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## 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**.

### Purpose

The purpose of this policy is to outline the circumstances in which an individual is considered to be a learner.

## Guidelines

### Definitions

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.

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

**Operational  
Policy**

Section

Special Cases (Worker Coverage)

Subject

**Individuals on Unpaid Training Placements**

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.

**NOTE**

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

**Operational  
Policy**

Section

Special Cases (Worker Coverage)

Subject

**Individuals on Unpaid Training Placements**

- 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 about 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
- calculating average earnings for accidents from January 2, 1990 to December 31, 1997, see 18-06-01, Calculating Temporary Total Disability Benefits (Accidents between 1985 and 1998)
- 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 January 1, 2018, for all accidents.

**Operational  
Policy**

Section

Special Cases (Worker Coverage)

Subject

**Individuals on Unpaid Training Placements**

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**Document history**

This document replaces 12-04-04 dated October 12, 2004.

This document was previously published as:

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*

Section 14

**Minute**

Administrative

#5, December 11, 2017, Page 551