



Ontario Association of Architects

**September 20, 2017**

RE: TREATMENT OF PROFESSIONAL EMPLOYEES

Dear Colleagues,

I am writing you to today to advocate that as practising architects and business owners, we take a strong and proactive leadership position in support of the fair and equitable treatment of all professional employees within our practices regardless of current legislation that permits us to do otherwise. This is a matter of business ethics directly related to the practice of architecture which is clearly in the public interest, both for the fair and equitable treatment of employees and to help promote and protect a strong and economically viable profession of architecture.

As many of you may be aware the OAA has responded to the Provincial Government's consultation regarding the modernization of the *Employment Standards Act* with comments in the interests of the profession of Architecture. OAA Council has taken the position that architect employees, students and interns in architecture should be entitled to the various protections of the *Employment Standards Act* (ESA) regarding such things as limits on hours of work and entitlement to compensation for overtime. Council's view is that the current exemption in the ESA which denies these individuals such protection is an anachronism that does not reflect the modern reality of professional practice and current labour practices. Council's strong view is that its continued existence supports and enables abusive labour practices directed at current and future members of the profession of Architecture. It also contributes to a very imbalanced competitive landscape within our profession which disadvantages the progressive and enlightened employers within it.

Concurrent with Council's initiative, a member's resolution proposed and passed at the 2017 OAA AGM, asked Council to consider advocating for a policy based approach within the Ministry of Labour which deems interns in architecture not to be 'students in training' included in the current professional exemption and therefore to be fully protected by the *Employment Standards Act*. The member's resolution also suggested that Architects who do not treat intern architect employees in accordance with this interpretation be guilty of professional misconduct and subject to disciplinary action. There is no doubt that interns are a valuable resource within our profession and indeed they represent the future of our profession and should

be treated fairly and equitably as employees. Council applauds the spirit of this initiative and we view its overwhelming endorsement by the members at the AGM as strong support for the overarching goal of broad employment equity within the profession.

While the OAA is continuing its strong advocacy with the government for progressive change within employment legislation, we have investigated the legality of the policy based approach as proposed in the member's resolution. A legal opinion sought by OAA has established that there is no legal basis relative to the current legislation for considering interns not to be students in training within the meaning of the ESA.

The government appears to be very committed to modernizing the Employment Standards Legislation however affecting legislative or procedural change is likely to take some time and may not be completely successful due to the political realities of government. Despite this, our profession has the clear opportunity to demonstrate enlightened leadership in employment practices, and to do this now, without waiting for legislative change to require us to do so.

In the meantime, while we are seeking change, on behalf of Council and the profession I encourage all architectural practices to voluntarily adopt the ethical approach of treating all employees equitably regardless of their professional status. It seems abundantly clear to me that if we want society to appropriately value the work that we do, we must lead by example and ourselves value the work of our student, intern and professional employees.

I am convinced that most of our practices already do this, however, we must **all** rise to this standard if we are to be successful as a profession.

With kind professional regards,



John K. Stephenson, Architect  
OAA, MRAIC  
President

