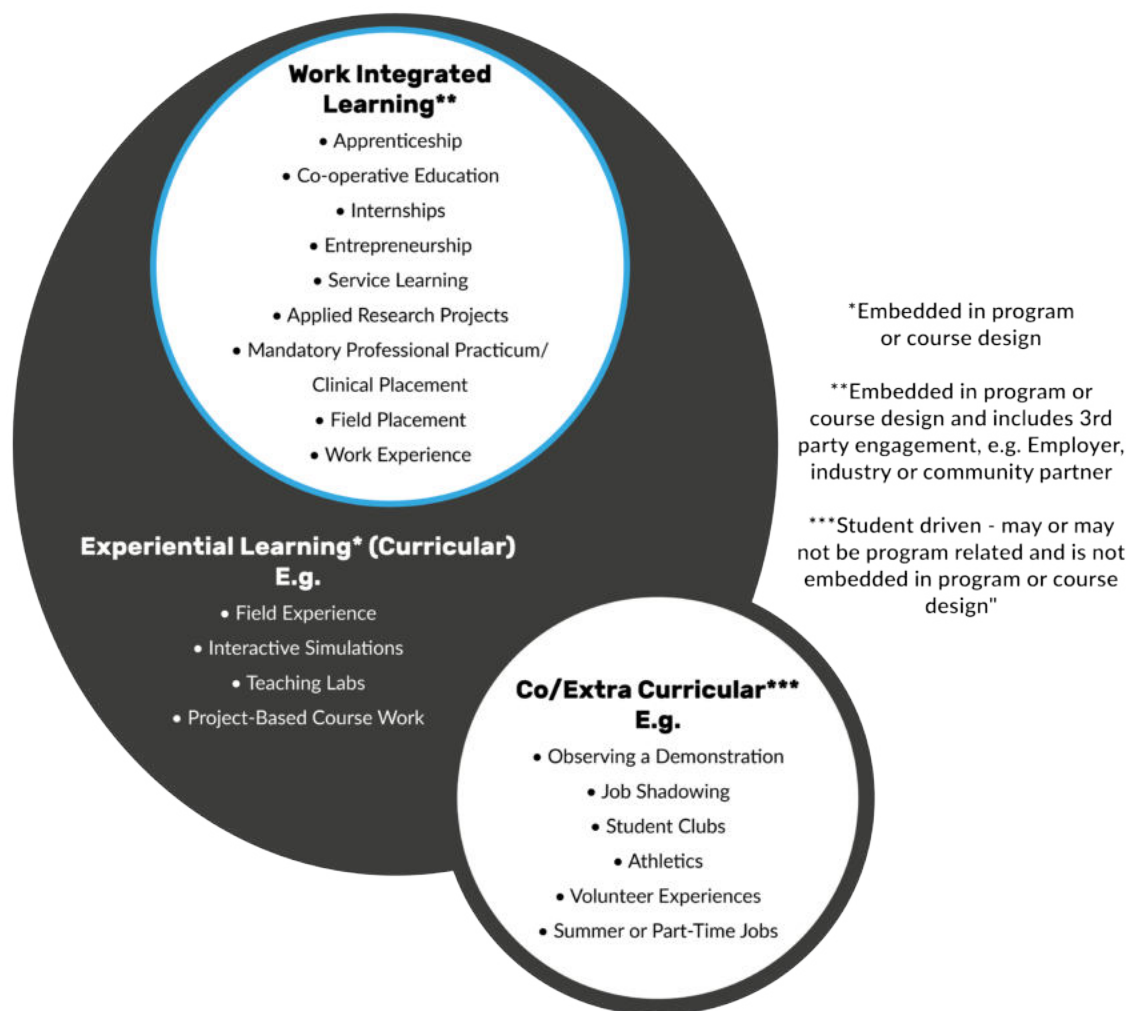
Involves work experience under the supervision of an experienced registered or licensed professional (e.g. preceptor) in any discipline that requires practice-based work experience for professional licensure or certification. Practica are generally unpaid and, as the work is done in a supervised setting, 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.



## Appendix E: Employee of the Crown Document (MAEST)



July 20, 2020

To: Occupational Health & Safety Representatives  
BC Post-Secondary Institutions

Re: WorkSafeBC coverage for post-secondary apprenticeship and practicum students

Dear Institutional Representatives:

On April 6, 2020, a revised *Workers Compensation Act* came into effect. The Act has been reorganized and the language modernized. A detailed description of the changes and a current version of the Act are available on the [WorkSafeBC website](#).

The attached Ministry policy for WorkSafeBC coverage for apprenticeship and practicum students has been updated to reflect the renumbered and revised parts, divisions, and sections of the Act.

Questions about the Ministry's policy may be directed to [Post-Secondary.WorkSafe@gov.bc.ca](mailto:Post-Secondary.WorkSafe@gov.bc.ca).

Sincerely,

Wendy J. Grondzil, CPA, CMA  
Director | Financial Performance

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**Ministry of  
Advanced Education,  
Skills and Training**

Finance, Technology  
and Management Services  
and Division Responsible for  
Student Housing

Mailing Address:  
PO Box 9134 Stn Prov Govt  
Victoria BC V8W 9B5

Location Address:  
1<sup>st</sup> Floor – 835 Humboldt Street  
Victoria BC V8V 4W8

Telephone: (778) 974-2362



*Ministry of  
Advanced Education,  
Skills and Training*

## **Policy Regarding WorkSafeBC Coverage for Post-Secondary Students Deemed to be Employees of the Crown**

**Date:** Revised July 20, 2020

**Policy:** Post-Secondary students deemed to be employees of the Crown are eligible for WorkSafeBC coverage for work-related illness or injury.

### **Contents**

1. Purpose
2. Legislative Authority
3. Definitions
4. Student Eligibility Criteria
5. Ineligibility
6. References
7. Procedures for Submitting WorkSafeBC Claim on Behalf of Eligible Practicum or Apprenticeship Students

Appendix A Public Post-Secondary Institutions

### **Contact:**

**Ministry of Advanced Education, Skills and Training, via email (recommended)**  
**[Post-Secondary.Worksafe@gov.bc.ca](mailto:Post-Secondary.Worksafe@gov.bc.ca)** , or phone: (778) 698-9776

**1. Purpose:** This policy provides guidance for determining if a post-secondary student may be deemed to be an employee of the Crown.

**2. Legislative Authority:** *Workers Compensation Act, Section 6:*

*Extending application: vocational or training programs*

- 6** (1) *This section applies if the Minister of Education, Skills and Training and the minister responsible for the administration of this Act approve*
- (a) a vocational or training program, and*
  - (b) a school or other location as a place at which the vocational or training program is to be provided.*
- (2) The Board may, at the request of a minister referred to in subsection (1), deem a person or class of persons enrolled in a program approved under that subsection to be a worker or workers of the Crown in right of British Columbia.*
- (3) In relation to a person who is deemed to be a worker under subsection (2), compensation under this Act is payable under the compensation provisions for injuries to the worker arising out of and in the course of training for that worker.*
- (4) As limits on subsection (3), if an injury results in a period of temporary disability with no loss of earnings,*
- (a) subject to paragraph (b) of this subsection, a health care benefit only is payable, and*
  - (b) if training allowances paid by Canada or British Columbia are suspended, the Board may, for the period the Board considers advisable, pay compensation in the amount of the training allowance.*
- (5) Admissions under this section may be made at the time, in the manner, subject to the terms and conditions and for the period the Board considers adequate and proper.*

**3. Definitions:**

- a. **Accelerated Credit Enrolment to Industry Training or ACE IT.** The technical training component of an industry training program for high school students. ACE IT programs are usually offered as partnerships between school districts and post-secondary institutions with onsite training at either location. ACE IT students are Youth Apprentices registered with the Industry Training Authority.
- b. **Apprenticeship.** A form of post-secondary education that combines paid, work-based training, with technical training in a classroom or shop setting. Successful completion of both components, along with examinations, is required to earn a Certificate of Qualification, and be recognized as a certified tradesperson. An **apprentice** and their **sponsor** register the apprenticeship agreement with the Industry Training Authority. Eligible sponsors must be legal entities or individuals who are journeypersons or equivalent. A sponsor can be an employer or a 3rd party (e.g. union or industry organization).

- c. **Foundation.** A form of pre-apprenticeship post-secondary education conducted in classroom or shop setting. A student who successfully completes the program earns an Industry Training Authority Certificate of Completion. Foundation programs cover material related to one or more apprenticeship programs and generally also provide credit towards completion of an apprenticeship. A Foundation student is registered with a public or private Industry Training Authority Designated Training Provider.
- d. **Off-site.** At a host or sponsor employer's premises or place of business.
- e. **On-site.** At the premises of the student's training institution.
- f. **Practicum.** An assigned, unpaid and supervised practical work experience, undertaken by a student enrolled at a public post-secondary institution listed in Appendix A, that is included in the program/course description in the institutions program calendar.
- g. **Student.** A person whom a post-secondary institution or training provider recognizes to be enrolled in good standing in a course or program of studies at the qualifying institution.

#### 4. Student Eligibility Criteria:

- a. A student is eligible to be deemed an employee of the Crown if participating in either:
  - i. the **practicum component** of their program within the Province of British Columbia while enrolled at a public post-secondary institution listed in Appendix A, either:
    - 1. on-site at a workplace that is part of the institution's regular business activities or,
    - 2. off-site at an employer's place of business; or
    - 3. working from their home under the terms of a written agreement signed by both the employer and the student;
  - ii. **classroom, lab or shop instruction for the technical training component** of their **apprenticeship** program at a public or private Industry Training Authority designated training provider within the Province of British Columbia only if the student is not otherwise considered to be an employee of an employer sponsor;
  - iii. an unpaid **off-site work experience** that is a component of their **Foundation** program at a public or private Industry Training Authority Designated Training Provider within the Province of British Columbia; or
  - iv. an unpaid **off-site work experience** that is a **non-secondary school** component of their Accelerated Credit Enrolment to Industry Training (**ACE IT**) program at a public or private Industry Training Authority Designated Training Provider within the Province of British.
- b. A student participating in one of the activities in section 4(a) and outside of the Province of British Columbia is generally not eligible and should confirm similar workplace coverage with the province or country in which they will be working. The student is also advised to obtain their own medical insurance.
- c. A student participating in one of the activities in section 4(a), but who is required to undertake some work or travel outside of the province of British Columbia, may be eligible for WorkSafeBC coverage if the circumstances meet the conditions of the *Workers Compensation Act* Section 147:



### ***Injuries happening outside British Columbia***

**147** (1) *This section applies if*

- (a) a worker is injured while working outside British Columbia, and*
- (b) the injury would entitle the worker or the worker's dependants to compensation under this Part if the injury occurred in British Columbia.*

(2) *The Board must pay compensation under this Part only if all of the following apply:*

- (a) a place of business of the worker's employer is located in British Columbia;*
- (b) the worker's residence and usual place of employment are located in British Columbia;*
- (c) the employment is such that the worker is required to work both in and outside British Columbia;*
- (d) the worker's employment outside British Columbia*
  - (i) has immediately followed the worker's employment in British Columbia by the same employer, and*
  - (ii) has lasted less than 6 months.*

### **5. Ineligibility:**

- a. A student is ineligible to be deemed a worker of the Crown by the Ministry of Advanced Education, Skills and Training if participating in:
  - i. **paid** work or paid work-based training through which WorkSafeBC coverage is available via the student's employer;
  - ii. **classroom, lab, simulator or shop instruction for the technical training component** of an **apprenticeship** program while under a contract of apprenticeship with an employer sponsor. The student should be eligible for WorkSafeBC coverage through their employer sponsor;
  - iii. a secondary school component of a program (e.g. ACE IT) and have been designated as employees of the Crown by the Ministry of Education;
  - iv. simulations that replicate workplace tools, processes or environments that permit students to learn, practice and engage in scenarios designed to prepare them for an actual workplace (e.g. practicing CPR on a training mannequin); or
  - v. classroom, lab, simulator or shop components of any **non-apprenticeship** program (e.g. **Foundation ACE IT**, science, arts).

An institution may choose to purchase student accident insurance. Advisement on additional coverage is offered by the Risk Management Branch of the Ministry of Finance. Students are advised to obtain their own medical insurance, such as coverage under the BC Medical Services Plan.



## 6. References:

- [WorkSafeBC, Resources to support health and safety while working from home](#), April 28, 2020
- [WorkSafeBC, Rehabilitation Services and Claims Manual, Volume II](#), Item: C3-21.00, Extra-Employment Activities, July 1, 2010.
- [WorkSafeBC, Information Sheet, “Did you know? Unpaid practicum students are eligible for workers’ compensation coverage”](#), March 13, 2013.
- [Work Experience Order](#), Orders of the Minister of Education, Ministerial Order 237/11 (M033/09), Authority: *School Act*, section 168 (2) (a), Effective August 16, 2011.
- [Program Guide for Ministry-Authorized Work Experience Courses](#), Ministry of Education, June 2019.
- [Apprentice/Trainee and Sponsor Registration](#), Industry Training Authority

## 7. Procedures for Authorizing and Submitting WorkSafeBC Claim on Behalf of Eligible Practicum or Apprenticeship Students

### Student

The student completes an Application for Compensation and Report of Injury or Occupational Disease (Form 6) and submits it directly to WorkSafeBC.

### Post-Secondary Institution or Training Provider

- a. Download the fillable PDF – Employer’s Report of Injury or Occupational Disease” (Form 7) at <https://www.worksafebc.com/en/forms-resources>.
- b. Starting at the top of page 1, in the employer information section:
  - i. enter the WorkSafeBC claim number (if known), employer’s name, and type of business.
  - ii. enter the WorkSafeBC account number (004002), classification number (841106) and operating location number (001).
  - iii. complete the remaining parts of the employer information section.
- c. Record the injured student’s information in the worker information section. Clearly indicate whether the injured student was on a practicum or attending apprenticeship technical training and include the name of their program.
- d. Ensure to provide details of the location of injury/incident, including the address and name of the facility, business, etc.
- e. Complete the remainder of the form, as indicated.
- f. The signature and report date section (bottom of the third page) must be signed and dated by an appropriate representative of the institution.
- g. Encrypt the form, note the password to open the document, and email the protected document to the Ministry contact at [Post-Secondary.Worksafe@gov.bc.ca](mailto:Post-Secondary.Worksafe@gov.bc.ca).
- h. Send the password in a separate email or call the ministry contact at (778) 698-9776 and provide the password required to open the encrypted document.



**Ministry**

- a. Ministry staff reviews the claim to determine if, under this policy, the student should be considered an employee of the Crown for this case.
- b. If the Ministry determines that the worker is considered an employee of the Crown, the Ministry will authorize the claim and sign the form 7. This authorization indicates that the student should be considered an employee of the Crown for this claim and that the Crown agrees to assume the liability for claim costs. The Ministry will fax the claim package to WorkSafeBC for processing and send an email confirmation advising the form was authorized to the institution's Occupational Health and Safety representative.
- c. If not approved, the Ministry will advise the institution of the results via an email to the institutional representative who submitted the form.



**Attachment: Appendix A Public Post-Secondary Institutions**

**Appendix A Public Post-Secondary Institutions**

1. British Columbia Institute of Technology
2. Camosun College
3. Capilano University
4. Coast Mountain College
5. College of New Caledonia
6. College of the Rockies
7. Douglas College
8. Emily Carr University of Art & Design
9. Justice Institute of BC
10. Kwantlen Polytechnic University
11. Langara College
12. Nicola Valley Institute of Technology
13. North Island College
14. Northern Lights College
15. Okanagan College
16. Royal Roads University
17. Selkirk College
18. Thompson Rivers University
19. University of Northern BC
20. University of the Fraser Valley
21. Vancouver Community College
22. Vancouver Island University
23. Simon Fraser University
24. University of British Columbia
25. University of Victoria

**Workers' Compensation Coverage: Remote Work & Jurisdictional Considerations**  
**Paid Work-Integrated Learning (WIL) Experiences**

In Canada, when the student is a **paid employee of an employer**, it is the responsibility of the employer to provide workplace injury insurance, in the form of provincial Workers' Compensation Coverage. Workers' Compensation Boards (WCB's) partner with workers and employers to promote safe and healthy workplaces across the country; there are [12 WCB's](#) across Canada. In some jurisdictions, the workplace may **not** have a legal requirement to provide workplace injury insurance. For example, some provinces have exceptions based on industry sector and are **not required** to carry provincial Workers' Compensation Coverage.

**Best practices for all PSI's prior to a WIL experience:**

1. **Inform the employer** that it is the PSI's program expectation that they provide Workers' Compensation Coverage for the jurisdiction in which the student will work; touch points could include initial inquiry stage; job posting and employment confirmation.
2. **Inform the student** that it is the employer's responsibility to provide coverage, if required; it is the responsibility of the student to confirm with their employer whether or not they will be covered by the relevant provincial Workers' Compensation Board.

Employer's Location	Student's Location		
	Within B.C.	Out of Province (within Canada)	Out of Country
<b>Within BC</b>			
<b>Provider</b>	WorkSafeBC	Provincial Workers' Compensation Board provider where the student is residing and working (where applicable).	Dependent upon the jurisdiction of the host country. Insurance may not be consistent with Canadian standards.
<b>Special Considerations</b>	When students are participating in remote work experiences they are still required to have <a href="#">WorkSafeBC</a> coverage. WorkSafeBC sees this work arrangement as an <b>extension of the workplace</b> and coverage is required.	PSI could advise the student to check in with their employer regarding Workers' Compensation Coverage.	The PSI could advise the student to purchase personal accident/ injury insurance in their home country as they are not covered by B.C. Workers' Compensation. Mitigation strategies could include pre-departure forms, checklists, and waivers or other documents to aid in communicating risk/expectations.
<b>Out of Province (within Canada)</b>			
<b>Provider</b>	WorkSafeBC	Provincial Workers' Compensation Board provider where the student is residing and working (where applicable).	Dependent upon the jurisdiction of the host country. Insurance will likely not be consistent with Canadian standards.
<b>Special Considerations</b>	The employer must register with <a href="#">WorkSafeBC</a> . In addition, the <a href="#">B.C. Employment Standards Act</a> may be in effect. The student is likely deemed a B.C. worker and as such, ESA law may apply: payment in CDN wages, payment of at least minimum wage, and must be paid twice per month. Employers can determine if <a href="#">B.C. Employment Standards</a> apply to them.	PSI could advise the student to check in with their employer regarding Workers' Compensation Coverage.	The PSI could advise the student to purchase personal accident/injury insurance in their home country as they are not covered by B.C. Workers' Compensation. Mitigation strategies could include pre-departure forms, checklists, and waivers or other documents to aid in communicating risk/expectations.
<b>Out of Country</b>			
<b>Provider</b>	WorkSafeBC	Provincial Workers' Compensation Board provider where the student is residing and working (where applicable)	Dependent upon the jurisdiction of the host country. Insurance will likely not be consistent with Canadian standards.
<b>Special Considerations</b>	The employer must register with <a href="#">WorkSafeBC</a> . In addition, the <a href="#">B.C. Employment Standards Act</a> may be in effect. The student is likely deemed a B.C. worker and as such, ESA law may apply: payment in CDN wages, payment of at least minimum wage and must be paid twice per month. Employers can determine if <a href="#">B.C. Employment Standards</a> apply to them.	PSI could advise the student to check in with their employer regarding Workers' Compensation Coverage.	The PSI could advise the student to purchase personal accident/injury insurance in their home country as they are not covered by B.C. Workers' Compensation. Mitigation strategies could include pre-departure forms, checklists, and waivers or other documents to aid in communicating risk/expectations.

This document was created as part of the **Provincial Project #320: Review of Risk Management: Legal, Safety & Liability Coverage for Students Working in Diverse Types of Work-Integrated Learning in B.C.**, with a small group of safety and risk experts from various institutions across the province.

Due to COVID-19 and the significant increase in remote work, there is need for further guidelines and clarity regarding Workers' Compensation Coverage. Many students and employers are now working in different jurisdictions across the world.

Types of WIL included in this chart are for **paid** WIL experiences only, where the Workers' Compensation Coverage is provided by the employer: **Co-operative Education, Apprenticeship, Work Experience, Internship or Entrepreneurship** are potential types of WIL referred to in this document, as per [CEWIL](#) definitions.

The coverage **follows the workers' physical location**, whether working remotely or on-site.

**Note:** When students find their own WIL experience (Self-Directed), the best practices outlined in this document could be communicated to both students and employers, to ensure that all stakeholders are aware of their obligations and expectations.

Please note that this chart is **only a guideline**. Consult with your institution's guidelines and recommendations for further clarification or questions regarding a particular scenario. Your Safety & Risk or International Office is your best point of contact depending on the situation.

Workers' Compensation Boards in each provincial jurisdiction make the ultimate decision regarding a potential scenario.

Access to the final report: **Review of Risk Management**, can be found [here](#).

Last updated: June 30, 2021

**Working Group Members:**  
 Marion Gasbarro (Chair)  
 Melinda Skura, SFU  
 Len Bennett, SFU  
 Steve Pottle, TRU  
 Ben McAllister, UVIC  
 JenJen Chen, SFU

**Scenarios:**

1. A Co-op student is working from their home in Victoria, B.C. and the employer is located in Ottawa, ON. The student requires WorkSafeBC coverage because they are working in B.C. and their home is seen as **an extension of the workplace**. The employer needs to connect with WorkSafeBC to purchase this insurance.
2. A Co-op student has moved from Vancouver, B.C. to live with family in Toronto, ON. The employer is located in B.C. The employer needs to connect with the Workplace Safety & Insurance Board, Ontario.
3. A Co-op student is residing in Kamloops, B.C. and working remotely from home. The employer is located in Hong Kong, China. WIL practitioners should check in with their Safety & Risk or International Office. The worker is still considered a B.C. worker and as such, should have: WorkSafeBC coverage; the employer may need to abide by the [B.C. Employment Standards Act](#): make payment in CDN wages, at least the minimum wage and pay the employee twice per month. The employer needs to connect with WorkSafeBC to purchase insurance.



# ***RISK NOTE***

## **SUBJECT: Managing Risk in Educational Affiliation Agreements**

The Health Care Protection Program (HCPP) was asked to participate in a provincial review of practice education led by the Provincial Health Services Authority. In collaboration with all of the health authorities and with the financial support of the BC Academic Health Council, the Practice Education Committee of BC was formed (PECbc). Also on the committee were representatives from a number of BC institutions and from the University, Colleges and Institutions Protection Program (UCIPP), the sister organization to HCPP. A sub-group of the committee was tasked with developing template affiliation agreements for use across the province.

Affiliation agreements are crucial in order to establish the roles and responsibilities of all parties engaged in the practice education experience. We recommend that the template attached to this risk note be used as the standard for affiliation agreements with institutions for practice education placements of students.

An affiliation agreement should specify the following points:

- 1) Each facility will designate an individual to facilitate communication between the educational facility and the health facility regarding the placement of the students for each program. This will ensure that each party has individuals responsible and knowledgeable regarding the administration and substance of the program;
- 2) The educational facility will assume responsibility for the administration of programs and instruction of the students placed at the HCA. This allows the HCA to function without added responsibility or significant workload yet still allows the students to function in a structured learning capacity;
- 3) That all students who are assigned for instruction at the HCA have met the admission criteria of the educational facility and continue to meet the standards of the educational facility as deemed appropriate by the HCA;
- 4) The educational facility will assume responsibility for the adherence by instructors, students and staff to the rules, policies and regulations of the HCA and the HCA will, in

turn, provide necessary orientation materials to familiarize the educational facility members with these policies/procedures etc. This will ensure that the students are familiar with the HCA's policies and procedures prior to engaging in activities at the facility;

- 5) Obtain proof of workers' compensation or equivalent coverage for the students and instructors while engaged in activities at the HCA. This will ensure there is coverage available for any injuries sustained by the educational facility staff, instructors or students while on the HCA premises. Under the *Worker's Compensation Act* of BC, workers are prohibited from suing any employer;
- 6) Ensure normal staffing requirements are met at the HCA regardless of the presence of students and/or instructors. This enables the HCA to function without reliance on individuals who are not employees of the HCA and helps to protect against litigation based on inadequate staffing;
- 7) Both parties agree that the students of the educational facility are not employees of the HCA for the duration of their placement;
- 8) The agreement may be terminated giving no more than 90 days notice in writing; the short period of notice will help to protect the HCA should conflict arise regarding the terms of the agreement;
- 9) The agreement may be terminated by the HCA without notice should the implementation of the agreement adversely affect the standard of patient care or student education. Obviously, the HCA must maintain responsibility for the quality of care at the facility, and for the determination of which clinical service shall or shall not be provided;
- 10) The agreement should specify how any disputes between the facilities are to be resolved. Dispute resolution terms help to resolve conflicts in cases where there is an expectation that the student placement programs will continue for a long period of time and conflicts arise;
- 11) The agreement should include mutual hold harmless and indemnification clauses. These clauses transfer the legal liability or responsibility for payment of costs and damages from legal liability from one party to the other in the case of litigation;
- 12) The agreement should specify the maintenance and levels of insurance for each of the facilities participating in the agreement. Proof of insurance coverage should also be available upon request. Proof of foreign student malpractice insurance may be difficult to verify and in some cases is not available. In addition, insurance arranged overseas is not often valid in North America and vice versa. In this case, we recommend that the HCA verify the "qualifications" of the individual student by letter. HCPP has in the past accepted these students as "unnamed" insureds under the student provision of our policy.

We attach a sample affiliation agreement which all the health authorities have adopted as their standard for affiliations with either UCIPP or Non-UCIPP Educational Institutions. The indemnity granted by the health authority in this agreement has been approved by the Executive Director of the Risk Management Branch of the Ministry of Finance as required under the Financial Administration Act. Individual approval of the indemnity is not required unless the terms of the indemnity are materially changed.

If necessary the template can be adapted. HCPP would be pleased to review any draft affiliation agreements from a risk management point of view. We are not, however, in a position to provide legal advice, therefore, you may find it helpful to have the language of any agreement you prepare be reviewed by legal counsel prior to use.

January 2008

Published by the Health Care Protection Program

It should be clearly understood that this document and the information contained within is not legal advice and is provided for guidance from a risk management perspective only. It is not intended as a comprehensive or exhaustive review of the law and readers are advised to seek independent legal advice where appropriate. If you have any questions about the content of this Risk Note please contact your organization's risk manager or chief risk officer to discuss.

**EDUCATIONAL INSTITUTION AFFILIATION AGREEMENT  
TEMPLATE**

BETWEEN:

**[Name]**  
Address: ♦  
Phone: ♦  
Fax: ♦  
Title of Representative:

**("Health Authority")**

AND:

**[Name of Educational Institution]**  
Address: ♦  
Phone: ♦  
Fax: ♦  
Title of Representative:

**("Institution")**

**BACKGROUND:**

The Health Authority and the Institution wish to work together to support the learning experiences of students enrolled in the Institution's educational programs, by providing them with access to practice education experiences at one or more facilities operated by the Health Authority.

**AGREEMENT:**

The Health Authority and Institution agree to be bound by the attached Terms and Conditions ("Agreement").

This Agreement may be executed in counterpart, both of which together will constitute one and the same instrument and either party may deliver an executed counterpart by facsimile transmission.

BY SIGNING BELOW THE PARTIES AGREE TO BE BOUND BY THIS AGREEMENT:

HEALTH AUTHORITY

INSTITUTION

Per: \_\_\_\_\_  
Authorized Signatory

Per: \_\_\_\_\_  
Authorized Signatory

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## TERMS AND CONDITIONS

### 1. DEFINITIONS

In this Agreement:

- (a) **“Applicable Law”** means all present and future laws, statutes and regulations, applicable to any person, property or event relating to this Agreement, and all directives, rules, guidelines, orders and policies of any governmental authority having authority over that person, property or event and all general principles of common law and equity.
- (b) **“Business Day”** means a day other than a Saturday, Sunday or statutory holiday in British Columbia.
- (c) **“Confidential Information”** means all data, information and material relating to the Health Authority and its services, HA Staff, contractors, service providers or Patients, whether or not it is stored in written, electronic or any other form, that Students or Institution Staff receive, in connection with this Agreement, including (i) Personal Information about HA Staff and Patients, (ii) Health Records, (iii) any information about the business, affairs or operations of the Health Authority which is not generally known or available to the public.
- (d) **“Facilities”** means those facilities that are operated or administered by the Health Authority.
- (e) **“FOIPPA”** means the Freedom of Information and Protection of Privacy Act (British Columbia), and regulations thereto, as amended or substituted from time to time.
- (f) **“HA Staff”** means the officers, directors, employees, physicians, contractors, subcontractors, representatives or agents of the Health Authority.
- (g) **“Health Care Services”** means all services provided by the Health Authority to or for the benefit of members of the public whether in acute, residential care, community care, research or other sectors.
- (h) **“Health Records”** means Patient care records, clinical records and all other records and documents pertaining to the delivery of Health Care Services to Patients or Patient Personal Information.
- (i) **“Health and Safety Standards”** means all Applicable Laws, standards of practice and codes of ethics issued by any professional regulatory body, and all rules, policies and regulations in place at the Health Authority or its Facilities that apply to the Students or the Institution Staff at the Facilities, any of which relate to workplace safety, the delivery of Health Care Services or the health and safety of Patients or HA Staff.
- (j) **“Institution Staff”** means the instructors, officers, directors, employees, contractors, subcontractors, representatives or agents of the Institution.
- (k) **“Patients”** means individuals who receive Health Care Services from the Health Authority or at the Facilities.
- (l) **“Personal Information”** has the meaning set out in FOIPPA;
- (m) **“Practice Education”** means that part of a student’s educational experience which takes place in the workplace and may involve direct patient care or access to patient information. In such an experience, the student may provide services to and for the benefit of patients/families. The student provides such services under the general direction and supervision of HA Staff or

Institution Staff, who are practicing health professionals, and are authorized and qualified to provide the services.

- (n) **“Program” or “Programs”** means those educational programs offered by the Institution and recognized by the Health Authority.
- (o) **“Students”** means those students of the Institution who are selected by the Institution to participate in the Programs.

## 2. SCHEDULES

Schedule A (Insurance) attached to this Agreement, will, for all purposes, form an integral part of this Agreement.

## 3. Term *CHOOSE OPTION 1 OR 2*

### **OPTION 1 – TIME LIMITED:**

This Agreement will commence \_\_\_\_\_, 20\_\_ and shall continue for a period of \_\_\_\_\_ year(s) \_\_\_\_\_ month(s) to \_\_\_\_\_, 20\_\_ unless terminated earlier in accordance with Section 11. The parties shall review this Agreement from time to time and revise if necessary by mutual agreement. The parties may agree, in writing, to renew this Agreement for further periods of one or more years/month(s).

### **OPTION 2 – ‘EVERGREEN’:**

This Agreement will commence \_\_\_\_\_, 20\_\_ and shall continue thereafter until terminated in accordance with Section 11. The parties shall review this Agreement from time to time and revise if necessary by mutual agreement.

## 4. MUTUAL OBLIGATIONS AND ACKNOWLEDGEMENTS:

- (a) The Health Authority and the Institution agree:
  - (i) to work collaboratively with each other to enhance the practice education experience of the Students in the Programs;
  - (ii) to promote inter-professional practice education planning, delivery and evaluation;
  - (iii) to comply with the provisions of this Agreement and all Applicable Laws in the delivery of the Program.
- (b) The Institution and the Health Authority acknowledge that the Students’ educational program is designed and sponsored by the Institution, and the Institution acknowledges that the Health Authority provides no representations or warranties concerning the practice education experiences or its ability to provide supervision of or instruction to Students.

## 5. OBLIGATIONS OF THE HEALTH AUTHORITY:

- (a) The Health Authority agrees:
  - (i) to provide Institution Staff and Students with reasonable access to Facilities for the practice education experience and to provide supplies and equipment as reasonably required to support the practice education experiences; and
  - (ii) to provide such onsite supervision of Students engaged in the practice education experience at the Facilities, as may be agreed upon with the Institution;

- (iii) to make available to the Student, and to the Institution Staff, the Health and Safety Standards, any applicable intellectual property policy, and such other of the Health Authority's rules, regulations and policies that apply to the Program;
- (iv) to consult with the Institution in its evaluation of the Programs when reasonably requested to do so;
- (b) Notwithstanding any other provision of this Agreement, the Health Authority's obligations under this Agreement will be subject to the availability of resources, its operational and administrative needs and ensuring the safety and care of its Patients. Without limiting the foregoing, the Health Authority may, at its discretion, alter, change, re-schedule, substitute or terminate any Program or any practice education experience in order to meet its operational or administrative needs, in the event of employment or labour disputes or disruptions, to comply with Applicable Laws, in the event of emergencies or on the basis of the health or safety of Patients and HA Staff.

**6. OBLIGATIONS OF THE INSTITUTION:**

- (a) The Institution agrees:
  - (i) to work collaboratively with the Health Authority to ensure the effective operation and administration of the Programs, including scheduling the practice education experience and instruction for Students and attendance by Institution Staff;
  - (ii) to ensure all Students are duly registered at the Institution, are in good standing and satisfy all of the Institution's admission and performance standards necessary for participation in the Programs;
  - (iii) to work with the Health Authority to designate HA Staff and/or Institution Staff who will be engaged in planning of the practice education experience and instructing Students in the course of the Program;
  - (iv) to consider, and where appropriate, recognize significant involvement of members of HA Staff in the Program through academic appointments to the Institution, subject to the Institution's policies and procedures;
  - (v) to take reasonable steps to ensure that the Students and Institution Staff are aware of and comply with this Agreement, conduct themselves professionally and courteously, and that they comply with the Health and Safety Standards, any applicable intellectual property policy, and all other rules, regulations, and policies of the Health Authority that apply to the Program;
  - (vi) to acknowledge that the Health Authority may refuse to permit a Student or member of Institution Staff to attend at any of the Facilities if a student refuses to comply with the Health and Safety Standards, including any testing or screening requirements of the Health Authority; and
  - (vii) that the Institution is solely responsible for the operation of the Programs, and the form of instruction, design and delivery of educational services to Students participating in a Program or Programs.
- (b) The Institution agrees that it is an independent body, and not the agent, partner or joint venturer of the Health Authority and the Institution will not hold itself out to the public as such or make representations to Students or others that the Health Authority has approved the Programs.
- (c) The Institution will take all reasonable steps to ensure that all Students and Institution Staff are aware and understand standards of work place behaviour, including but not limited to, harassment,

discrimination, sexual misconduct, abuse, and appropriate professional and respectful work place behaviour, confidentiality, all consistent with Health Authority practice education policies and guidelines and other rules, policies and standards.

**7. DESIGNATED REPRESENTATIVES, INCIDENT REPORTING & DISPUTE RESOLUTION**

- (a) In respect of the Program or Programs, the Health Authority and the Institution will designate one or more individuals to act as their respective representative(s) in all matters relating to the operation of the applicable Program or Programs, in order to facilitate communications between the parties to this Agreement.
- (b) The Institution will immediately report to the Health Authority any incident taking place at the Facilities involving its Students or Institution Staff that causes or compromises the mental or physical health or safety of Patients, HA Staff or members of the public, including, but not limited to, breaches of the Health and Safety Standards.
- (c) If the Institution identifies a Student or Institution Staff member who poses or may potentially pose a health or safety risk to HA Staff or Patients at the Facilities, the Institution will immediately advise the Health Authority, and will, if reasonably necessary to protect others, suspend that Student's or Institution's Staff member's participation in the Program, which may not be resumed without Health Authority approval.
- (d) The Institution and the Health Authority will make good faith efforts to resolve any dispute related to this Agreement by amicable negotiations. All claims, disputes or issues in dispute between the parties that are not resolved by negotiation will, with the agreement of the parties, be decided by mediation or arbitration, or failing agreement, in a Court of competent jurisdiction within the province of British Columbia.

**8. SUSPENSION AND REMOVAL**

- (a) The Health Authority may suspend or exclude a Student or an Institution Staff member from Program activities at the Facilities, either temporarily, pending investigation or permanently, in any circumstances where the Health Authority or Institution has identified that the Student or Institution Staff member has, or there are reasonable grounds for believing that the Student or Institution Staff member has:
  - (i) failed to comply with the Health and Safety Standards or any other rules, regulations and policies of the Health Authority or any agreement with the Health Authority;
  - (ii) endangered the mental or physical health or safety of any person; or
  - (iii) otherwise interfered with or compromised the operation of the Facilities or the provision of Health Care Services.

**9. EMPLOYMENT**

The Institution agrees that the Institution Staff and Students are not, by virtue of their involvement or participation in the Programs, employees of the Health Authority, nor are they entitled to employment benefits of any kind whatsoever from the Health Authority, including but not limited to statutory programs and disability, life or other insurance coverage. The Health Authority will have no liability or responsibility for the withholding, collection or payment of income taxes, employment insurance, statutory or other taxes or payments of any nature on behalf of, or for the benefit of, the Institution, Institution Staff or the Students. The Health Authority shall be solely responsible for the employment, working conditions and any liabilities arising from its employment relationship with HA Staff participating in the Programs. For further clarification, this provision does not limit the Health Authority's ability to hire Students

independently of their participation in the Programs.

10. **PRIVACY AND CONFIDENTIALITY**

- (a) It is acknowledged that in the course of participating in the Programs, Institution Staff and Students may have access to Confidential Information, and that such information is subject to obligations of privacy and confidentiality. More particularly, the Institution acknowledges and understands that the Health Authority is a public body subject to the provisions of the FOIPPA and owes obligations of privacy and confidentiality to, among others, Patients and HA Staff.
- (b) The Institution acknowledges and agrees that all Confidential Information is deemed to be the property of the Health Authority, and that this Agreement does not grant the Institution, Institution Staff or Students any authority to use, disclose, collect or retain such information or records except to the extent strictly required for participation in a Program. Without limiting the foregoing, in no case will Students or Institution Staff be permitted to retain or remove Health Records from the Facilities without the express written consent of the Health Authority.
- (c) The Institution agrees that:
  - (i) it will take reasonable steps to ensure that all Institution Staff and Students are aware of and uphold Health Authority policies regarding privacy and confidentiality and comply and act consistently with the Health Authority's obligations under the FOIPPA and any other Applicable Laws or standards of practice;
  - (ii) it will immediately report to the Health Authority any breaches or potential breaches of this paragraph 10, and provide assistance and cooperation with any investigation conducted by the Health Authority into such breach; and,
  - (iii) on request, it will immediately return any Health Records or Confidential Information in the possession of the Institution, and will use its best efforts to facilitate the return of any Confidential Information in the possession of Institution Staff or Students.
- (d) The Institution acknowledges that this Agreement requires the Institution to make disclosure of certain information about Students and Institution Staff to the Health Authority. The Institution shall obtain all necessary consents from Students and Institution Staff, including under the Personal Information Protection Act or the FOIPPA, as applicable, to permit such disclosures.
- (e) The Health Authority shall protect the Personal Information of Students and Institution Staff that is in the custody and control of the Health Authority all in accordance with FOIPPA.
- (f) No Student will be permitted by the Institution to participate in a Program unless he or she has signed a Confidentiality Agreement in a form approved by the Health Authority.

11. **TERMINATION**

- (a) This Agreement or any one or more Programs may be terminated as follows:
  - (i) by either party with or without reason, on 90 days' written notice;
  - (ii) by the Health Authority in the event that the Institution is in breach of this Agreement and the Institution has failed to rectify such breach upon being given 14 Business Days written notice of the breach; or,
  - (iii) by the Health Authority with immediate effect if the Health Authority determines, in its sole discretion, that a breach of this Agreement has been committed by the Institution and such breach has caused or is likely to cause an adverse effect on the health or safety of its Patients.
- (b) Termination will not affect the obligations of either party with respect to any act, omission or event that occurs prior to the end of the effective date of termination.

12. **INDEMNIFICATION**

- a. The Institution shall indemnify and save harmless the Health Authority from and against all claims, demands, losses, damages, judgments, costs, liability, expenses (including reasonable legal fees and expenses), actions and other proceedings made, incurred, sustained, brought, prosecuted or threatened to be brought or prosecuted that are based upon, occasioned by or arising out of any act or omission, error, deed or other matter on the part of the Institution, Institution Staff, or Students arising out of this Agreement, excepting always liability arising from the independent negligence of the Health Authority or HA Staff.
- b. The Health Authority shall indemnify and save harmless the Institution from and against all claims, demands, losses, damages, judgments, costs, liability, expenses (including reasonable legal fees and expenses), actions and other proceedings made, incurred, sustained, brought, prosecuted or threatened to be brought or prosecuted that are based upon, occasioned by or arising out of any act or omission, error, deed or other matter on the part of the Health Authority arising out of this Agreement, excepting always liability arising from the independent negligence of the Institution, Institution Staff, or Students.

13. **INSURANCE**

The Institution and the Health Authority each agree to maintain insurance coverage in accordance with Schedule A to this Agreement.

14. **GENERAL**

- (a) This Agreement shall be for the benefit of and be binding upon the parties hereto, their respective successors and permitted assigns.
- (b) If any provision of this Agreement is unenforceable or invalid for any reason whatever, such unenforceability or invalidity shall not affect the enforceability or validity of the remaining provisions of this Agreement and such provisions shall be severable from the remainder of this Agreement.
- (c) The provisions herein and Schedules hereto constitute the entire agreement between the Parties hereto and supersede all previous expectations, understanding, communications, representations and agreements, whether verbal or written, between the parties with respect to the subject matter hereof.

- (d) Any inconsistency between this Agreement, and the policies, guidelines, Schedules or documents appended to or incorporated by reference into this Agreement will be resolved in favour of the Agreement.
- (e) The failure by either party at any time to require strict performance by the other, of any term or provision of the Agreement shall not constitute a waiver or breach of such or any other term or provision of this Agreement, nor shall it constitute a waiver of any succeeding breach of any other term or provision.
- (f) No amendment to this Agreement shall be enforceable unless the same is in writing and signed by the Parties hereto.
- (g) This Agreement shall be governed by and construed according to the laws of the Province of British Columbia and the laws of Canada applicable therein, and the parties agree to attorn exclusively to the jurisdiction of the courts of British Columbia.
- (h) The Institution may not assign its rights under this Agreement.
- (i) Paragraphs 10, 11, and 12 will survive the termination of this Agreement.
- (j) Each notice to a Party must be given in writing. A notice may be delivered by hand or fax to a representative of the Party at the address or facsimile number set out on the first page of this Agreement, and will be validly given if delivered on a Business Day to the above address, or, if transmitted on a Business Day by fax addressed to the other Party :

[Insert Fax Numbers]

or to any other address, fax number or representative that the party designates in writing. Any notice if validly delivered, will be deemed to have been given when delivered.

- (k) Any party may deliver an executed copy of this Agreement by fax but that party will immediately dispatch by couriered delivery to the other parties an originally executed copy of this Agreement. This Agreement and all documents contemplated by or in connection with this Agreement may be executed and delivered in any number of counterparts with the same effect as if all parties had signed and delivered the same document and all counterparts will be construed together to be an original and will constitute one and the same agreement.

## **SCHEDULE A – INSURANCE**

### **1. UCIPP**

If the Institution is covered by the University, College and Institution Protection Program (“UCIPP”), the Institution will maintain third party liability coverage through UCIPP throughout the term of the Agreement.

### **2. Non-UCIPP**

If the Institution is covered by an insurance carrier other than UCIPP, the Institution will:

- (a) Maintain comprehensive third party liability insurance in the minimum amount of \$5,000,000 (Cdn) per occurrence, and
- (b) Maintain medical malpractice and/or professional liability insurance in the minimum amount of \$5,000,000 (Cdn) per occurrence

covering claims brought against the Institution, Institution Staff or Students who are involved in the Program for injury to or death of a person or damage to or loss of property caused by any negligent act or omission of the Institution, Institution Staff, Students, and its agents or volunteers while in attendance at the Facilities.

### **3. INJURIES TO STUDENTS AND INSTITUTION STAFF**

The Institution will arrange coverage under the *Workers Compensation Act* (BC) or equivalent coverage for Institution Staff and Students while engaged in activities at the Facilities, or, with respect to Institution Staff who are contractors or sub-contractors, will arrange and / or require such coverage

### **4. GENERAL**

- (a) The Institution will provide proof of insurance coverage upon request by the Health Authority.
- (b) The Institution will not cancel or materially alter its insurance coverage without thirty days prior written notice to the Health Authority.
- (c) The foregoing insurance will be primary and not require the sharing of any loss by any insurer of the Health Authority.

### **5. HCPP COVERAGE**

The Health Authority is covered by the Health Care Protection Program (“HCPP”); the Health Authority will maintain third party liability coverage through HCPP throughout the term of the Agreement.

ACE  
-  
WILCOVID-19  
toolkit

# Get WIL powered

## What is WIL?

- › work-integrated learning (WIL) brings post-secondary students into the workplace
  - students benefit by gaining quality work experience and a chance to apply what they've learned in a practical setting
  - workplaces benefit by bringing in skilled talent eager to help you meet your business objectives
  - use WIL to build your talent pipeline
- › WIL is an academic requirement that students must complete in order to graduate
- › nine types of WIL provide flexibility and options for different workplaces and programs



## Explore WIL funding options

- › Federal and Provincial governments are actively supporting WIL by offering funding to small and medium-sized businesses
- › funders will work with you to optimize your submission
  - visit our website to learn about current funding programs
  - research funders to find a match
  - visit funder websites to submit your application for funding
  - recruit the WIL student with the best fit
- › with COVID-19, funding programs are offering more flexibility and quick processing of applications

## Find a WIL student

- › consider how you want the WIL student to help
  - what is the goal you hope to achieve?
  - what is the type of work and work environment?
  - what is the timing/duration?
- › learn more about our 25 post-secondary institutions and their programs through our website
- › post your opportunity through our portal for automatic distribution to the institutions you select

## Grow future talent through WIL

- › mentor WIL student entrepreneurs
- › apprentice trades workers
- › develop professionals through practicums and internships
- › partner on a research project with a post-secondary institution and WIL students
- › partner with WIL students to tackle community-based and social innovation projects



## Invigorate your business with WIL

- › WIL students can help you:
  - pivot to online platforms
  - research new business opportunities
  - design, test and launch new products
  - analyse data and field research
  - create and implement marketing and communications plans
  - develop recommendations and business plans
  - monitor and survey ecological and wildlife environments

Get started here:

# Recruiting WIL students remotely

## Attend virtual career fairs and events

- › continue efforts to build a presence on campus
- › send a team to virtual events
  - network and direct students to your virtual booth
  - be ready to engage when students stop by your virtual booth
- › promote your active opportunities and have people available to speak directly about those opportunities
- › create a strong first impression with useful information, and eye-catching visuals/video
- › join virtual panels, host your own workshop and be sure to spend time networking with participants before and after your presentation



## Onboard remotely

- › build a schedule with onboarding activities to familiarize new workers with the organization, co-workers and the culture
- › plan to spend more time together early on to build rapport
- › commit to weekly (or more frequent) one-on-one meetings to check-in on work projects and for reflection on how things are going
- › cover the basics before their first day
  - arrange for training
  - provide technology tools, equipment and supplies
  - send a welcome package
  - provide contacts for HR, IT and any others they'll need to get up and running
- › share opportunities for professional development



## Expand your options

- › if the work can be done remotely, consider recruiting outside your immediate area to bring in diverse candidates
- › staff at post-secondary institutions are ready to help you recruit and onboard remotely
- › use apps such as Spark Hire, HireVue or VidCruiter to manage the virtual interview process

## Optimize interviews

- › substitute in-person interviews with live video
- › video conferencing allows you to bring together managers or team members to meet the candidate
- › video conferencing also helps conduct group interviews with multiple candidates
- › communicate frequently with candidates while recruiting
- › stand out by personalizing touchpoints with key candidates

Get started here:

# Managing WIL students who work remotely

## Establish a positive work culture

- › establish core work hours for your team and allow for flexibility so they can:
  - balance work and home responsibilities
  - optimize effectiveness by performing important work when they can best focus
  - tune-in to a meeting while away from their desk, for example when going for a walk
- › provide encouragement and clear direction
- › celebrate successes
- › hold your team accountable for achieving the results you've agreed on
- › resist the urge to micro-manage or surveil your remote team



## Schedule regular check-ins

- › daily team huddles (30 minutes) where each person takes a few minutes to share
  - what they're working on now, what's next, and what they're not working on that others might expect them to be
  - how it's going and whether they need help
  - time for casual conversation and building personal connections
- › one-on-one meetings (30-60 minutes)
  - daily when onboarding
  - weekly or more frequently once your WIL student is up and running



## Build community

- › offer open Q&A sessions with leadership
- › arrange coffee match-up meetings so your WIL student can get to know others in the workplace
- › create mastermind groups - peer-to-peer mentoring with goal setting and accountability
- › socialize during a 'game night'
- › offer a social space online for team members to share personal stories, photos and updates
- › use team-building and self-discovery tools such as behavioural and strengths assessments

## Collaborate in bursts

- › pre-set fixed meeting times for team projects
- › prepare for team collaborations by setting an agenda and sharing it in advance
- › keep online meetings short (under 60 minutes)
- › use real-time collaboration apps
- › don't forget about low-tech tools
  - for brainstorming, try 'note and vote', where team members work individually to write ten ideas within five minutes. Everyone has an opportunity to share their top five ideas with the entire team. Then, everyone has two votes to assign to the ideas they believe are the strongest.

## Provide supports

- › technology, tools, equipment and/or a stipend to purchase what they need
- › easy access to IT, HR and mental health supports
- › deliver a 'care package'
  - notebooks, pens and fun stuff like company swag or 'lunch on me' gift cards
- › health and safety of remote workers and workspaces are your responsibility

# Bringing WIL students into the workplace

## Develop a safety plan

- › WorkSafeBC requires that all workplaces develop a safety plan. Check out their guides and templates.
- › start by examining the risk of exposure for your team and determine what you need to do to keep everyone safe
- › you must have a written safety plan
  - post it in the workplace and online
  - share with your WIL student before they arrive
- › maintain and update your plan, with feedback from your team, and based on the latest health protocols



## Limit potential exposures

- › consider staggering your team's work hours
  - organize some to start earlier in the day, and others to start later, so that everyone is together only during core work hours
  - alternate days or weeks, so only half are on site at any given time
- › allow field workers to mobilize from home
- › arrange for certain team members to continue to work remotely even after a general return to work
- › limit work travel

## Establish safety protocols

- › explain what team members should do if they become ill
  - who to report to
  - if at work, how they'll get home
- › provide facilities and supplies for safe hygiene
  - masks, hand washing, hand sanitizer, disinfectant wipes
- › clean all shared spaces and surfaces rigorously
- › provide a mechanism to raise safety concerns
- › be compassionate and support mental health with resources

## Communicate and train

- › a changed work environment will necessitate frequent, clear communication
  - regular reminders of the new safety protocols to reinforce behaviours
  - use signage to support written communications
- › training may be required, including for those who will need to ensure compliance
- › send your WIL student a 'back-to-the-office' care package, with masks, sanitizer, digital thermometer, along with something fun



## Provide for safe physical distancing

- › allow adequate space between workstations and add barriers as needed
- › minimize sharing of workstations, vehicles and other equipment
  - if sharing is required, ensure there's a strict cleaning regime
- › restrict seating/spacing in shared spaces
  - meeting rooms, breakrooms
  - industrial worksites
- › protect clients and vendors
  - limit visits
  - use protective barriers
  - provide masks and sanitizer

# Tips for WIL students: working remotely

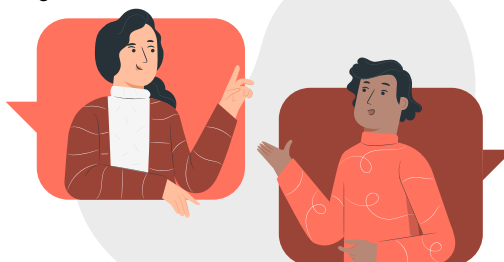
## Be clear about expectations

- › with your manager/supervisor, establish:
  - your core work hours and any flexibility
  - the frequency and schedule for check-ins and other meetings
  - if needed, how to advise of short interruptions to your availability or responsiveness, for example when you're taking a lunch break
- › with your family or roommate(s), agree on how you will:
  - respect each other's privacy, workspace, noise tolerance and hours of work
  - handle interruptions
  - share household and family responsibilities



## Keep to a schedule

- › have a clear beginning and ending to your workday
- › establish a routine that balances your commitments
  - core work hours
  - meeting schedule
  - non-work responsibilities
- › adapt your schedule if you need to, and be sure to let your manager/supervisor and your team know of any changes



## Be intentional about connecting

- › keep a running list of questions you can ask at your regular one-on-one meeting with your manager/supervisor
- › arrange one-on-one video meetings with team members when collaborating on tasks and ask them to share any tips
- › take advantage of opportunities to connect with colleagues socially
- › continue to build your professional community beyond the workplace

## Prepare your workspace

- › set up a workspace that supports your productivity
- › create an ergonomically safe and comfortable workspace for your desk, computer, seating, and other equipment
- › pay attention to lighting, sound, and the right room temperature
- › limit distractions
- › stay organized
- › work outside for a change of scenery

## Take care of yourself

- › prepare yourself for your workday
  - clear your mind of clutter
  - reflect on your intention for the day
  - show up in appropriate attire
- › take small breaks throughout the day to move around
- › use mindfulness to calm the mind and reduce stress
- › understand your rights and responsibilities and advocate for yourself if necessary

# Tips for WIL students: getting work done

## Prioritize your work tasks

- › determine the 2-3 most important tasks for the day and focus on these first
- › prioritize based on importance and urgency
  - first focus on important and urgent work
  - then move on to important, non-urgent work
  - avoid tasks that aren't important (even if they seem urgent), or deal with them at the end of the day
- › prioritize the most valuable work
- › estimate level of effort and start with those that will take the longest
- › be flexible, realistic, and know when to stop work on a task that's no longer a priority
- › take stock at the end of the day and plan for tomorrow



## Tell people what you're working on

- › stay connected, whether that's through daily 'huddles' or online collaboration tools
- › let people know what you're working on to avoid wasted or duplicated efforts.
- › be alert to changing priorities and deadlines that may have shifted

## Optimize work to match your energy levels

- › spend a week tracking your energy throughout the day and note when you're best able to concentrate
- › block your time accordingly, so that you're working on the important tasks that require deep-thinking while at your peak
- › leave simple, repetitive tasks for other times of the day



## Block time for focussed work

- › important work often needs deeper thinking and more focussed concentration
- › book a block of time (90 minutes is recommended) in your schedule, as if you're attending a meeting. This will signal that it's time to dive into the work and you aren't available to respond to emails or other interruptions
- › try the Pomodoro Technique
  - focus your work in 25-minute bursts using a timer
  - take a 5-minute break
  - repeat up to four times before taking a longer break
  - use an app to help, such as Focus To-do (Android) or Focus Keeper (Apple)

## Use productivity tools

- › if available, use your workplace tools for managing projects
  - ask about creating a private space within those tools for your own tasks and tracking
- › use free apps/tools to help you to succeed
  - project management/planning tools, such as Basecamp, Teamwork or Plan
  - kanban-style tools for tracking and visualizing projects and workflows, such as Trello
  - idea tracking and note taking apps, such as Evernote and OneNote

# FOR SUPERVISING STUDENTS *Remotely*

Let's face it, motivating and keeping your team on track while working remotely can be a challenge. For students on placements or work-terms it is also a time where they may feel unsure about how to connect and contribute to the team in a meaningful way. With a little effort and intention, supervising a student while working remotely can be a very rewarding experience for all. Below are some tips to help get you started.

## COMMUNICATE OPENLY AND OFTEN

- Start the day off on the right foot with regular morning meetings to set the tone for the day.
- Follow-up in the afternoon with a meeting to help answer questions and discuss any obstacles the student may be facing.
- Ensure lines of communication are open throughout the day (if not by phone, through live chat or email). This does **not** mean micromanage – give the student the opportunity to learn, be successful and take ownership of the tasks/projects you have set out for them, however be there to support the student when things trip them up.
- Provide on-going feedback and guidance to ensure the student is on the right track and feels supported.

## GET ORGANIZED

- Create and follow a structured work plan so the student understands the expectations and next steps. This will empower the student focus on goals to work toward throughout the work term.
- Investing in technology to help with communication and progress on the work plan may help especially in a work-from-home arrangement. There are many affordable project management tools available online including Planner available through Microsoft 365.

## BE PREPARED

- If you do not have an on-boarding process, create one before the student begins their work-term or placement.
- This should include work hours and terms, job responsibilities, and systems tutorials and/or manuals.
- Also include provisions on how students will receive the technology they will need to work remotely and consider creating a New Student Checklist.
- Modify existing processes where feasible as this can assist the student in making a smooth transition into your organization.
- Create video tutorials or conduct video conference training sessions via online platforms including Microsoft Teams, Zoom or Go to Meeting.
- Create a list of several projects and tasks for the student to work on as this will enable them to remain productive should a project be temporarily delayed.

## HAVE EMPATHY

- Accept that working from home is not necessarily an ideal situation and situations change from day to day. Know that the student on the work-term or placement wants to contribute the best they can to the overall organization's goals.
- Understand that students may already feel unsure about themselves as they enter a new workplace. Working remotely may add to this stress and lack of confidence.
- Focusing on your team culture will help to make the student feel as though they are part of the larger team.
- Schedule regular check-ins with your larger team and include the student so they get to know their new colleagues.

# FOR ONBOARDING STUDENTS *Remotely*

Spending the time to develop a thorough onboarding process can help alleviate some of the stress and questions a student may have as they begin a work-term or placement. When done correctly it can also help to quickly integrate the student into your work place culture, even while working remotely.



## BE WELCOMING

- Make a warm first impression. Send a welcome email one week before your student's first day, expressing your enthusiasm for having the student join your team followed by a schedule for the first day. Include links to employee handbook, checklist and website.
- Connect with your student via LinkedIn (and encourage the rest of your team to do the same), so your student feels welcome and starts to get to know the team, prior to the start of the work-term or placement.



## REINFORCE TEAM CULTURE

- Set up virtual meetings for the student to meet with other key members of the team and key employees.
- Have casual conversations about non-work-related topics with the entire team to build comradery and improve job satisfaction.

# TIPS FOR WORKING AT *Home*

We know you did not envision working from home during your placement or work term, and you can absolutely make significant contributions to the organization by working remotely. Below are a few tips to help get you started on the right foot.



## Prepare for the day as if you are going to the office

- Dress professionally and be ready for any video conference requests that may come up throughout the day....don't work in your pjs, even if you do not leave the house.



## Check in with co-workers frequently and provide your supervisor with daily updates

- Speak with your supervisor about how to communicate questions and when to seek guidance (i.e. your supervisor may want to choose a few times during the day to connect and/or may prefer questions to be sent via email or live chat).



## Update your LinkedIn profile

- If you are just starting your placement or work-term, ensure your LinkedIn profile is up to date.
- Monitor LinkedIn regularly to connect with new co-workers and read up on news pertaining to the organization to prepare you for your first day.



## Research online resources if you need help

- Ensure you stay proactive and seek out resources if you need help in getting organized and staying motivated while working remotely.