



# Heads up for Inspectors: Students at Work!

*Inspector Quick  
Reference*

*Safety for students  
in the workplace*

## **MOL enforcement where students are in the workplace**

Unpaid students are not workers under the Occupational Health and Safety Act (OHSA) **unless** they receive any type or amount of honorarium or stipend. This may include bus fare or lunch money received from the employer. If so, all provisions of the OHSA and applicable regulations apply.

## **Minimum age**

Employers are responsible to ensure that minimum age provisions in the regulations under the OHSA are complied with for unpaid students and any other persons at the workplace.

The industrial minimum age regulations allow an underage person to visit industrial establishments under certain conditions, but the person should not be operating machinery or actively engaging in the operations of the establishments. Students under the age of 16 are prohibited from visiting a construction site while work is going on. Students participating in events like "Take Our Kids to Work Day", (typically in Grade 9 when most are 13 or 14 years of age), cannot visit a construction site and are subject to restrictions at industrial establishments.

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## **Cooperative Education Students in the Workplace: Information for Inspectors**

**Cooperative Education** is a *planned learning experience* that takes place in the community. It provides students who are enrolled in high school the opportunity to refine, extend, apply and practise what they have learned in the classroom. This type of "experiential learning" helps students in making informed career decisions as well as in developing the knowledge, skills and attitudes that are essential in today's society.

### ***What is meant by "experiential learning"?***

Experiential learning is playing an increasingly important role in Ontario's educational system. Although Co-operative Education is probably the most noticeable of all experiential learning programs, other, less intense experiences allow students to visit the workplace for shorter periods of time:

- **Job shadowing** and **job twinning** are two experiential learning opportunities that permit students to visit the workplace to **observe** a worker at their place of employment. This usually lasts from one-half to a full day and in some cases up to three days. (The Ministry of Education supplies WSIB coverage for students if they are in a workplace for more than one day.)
- **Work experience** provides students with relatively short-term work experiences, usually of one to four weeks' duration. (The Ministry of Education supplies WSIB coverage for the students.)

High schools are encouraging these programs because they maximize student growth and development, and employers are looking for young people who can meet the needs of business and industry.

The most common experiential learning program is **Cooperative Education**.

### ***What does a co-op program look like?***

- Teachers partner with employers to provide a placement where the student can apply what they've learned in their courses in a workplace.
- Students spend a full term, usually three to four months, in a workplace in either the first or the second term of a semestered school, or possibly on alternate days where the school has courses that run all year.
- In most cases, the students are senior students in Grades 11 and 12 (16, 17, 18 years of age).

### ***What is the role of the teacher?***

Cooperative education teachers have many and varied responsibilities. The following are highlighted for your information:

- Teachers deliver classroom lessons, which include health and safety awareness, before the student goes to the workplace.

## ...MOL enforcement cont'd

### Notifications

Employers are required to notify the MOL if **any** person is critically injured or killed at the workplace.

### Investigations

Where an unpaid student is injured at the workplace, the inspector should investigate the circumstances as if the student was a worker and determine if there are any contraventions of the OHSA or regulations. The injury to the student may be indicative of a workplace situation involving paid workers. Orders may still be issued to the employer. No orders can be issued under the OHSA to the student or the teacher who placed the student at the workplace.

### Issuing Orders

Where an unpaid student is in contravention of the legislation (no hard hat, removing a protective device, etc.) no order can be issued to the student. Orders against the supervisor and/or employer should be considered under sections 25–27 of the OHSA where, for example, an employer has duties to ensure that safety measures in the workplace are carried out for the protection of paid workers.

If a student is receiving any money to cover travelling expenses or any type of stipend from the employer or workplace, the otherwise unpaid student is considered a worker under the OHSA and the corresponding provisions apply.

- Teachers identify and secure work placements where students are able to achieve their learning objectives, experience personal growth and develop career goals.
- Teachers assess placements for suitability according to two broad criteria:
  - **Health and Safety** Most boards of education or school boards have a standard form that teachers use to assess the safety of a workplace for a student placement. There is also a *Live Safe! Work Smart!* guide to assist teachers in completing the safety section of the assessment.
  - **Learning Environment** Teachers assess the range and scope of the learning opportunities and experiences available for the student.
- Teachers visit the student in the workplace regularly to assess the student's performance.

### What is the role of the co-op student?

Prior to their placement, students must show that they understand the safety awareness information provided by their teachers. Once they are at the placement, students must comply with all company rules as to dress, safety, work schedule and policies. They must also work in a courteous, responsible, and business-like manner.

### Do students working at a co-op placement get paid?

In most cases, high school students on a co-op placement are not paid. In these cases, the Ministry of Education (EDU) pays for WSIB coverage. If they receive an honorarium of any type, EDU still covers their WSIB, but they then become “workers” under the OHSA.

### Who pays WSIB premiums for co-op students?

The **Ministry of Education** covers the WSIB premiums for students who are in the workplace for more than one day in **unpaid** positions. The **employer** assumes responsibility for the student's WSIB coverage if a student is on the employer's payroll.

### What does the Ministry of Education expect from employers?

The co-op experience is meant to be a learning experience, not just free labour for the employer. It is important for employers to provide challenging learning experiences that encourage students' personal growth and help develop their career goals. To help ensure that students have a safe learning experience, employers must:

- provide a safe working and learning environment
- provide orientation and workplace health and safety training
- designate one employee (supervisor) to be responsible for supervising and assessing the performance of each student.

### What does the Ministry of Education expect from supervisors?

The designated employee (or supervisor) who oversees the students' performance must, among their varied responsibilities:

- be familiar with and follow accident reporting procedures,
- contact the co-op teacher when concerns arise, and
- provide close supervision of the co-op student to ensure the work is done safely.