

internships

A brief summary of interns' legal rights

An internship can provide valuable work experience, or be a stepping stone to a permanent job. However, some are not so worthwhile, and others verge on the exploitative. Internship can mean several different things, and in this guide, we look at what the legal status of an intern is, and what legal rights interns have. The main rights which potentially apply to interns are:

1. to be paid the national minimum wage
2. paid holiday pay
3. daily and weekly rest breaks
4. not to be required to work more than 48 hours a week, on average, without prior agreement (there are some exceptions for specific types of work and industries)
5. not to suffer unlawful discrimination because of a protected characteristic (such as gender, age, sexual orientation)
6. health and safety protection

For more general advice on employment rights, see our "Students at Work" leaflet.

legal status

There is no universal definition of internship, and the legal status of an intern will depend on:

- the type of work they do

- the other terms which apply to them at work.

As an intern you may be:

- a volunteer
- a worker
- an employee.

A volunteer agrees to spend unpaid time for the benefit of others, or for the benefit of, for example, the environment. They do not have a binding contract and can choose how much time to devote to volunteering and when to volunteer. They may receive training relevant to their work and be repaid expenses. If they receive more benefits than that, they may be workers or employees.

A worker has a contract to carry out work for an employer but is not in business on their own account. They are not subject to as much control as an employee – so, for example, they may be free to turn down work, and/or choose when or where to carry out work, or to ask someone else to do the work for them.

An employee has a binding contract where the employer has an obligation to offer work, and if offered, the employee must take it. An employee usually works set hours at a location or locations set by the employer. Employees are paid and may also be entitled to other benefits over and above statutory

minimum rights. The status of an intern may be set out in an agreement (which would be written or oral), but if not, because it can be difficult to work out whether someone is a worker, or an employee, it's worth getting advice if you are not sure what your status will be.

legal rights

Most volunteers are not entitled to the minimum wage – they will only be entitled to be paid if they also qualify as a worker. Workers are entitled to be paid the minimum wage. For current rates, see www.gov.uk/national-minimum-wage-rates.

According to government guidance, an intern may be a worker, and so entitled to the minimum wage if:

- they carry out work which would otherwise have to be done by a paid employee
- they are paid expenses over and above repayment of sums they have paid in relation to their placement
- they are offered a share of profits or benefits in kind.

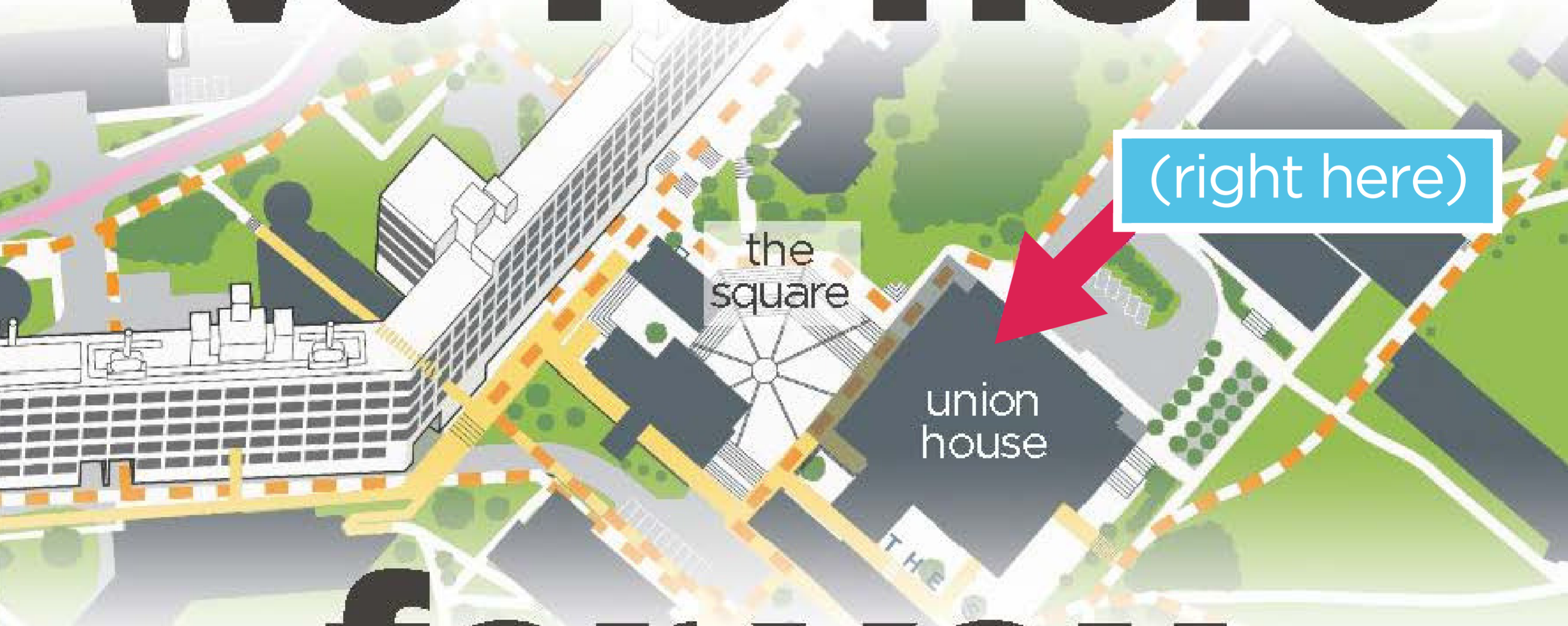
An intern will not be a worker if:

- they work shadow and do not actually undertake any work themselves
- the internship is a requirement of their course. Students of a UK higher education institution who undertake a compulsory placement of under a year as part of their course, are expressly excluded from the right to be paid minimum wage.

If the internship is paid, the intern will be an employee and should not be paid less than minimum wage for their age.

If you are offered an internship, ask for it to be confirmed in writing, and clarify whether it is a paid position and what experience you will gain. If it's unpaid, the most practical advice we can give is to weigh up how valuable the experience offered will be to you before deciding whether or not to take it. If you are offered an unpaid internship, and you are concerned that the employer may be breaking the law by not paying the National Minimum Wage, seek advice – from us at [advice\(su\)](mailto:advice@su), from a Trade Union, if you are a member, the Pay and Work Rights Helpline (0800 917 2368) or Acas (tel: 0300 123 1100, www.acas.org.uk/index.aspx?articleid=2042).

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