

For Startups:

- You are responsible for protecting your own intellectual property. It is recommended that you have your contractor/volunteer sign a non-disclosure or non-compete agreement. [This link](#) will allow you to create agreements for your contractor/volunteer.
- According to the Employment Standards Act, you must follow [one of the three criteria outlined below](#), in order to hire an unpaid intern. If your job posting does not appear to provide a job that is in accordance with the ESA, we reserve the right to remove your job posting.
- All contractor work posted must truly be contractor work. We have outlined [below](#) the key differences between an employee and a contractor.

For Volunteers:

- Ensure you are being treated fairly by your employer.
- Report any postings to [StartConnect](#), that you feel are in breach of the Employment Standards Act.
- Only volunteer your time, when you believe you are being trained, learning helpful new skills, and being treated with respect.
- Report any instances of being treated unfairly or unlawfully to [StartConnect](#).
- Understand your company's intellectual property policy and what signing forms like non-disclosure/compete agreements entail you to do.

For Contractors:

- Carefully read through each contract before you sign it and ensure that you completely understand what is expected from you.
- Ensure that contracts do not involve you completing any unlawful actions.
- Do not complete any work for the host companies before your contract is signed.
- It is important to know the differences between an employee and a contractor. Make sure you carefully read the differences outlined [here](#).

What Does the Law Say: Unpaid Work

1) The ESA does not apply to a student who performs work under a program approved by a secondary school board, college of applied arts and technology or a university. This exception exists to encourage employers to provide students enrolled in such programs with practical training to complement their classroom learning. Typically, students receive school credits for participating in these internship programs and may also be compensated with honorariums or bursaries.

2) Many employment standards, including minimum wage, hours of work, overtime, rest periods, etc. do not apply to professionals in designated fields. Therefore, since the ESA does not normally apply to such professionals, the ESA also does not apply to such professionals when they are receiving training in their designated field.

3) Under the ESA, a worker will not be considered an employee during a training period where all of the following six conditions are satisfied:

1. The training is similar to that which is given in a vocational school;
2. The training is for the benefit of the individual;
3. The person providing the training derives little, if any, benefit from the activity of the individual while he or she is being trained;
4. The individual does not displace employees of the person providing the training;
5. The individual is not accorded a right to become an employee of the person providing the training; and
6. The individual is advised that he or she will receive no remuneration for the time that he or she spends in training.

What Does the Law Say: Contractor vs. Employee

You may be considered an **employee**, under the Employment Standards Act, 2000, when at least some of the following describes your work:

- the business provides you with tools, equipment or materials to perform work
- your pay is not affected by the way you do your work (e.g. if you work faster or create a better product, you will not necessarily be paid more)
- you cannot subcontract your work to another person
- the business has the right to suspend, dismiss or otherwise discipline you
- the business decides:
 - what you do
 - how much you will be paid

- when the work needs to be completed by
- how and where you complete your work

You may be considered an **independent contractor** when at least some of the following describes your work:

- you own and are responsible for some or all of the tools or equipment you use to do your job
- you are in business for yourself, make profit and have a risk of losing money from the work you do
- you determine how and/or where your work is completed
- you can subcontract some of your work
- the business can end your contract for services, but cannot discipline you