

Intern's death after overnight shift sparks outcry

Young man's family believes he fell asleep at the wheel

By Kathy Tomlinson, [CBC News](#)

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Kathy Tomlinson

Go Public

The sudden death of a 22-year-old Alberta practicum student, who crashed while driving home after being made to work long hours, has his loved ones pushing for laws to protect unpaid interns from exploitation.

"He was taken advantage of," said his brother Matt Ferguson, from St. Albert, Alta. "If this hadn't happened the way it happened, it might be easier to deal with."



Andy Ferguson's girlfriend Caelie Crowley said she's still having a hard time coming to terms with how Andy died. (CBC)

Andy Ferguson's car crossed the centre line and hit a gravel truck head-on at 6 a.m. in November 2011. He was halfway through his hour-long commute after working a morning shift and then all night.

"Andy wouldn't want this to happen to somebody else."

Records show the highway was clear and the weather was good. The young student had no alcohol or drugs in his system and was not on his phone when he crashed.

His family is convinced he didn't make it home because he'd put in 16 hours in a 24-hour period — with very little rest in between shifts — and was too exhausted to drive safely.

"We believe he fell asleep while he was driving," said Ferguson.

Double duty



Andy's brother Matt Ferguson is on a mission to get better protections for student interns like Andy. (CBC)

Andy was a student in the radio and TV program at the Northern Alberta Institute of Technology (NAIT) in Edmonton.

He had to complete a four-month unpaid practicum for Astral Media's local pop rock radio stations, 'The Bear' and 'Virgin Radio', in order to graduate. He was also putting in shifts as a paid intern, over and above his student hours.

"He just wanted to suck it up and he just wanted to finish his program and get it done with and he didn't get the chance to do that," said his brother.

His brother said Andy was a much-loved, aspiring comedian.

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"One of his goals in life was just to make people laugh and make people happy," said Ferguson. "I can only dream of what he would have ended up doing with his life. I know it would have been great things."

Text messages and times in Andy's phone suggest he worked erratic hours, with little notice or direction.

At the start of one early shift, Andy texted his girlfriend to say, "Good morning! Wouldn't ya know it no one is here to tell me what to do. Good thinking on making me come in early!"

"He was there to learn and I don't feel he got the opportunity to do that," said Ferguson.

Andy's girlfriend, Caelie Crowley, said one of his supervisors regularly called him his "bitch."

"If he was being introduced to somebody else in the department they would be like 'Oh yeah, this is Andy. But you can just call him my bitch,'" said Crowley.

Tried to say 'no'

Text messages the day before he died show Andy told Astral he didn't want to work the overnight shift, supervising a Halloween contest, where a contestant would be locked in a coffin.



His family believes Andy drove head on into a gravel truck because he was too exhausted to drive safely. (CBC)

"F—k this place," Andy texted to a friend on the afternoon of Oct. 31, 2011. "He [a supervisor] asked me to do the overnight thing for the tough contest and I did the most blunt 'no' I could do."

"He had already worked three nights prior to that doing, like, overnight shifts," said Crowley. "And he just didn't feel comfortable sitting in a hearse in a cemetery watching a girl in a coffin."

She said Andy told her a manager said if he didn't work that night, Astral wouldn't give him the credit he needed to graduate.

"They said if you want to keep your practicum here...you basically shut your mouth and do what you are told," said Crowley.

In an email Andy wrote to a NAIT instructor, but never had a chance to send, he wrote, "it would be nice if the people I worked under showed a little more appreciation and respect for myself."

Text messages between Andy and his girlfriend on his last night show his frustration, and her concern for his well-being.

"How are you holding up?" she asks at one point. "Is everything going OK?" He replied, "Not really. Ha ha."

Later, he wrote, "Good night. I will be thinking of you...I love you forever and sweet dreams." That was his last message to her.

"He wasn't the kind of person at all to say no," Crowley said, through tears. "It took a lot of me bugging him to say something [to his supervisors]."

Complaints led nowhere

After Andy's death, Ferguson wrote to Astral's CEO, but said he didn't hear back. He also filed a complaint with federal labour authorities, claiming his brother was forced to work excessive hours without adequate rest.



The Bear radio station, where Andy was trying to complete his program, is a rock station known for its contests and promotional antics. (CBC)

Federal law governing broadcasters says employees can't be made to work more than 48 hours a week.

There were discrepancies between Andy's records and how long Astral said he worked. The case was further complicated because he was not paid for the hours he put in as a student, but did get paid for other shifts.

His student hours didn't count, because the law doesn't cover unpaid training. Federal investigators concluded the company was not in violation.

"Everyone at 100.3 The Bear, Virgin Radio 104.9, and Team 1260 was devastated by Andy's death, and their condolences were extended to the family," said a statement to Go Public from Bell, which has since purchased Astra Media.

"Astral Media co-operated fully with the investigation by the Ministry of Labour, which found that the radio stations were compliant with the Canada Labour Code, and in Andy's case, that the maximum hours of work were not exceeded."

Bell refused to answer questions about how Andy was treated by Astral, saying "no comment". It did say, however, that it applies best practices when dealing with its own interns.

NAIT also refused to answer questions about this, citing "privacy requirements."

MP takes up cause

"There is no doubt that he had worked considerable and I would suggest excessive hours in the days leading up to his unfortunate car accident," said Ferguson's member of Parliament, Brent Rathbeger, who said he will use this case to push for change.



Text messages in Andy's phone show he was frustrated and exhausted in his final days. (CBC)

Labour rules in Alberta and other provinces also don't cover unpaid work by students or interns in provincially regulated workplaces.

"The bargaining is not in the youth employees' favour. That needs to be addressed generally — both through provincial and federal regulations — to protect all employees but specifically youth," said Rathbeger.

The Canadian Intern Association said it hears many stories from young people who feel overworked.

"I hear about this frequently," said president Claire Seaborn. "High youth unemployment rates are making it very difficult, which may result in young interns working long hours and not feeling they can speak up about it."

This comes on the heels of a recent death in the U.K., where a young intern working for Merrill Lynch died after pulling three all-nighters in a row. Moritz Erhardt, from Germany, was found dead in his shower Aug. 15.

In that case, Bank of America Merrill Lynch said it is now reviewing "all aspects of working practices" for its young employees and interns.

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Statement from Bell Media:

Everyone at 100.3 The Bear, Virgin Radio 104.9, and Team 1260 was devastated by Andy's death, and their condolences were extended to the family.

Astral Media cooperated fully with the investigation by the Ministry of Labour, which found that the radio stations were compliant with the Canada Labour Code, and in Andy's case, that the maximum hours of work were not exceeded.

While we consider the matter closed, we appreciate Matthew Ferguson's campaign for protection for practicum students and interns. Bell Media adheres to best practices for our internship and student practicum placements, and we endeavour to provide a safe, positive, and rewarding experience for those beginning their careers in radio and television.

Statement from Northern Alberta Institute of Technology (NAIT):

Andy's death was a tragic loss for NAIT and for the Radio and Television program. Andy was a creative, passionate and dedicated student who is greatly missed.

Privacy requirements prevent NAIT from commenting further on a particular student.

The safety and security of our students is a priority for NAIT. NAIT regularly reviews policies, practices and curriculum. All NAIT's agreements related to work integrated learning address compliance with Occupational Health and Safety and other employment legislation.

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cottonwood

Thirty years ago, when I did an internship, many of my fellow students were concerned that they would be providing free labour. I had the best internship. My supervisor told me I would do a research project of my choosing, not because the office needed the research done, but because they could mentor me through the research process. I did not receive the highest mark for my internship, but I learned the most. This is what internships should be - a safe, considerate and respectful place for ... » more

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MyNameIsPablo

My question is whether he was required (either explicitly or implicitly) to do the paid shift work on top of the unpaid internship work. If he wasn't then I don't think the company has any responsibility. However, if he was made to feel that he had to take the extra paid shifts then their role in this should be explored.

1 hour ago 0 Likes

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**archie bowe**

The problem with a lot of these internship programs is that they are just a chance to get free labour for these companies. When the internship is finished it doesn't turn into a full time paid job, they just replace the intern with another free intern.

1 hour ago 0 Likes

[Like](#) [Reply](#) [Share](#)**Kimberly Bethea**

Corporate SLAVERY, it should be outright banned. And, I'll bet there are, on top of Not Paying workers, they get tax breaks for this cra\$.

1 hour ago 0 Likes

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DISGUSTING corporations CANNOT be trusted to oversee these people. Regulations NOW!

1 hour ago 0 Likes

[Like](#) [Reply](#) [Share](#)**taxpayingidiot**

If you don't want to work for free - don't!

2 hours ago 0 Likes

[Like](#) [Reply](#) [Share](#)**Picha2**

Many college courses require unpaid practica while students are learning a trade. Personally, I have logged hundreds of hours of unpaid time, both in college and in a Master's program. And I had to pay tuition for the opportunity. However, I worked normal days (not 16 hrs days).

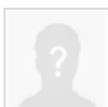
This man, while perhaps in financially tight quarters, chose to work extra shifts for pay. He also chose to drive when he was too tired to do so. Why didn't he pull over to the side of the road and sleep for ... » more

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[Like](#) [Reply](#) [Share](#)**island.59**

My daughter worked an internship for two summers. In lieu of payment, the organization paid her tuition for the September semesters. Yes, she received valuable experience. But she also had to work 20 hours a week at a part time job (on top of her internship hours) to help pay for groceries and rent while living in the city. Unless a student is able to live at home while doing their internship, its another financial burden that most students don't need. My daughter could have come home for the ... » more

2 hours ago 1 Like

[Like](#) [Reply](#) [Share](#)**Billinontario**

Its not only happening to the youth of today. I took on a job as "team lead" and putting in 50hr weeks. I would then be on call 24/7 including weekends. When I confronted my Mgr and asked if he could cover for me on a weekend his

reply "too busy". When I was hired on, after hour calls and weekends were suppose to be on a rotational basis. There were times when my drive into work was hard to recall due to after hour calls throughout the night. When I started challenging the company for overtime and ... » more

3 hours ago 4 Likes

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Lindsay

"Labour rules in Alberta and other provinces also don't cover unpaid work by students or interns in provincially regulated workplaces."

I think this identifies the problem precisely.

3 hours ago 4 Likes

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