

**Operational
Policy**Section
Special Cases (Worker Coverage)Subject
Individuals on Unpaid Training Placements

Law

The Workplace Safety and Insurance Act provides:

A **learner** means a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry for the purpose of undergoing training or probationary work.

A **placement host** is a person with whom a training agency places a trainee to give the trainee work skills and experience.

A **training agency** is

- a person who is registered under the *Private Career Colleges Act* to operate a private career college
- an educational institution, or
- a person, partnership, organization, trade union or other entity that arranges vocational training or provides vocational services.

Policy

Individuals who are placed by training agencies with employers (placement hosts) to obtain work skills and experience, but who are not paid by the employer, are **learners** and are called **unpaid trainees**.

Guidelines

General principles

Learners on unpaid training placements with employers are **unpaid trainees** if **both** of the following conditions are met

- the placement is authorized by a training agency, **and**
- the individual participates, however minimally, in the activities of the placement host's industry. Participating in the activities of the workplace includes job shadowing/twinning.

Learners are still considered to be unpaid trainees even if they receive one or more of the following payments

- social assistance benefits (e.g., Ontario Works Program)
- training allowances

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- honoraria
- reimbursement of expenses
- stipends or any money paid to the trainee by the training agency.

An unpaid trainee may have WSIB coverage for the placement portion of the training program, but is not covered for the classroom portion of a program carried out on a training agency's premises.

The training agency should discuss WSIB coverage with the placement host, especially if the training agency or the government are not providing coverage.

Individuals who are unpaid trainees

The following individuals on unpaid job placements are learners and unpaid trainees

(They may have WSIB coverage depending on the particular circumstances, see 12-04-05, Coverage for Unpaid Trainees.)

- college or university students on a training placement with a placement host as a formal part of their course or program. Examples are
 - students (e.g., in nursing, physiotherapy, or medicine) on placement with a hospital
 - social work students on placement with a social services agency
- individuals placed with a placement host by a private career college as part of their course or program
- individuals placed with a placement host by a municipal, provincial or federal government department or agency, or a community or social services agency to obtain work skills and experience (see 12-04-06, Coverage for Ontario Works Participants)
- individuals placed with a placement host by a private rehabilitation agency, or by the rehabilitation department of an insurer
- Ontario residents enrolled in an out-of-province training program, who do the placement portion of the program with an Ontario placement host in a compulsorily or by application covered industry
- Non-Ontario residents enrolled in an out-of-province training program, who do the placement portion of their program in Ontario with a placement host in a compulsorily or by application covered industry
- Ontario residents in an Ontario training program where the training agency has arranged an out-of-province job placement with a placement host, and the training agency provides WSIB coverage for the trainee.

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This is not an exhaustive list.

Individuals who are not unpaid trainees

The following individuals on unpaid placements are generally not learners and, consequently, are generally unable to qualify for WSIB coverage

- individuals who on their own initiative volunteer their services to an employer to develop marketable work skills
- volunteers who offer their time or services for community or charitable purposes
- individuals in health care or correctional institutions who perform unpaid work as a component of therapy or correction
- individuals placed with an employer under a Community Service Order issued by a court of law
- individuals who are on the employer's premises solely for the purposes of visiting or casual observation and who at no time participate in the activities of the placement employer's industry
- university and college students who as part of their program do unpaid research for the university or college
- individuals who are not on placement but as part of the training program perform work on the training agency's premises.

NOTE

This is not an exhaustive list.

Ministry of Education programs

Under the *Education Act*, the Ministry of Education considers itself to be the employer of students in a number of work education programs, see 12-04-07, Students in Work Education Programs.

These students, also referred to as pupils, are deemed to be **workers** under the *Education Act*.

Further information

For information on learners/unpaid trainees and

- WSIB coverage, see 12-04-05, Coverage for Unpaid Trainees
- calculating average earnings for accidents on or after December 1, 2002, see 18-02-08, Determining Average Earnings - Exceptional Cases

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- calculating average earnings for accidents from January 2, 1990 to December 31, 1997, see 18-06-01, Calculating Temporary Total Disability Rate
- temporary disability benefits for accidents from January 2, 1990 to December 31, 1997, see 18-06-06, Individuals on Unpaid Training Placements - Temporary Disability Benefits
- calculating FEL benefits, see 18-04-10, Calculating FEL Benefits for Students, Learners, and Apprentices.

Application date

This policy applies to all decisions made on or after November 1, 2004, for all accidents.

Document history

This document replaces 01-02-13 dated May 31, 1995.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended

Sections 2(1), 53(4), 69

O. Reg. 175/98

Sections 16, 17

Workers' Compensation Act, R.S.O. 1990, as amended

Sections 1(1), 3.1, 40(6)

R.R.O. 1990, Reg. 1102

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