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Voluntary Internships



A Ius Laboris Guide
covering 25 countries



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Introduction

Although internships are almost ubiquitous and are a gateway to business life for many people, the law that applies to them can be complex and is generally not well-known. Can anyone be an intern? Is there a limit to how long an internship should last? Are you obliged by law to pay interns?

This guide aims to answer these questions in a range of countries for what we are calling ‘voluntary internships’. By this we mean internships that are not mandatory as part of a course at a university or other educational institution. Voluntary internships are offered by employers and accepted by individuals as a matter of choice on both sides.

There are good reasons why young people may want to do internships – they provide good access to the working world, strengthen an individual’s CV and can make it easier to find future jobs.

In terms of this last benefit, the International Labor Organization’s [Employment Working Paper No. 241](#) has found evidence that paid internships lead to better employment outcomes in the short run compared to unpaid internships, although precisely why this should be so is not straightforward, with many factors possibly playing a role. Even so, it’s notable that the paper states that only about 33.7 percent of the surveyed participants were paid by the hiring company.

Unpaid internships risk triggering discrimination in labour markets for two reasons. First, they provide a way for employers to use newcomers as cheap labour. The European Parliament has [described](#) unpaid internships, traineeships, and apprenticeships as “a form of exploitation of young people’s work and a violation of their rights” and has called on EU Member States to bring in law to ensure unbiased pay for youth .

Second, only privileged young people are able to take work unpaid and thereby gain from internships, whilst less socially advantaged young people are left out. Thus, according to [the UN World Youth Report](#), internships that offer no monetary compensation

discriminate against the poorest and exacerbate the existing income inequality amongst youth.

From an employer’s point of view, the main objective of an internship should be to train the person and provide them with experience. This is also the main distinguishing factor between an intern and an employee, for whom the deal is primarily financial. Therefore, the tasks given to interns need to align with training objectives. If they don’t, there is a risk that the intern will be considered an employee and entitled to the employment rights that the law of the country provides. There may also be administrative fines for employers and the risk of litigation, which, of course, is bad for PR, recruitment and



VOLUNTARY INTERNSHIPS

retention, and, ultimately, bad for business.

And whatever the law does to protect interns, there may still be risks. Some interns find themselves being used as an alternative workforce, even if their country's rules strictly prevent abuse. For example, in **Brazil**, the rules are very strict, but our lawyers still report that unlawful internships do exist. In 2017, a company in Bahia was taken to court because it used trainees to perform telemarketing services and had them working excessive hours. The court declared that the trainees were entitled to employee status along with all corresponding rights. It also awarded collective moral damages of BRL 100,000 (USD 21,000).

Similarly, our lawyers in **Kazakhstan** tell us that even though it is not possible to employ interns under Kazak law, some employers hire unpaid interns and risk sanctions of between USD 400 and 1,000. Research conducted in **the Netherlands** in June 2022 shows that one in four students on internships are, in fact, employed just like ordinary employees, although with unfair or even zero compensation. It seems it is particularly common in the healthcare and education

sectors for students not to receive internship allowances and among those who do receive an allowance, there are significant differences in the amounts. The Dutch National Students' Association is campaigning to urge the Dutch government to improve the position of interns.

Having looked at the law in a range of places, it's clear that the stance taken by different countries varies a lot. **Chile, Kazakhstan, Monaco, and Turkey** do not permit voluntary internships. **Brazil, Argentina, Colombia** and **France** do not allow non-students to do internships but allow do students to be interns. The majority of the countries we surveyed do allow non-students to become voluntary interns.

Some countries, such as **Belgium**, have a very complex internship system where there is more than one type of internship and where the rules vary according to the place where the internship takes place. Some countries, such as **Poland** and **Slovakia**, have an age limit for internship contacts.

Pay and duration are key factors that employers need to know about, as these vary significantly. **Belgium** and **France** mandate minimum

INTRODUCTION



17 OUT OF 25 COUNTRIES
WE SURVEYED PERMIT
NON-STUDENTS TO
BECOME A VOLUNTARY
INTERN

compensation. In **Denmark** and in **Estonia**, there is no law obligating employers to compensate interns. Yet, while unpaid internships are common in **Denmark**, they are uncommon in **Estonia**. Our Estonian lawyers tell us that although some employers offer unpaid internships, they are not not attractive to students, meaning that market forces have required employers to offer only paid internships. By contrast, in **Denmark**, student interns are entitled to state financial support if the employer doesn't pay. In an analogous way, in **Slovakia**, it is not the company that compensates a 'graduate internship', but the Office of Labour,

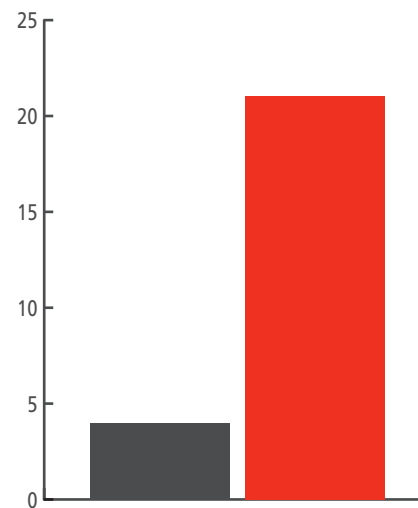


Social Affairs, and Family, meaning that the agreement is between the employer and the state. An 'internship agreement' made with a student (and not 'an agreement on temporary work by students') in which the student is paid may cause complications for employers, as this situation not regulated by law. In **Sweden**, compensation is not required and our Swiss lawyers warn, in contrast, that compensating interns may lead to an argument that their contract is not in fact an internship agreement but an employment agreement. In **the US**, while it is not mandatory to pay interns, most are paid, as unpaid internships have been the subject of controversy and litigation in recent years. In the entertainment industry, legal action by interns has resulted in multi-million-dollar settlements by various companies and led to a decrease in the frequency of unpaid internships. There is also a push to end unpaid internships in federal legislative offices, although, so far, no law has been enacted.

Some countries regulate the length of internships, though many do not. But even where there are no limits, employers can rarely employ interns as long as they wish, as lengthy

internships are liable to be considered employment sooner or later.

We set out a synopsis of the rules in multiple countries below and, given how much they vary, our advice to employers is to familiarise themselves carefully with the rules wherever they operate.



4 OUT OF 25 COUNTRIES WE SURVEYED DO NOT PERMIT VOLUNTARY INTERNSHIPS



Argentina

VOLUNTARY INTERNSHIPS

1 Does an intern have to be a student attached to a university or other educational institution?

Yes. Interns in Argentina are subject to very strict regulation. They must be students and the internship must be related to their course.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

Yes, it is mandatory.

2.2. How much should you pay?

Interns must be paid the basic salary in the collective bargaining agreement that applies to the organisation, proportional to number of hours per month of the internship.

2.3. How long can the internship last?

A year and a half.

2.4. Other points

The internship requires firstly, an agreement between the organisation and the university, and secondly, a tripartite agreement between the student, the organisation, and the university. They are paid compensation, which is not considered a salary. They cannot devote more than 20 hours per week to the internship. They must not be treated as an alternative workforce, but rather as social responsibility.

ARGENTINA

3 Comments

The issue with interns in Argentina is that, sometimes, organisations resort to them as an alternative source of inexpensive workforce, rather than providing a training platform for students.

Non-compliance with the rules on internships is usually established by a disproportionate staff of trainees, or a disproportionate number of trainees compared to regular workers, a lack of proper cooperation agreements with universities and an absence of correlation between the internship and the course.



Belgium

VOLUNTARY INTERNSHIPS

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

There are different ways of employing trainees that are not students. The most relevant types of agreements are 'Professional internship/immersion agreement' and a 'Sui generis traineeship agreement'.

1.1. Is it compulsory to pay the intern?

- » **Professional internship/immersion agreements:** Yes
- » **Sui generis traineeship agreements:** No. Moreover, If you pay a salary, a judge or the Belgian authorities might argue that the contract is not a contract for a traineeship, but an employment agreement. If so, all of the obligations regarding employment contracts will apply (minimum salary, holiday pay, etc.). At most, you can reimburse the costs that were actually incurred by the trainee.

1.2. How much should you pay?

» **Professional internship agreements in Flemish Region + Dutch speaking interns in the Brussels Capital Region:** Minimum fixed indemnity of EUR 903,08 EUR (amount as of 1 April 2022)

» **Professional immersion agreement in Walloon Region + French speaking interns in the Brussels Capital Region:** Minimum fixed indemnity, varying according to the age of the trainee (amounts as of 1 April 2022):

21 years and older: EUR 903,10

20 years: EUR 849,90

19 years: EUR 794,80

18 years: EUR 740,60

1.3. How long can the internship last?

» **Professional internship/immersion agreements:** Maximum of six months. This may be renewed in Brussels up to a maximum 12 months in total for foreign trainees.

BELGIUM

» **Sui generis traineeship agreements:** Not regulated by law. However, a maximum of 60 days is advised to avoid any risk.

1.4. Other points

» **Professional internship/immersion agreements:**

- ◇ This is an agreement under which the trainee gains knowledge and skills in the scope of his/her education by working in an organisation. It differs from an employment contract by the fact that the main goal is to receive 'training/education' outside the scope of an employment agreement.
- ◇ No social security contributions are due (except in case of 'alternate learning', but this only applies in exceptional cases, to be assessed case by case). Please note that social security contributions will nonetheless have to be paid in e.g. the Brussels Capital Region if a work permit/single permit is required (e.g. for non-EEA/Swiss nationals, including UK nationals). Also, if a work permit or single permit



is required (non-EAA/Swiss nationals) a higher level of compensation must be paid.

- ◇ Insurance for accidents at work is mandatory.
- » **Sui generis traineeship agreements:**
 - ◇ The main goal should also be to receive 'training/education' outside the scope of an employment agreement. This kind of agreement may only be used when the traineeship is excluded from the scope of application of professional internship/immersion agreements.
 - ◇ No social security contributions are due as no salary is paid
 - ◇ Insurance for accidents at work highly recommended.

2 Can a student take an internship even if this is not compulsory for their course?

Yes. The answers for question 1 apply. Additionally, a 'student employment contract' can be concluded. Student employment contracts are mainly intended for students who are still studying and would like to have an additional job to support themselves.

2.1. Is it compulsory to pay the intern?

See also answers for Question 1 +
Student employment contract: Yes.

2.2. How much should you pay?

See also answers for Question 1 +
Student employment contract:
For employment of less than one month: salary is freely determined. For employment of more than one month, the sector's minimum wage applies.

2.3. How long can the internship last?

See also answers for Question 1 +
Student employment contract:
No legal maximum duration but if

employed for more than 12 months with the same employer, the contract changes into a regular employment contract

3 Comments

Professional internship/immersion agreements are very often used and require the payment of compensation. Sui generis traineeships are mostly unpaid internships. There has been some protest against the latter type of internship (e.g. newspaper articles that address this).



Brazil

VOLUNTARY INTERNSHIPS

1 Does an intern have to be a student attached to a university or other educational institution?

Yes. Interns in Brazil are subject to very strict regulation. They must be students and the internship must be related to their course.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

Yes. They must be paid an allowance and must be covered by life insurance. Companies often offer other benefits.

2.2. How much should you pay?

There is no minimum allowance. A recent poll indicates that BRL 1,000 (USD 210, approximately) is the average allowance paid in Brazil.

2.3. How long can the internship last?

Two years, maximum.

2.4. Other points

The internship requires a tripartite agreement between the student, the company, and the university. Work hours must not conflict with the student's course hours and they may take days off in preparation for tests. They must not be treated as an alternative workforce, but rather as social responsibility.

BRAZIL

3 Comments

The issue with interns in Brazil is that, sometimes, companies resort to them as an alternative source of inexpensive workforce, rather than providing a training platform to students.

The Public Attorney's Office, Labour Branch (the MPT) actively investigates companies and takes legal action against those that do not comply with the law. Noncompliance is usually established by a disproportionate staff of trainees, or a disproportionate number of trainees compared to regular workers, a lack of proper cooperation agreements with universities and an absence of correlation between the internship and the course.

For example, in 2017, a company in Bahia was taken to court because it engaged trainees to perform telemarketing services, working excessive number of hours. In 2020, the court granted the claim and declared the trainees were entitled to employee status and the corresponding rights. It also awarded collective moral damages of BRL 100,000 (USD 21,000).



Bulgaria

1 Does an intern have to be a student attached to a university or other educational institution?

No. The Bulgarian Labor Code allows the conclusion of an Internship Employment Contract with a person aged under 29, who is a high school or university graduate with no work or professional experience in his or her profession or specialty.

The contract must be concluded for work at a position, consistent with the profession or specialty for which the person is qualified. A contract may only be concluded once with the same person. The contract needs to specify the method and form of the practical skill acquisition during the work execution process, the position and the intern's mentor, the term of the contract, which may not be less than six or more than 12 months, as well as other conditions regarding the internship.

1.1. Is it compulsory to pay the intern?

Yes.

1.2. How much should you pay?

At least the minimum working salary for the country, which currently is BGN 710 (EUR 355) for a full-time position.

1.3. How long can the internship last?

No less than six and no more than 12 months.

1.4. Other points

The intern should be at least a high school graduate and the position must be consistent with their profession or specialty qualification. The employer must issue a recommendation letter to the trainee within 14 days of the contract termination, certifying the training results which the intern can present to future employers.

2 Can a student take an internship even if this is not compulsory for their course?

Yes .

- » The first option is the **Internship Employment Contract**.
- » The second option is an **On-the-job Training Employment Contract**, under which the employer undertakes to train the employee in the process of work in a specified occupation or specialty; and the employee undertakes to master the occupation or specialty.

Employers can only conclude one contract with the same employee in the same enterprise for training in the same occupation, except in cases of learning by doing (a dual system of instruction), organised under the terms and procedure of the Vocational Education and Training Act. The contract must specify the forms, the place and the duration of training, the compensation, what the parties owe each other in the event of non-performance, and any other matters related to the provision of training.

2.1. Is it compulsory to pay the intern?

Yes.

2.2. How much should you pay?

» Internship Employment

Contracts: at least the minimum working salary, which is currently BGN 710 (EUR 355) for a full-time position.

» On-the-job Training Employment

Contracts: in proportion to the work done, but no less than 90% of the minimum working salary for the country.

2.3. How long can the internship last?

» Internship Employment

Contracts: no less than six and no more than 12 months.

» On-the-job Training Employment

Contracts: Training may not exceed six months except in cases of learning by doing (dual system of instruction). In this case its duration is determined by the curriculum.

2.4. Other points

» On-the-job Training Employment

Contracts: the parties must also specify in the contract the period during which the employee undertakes to work for the employer after successful completion of the training, and the employer must undertake to provide work to the apprentice that fits the qualifications attained. That period may not be longer than three years.

3 Comments

The internship employment contract is a relatively new development: it was introduced in 2014 and has gained in popularity over the past few years.



Chile

VOLUNTARY INTERNSHIPS

1 Does an intern have to be a student attached to a university or other educational institution?

Yes. Only students undertaking mandatory placements have intern or trainee status.

2 Can a student take an internship even if this is not compulsory for their course?

No. An internship must be mandatory. The rules for employment relationships would apply for a voluntary intern: they would not have intern or trainee status.

However, since 2019, there is a new law regulating alternative part-time work schedules for employed students. Under this law, if a student worker is between 18 and 24 years old and is in regular studies or in the process

of graduation, s/he will have certain rights that are different from those of an ordinary employee. For example, the student worker will have permits to take academic exams, leave during academic vacations, and there are specific provisions on work-related accidents, etc.

CHILE

3 Comments

In Chile, most careers require students to complete mandatory internships. For this reason, the Labour Code regulates internship agreements, establishing basic provisions for the protection of the intern, such as regulating payment for lunch and transportation allowance.

However, there has been criticism that the duration of these internships is very short, and the student does not get to experience the real processes of an organisation. The minimum required duration is 200 hours and the maximum is six months.

1 Does an intern have to be a student attached to a university or other educational institution?

Yes. If the individual is not linked to a university or educational institution, s/he cannot be hired under an 'internship agreement'. However, s/he can be hired using another arrangement, such as a fixed-term employment contract, volunteer contract, or service contract.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

There is no law requiring any compensation.

2.2. How much should you pay?

There is no specific amount as compensation is not mandatory; it will depend on the mutual agreement between the parties.

2.3. How long can the internship last?

There is no specific term for internships: this can be agreed between the parties mutually.

2.4. Other points

If the internship is not a degree requirement, the individual may not be hired under an 'internship agreement'. Another arrangement, such as a fixed-term employment contract, volunteer contract, or service contract will need to be used.

3 Comments

In Colombia, internships are defined as:

'activities undertaken by university students, through agreements signed with higher education institutions, which are a pre-requirement for obtaining the corresponding degree.'

That is, if the purpose is to fulfill a degree requirement, the appropriate mode of hiring will be an internship.

It is important to point out that the

only way to prove the existence of an internship is if the organisation can prove:

- » There is a signed individual internship agreement between the student, the university and the organisation;
- » The internship is a degree requirement in the intern/student's curriculum; and
- » There is a separate valid signed agreement between the university and the organisation.

Under an 'internship' payment is not mandatory, and organisation is only required to register the intern in the Labour Risks System. The student must also be affiliated to the health system.

In practice, internships are common if they are included in the student's academic curriculum. Otherwise, organisations usually opt for fixed-term employment contracts (the most advisable and least risky option); service contracts; or volunteer contracts (if the student is not expecting to receive payment).

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

If intern does not undertake 'dependent' work (that is, work under instruction), there is no duty to compensate him or her. However, given the absence of legislation, there may be a risk that in case if the intern does 'dependent' work, this relationship would be considered as employment, with all relevant duties (including to pay a salary, etc.).

1.2. How long can the internship last?

The length of an internship is not regulated by law. However, the longer the internship, the greater the risk that it would be considered employment.

1.3. Other points

To eliminate the risk of an intern being held to be an employee, many employers conclude specific zero-hour

contracts instead of standard employment contracts. These can be agreements to complete a job and/or agreements on a working activity. Despite the fact that these agreements do constitute an employment relationship and there is duty to pay remuneration (at least the minimum wage) under them; they can be terminated easily.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

If intern does not undertake 'dependent' work (that is, work under instruction), there is no duty to compensate him or her. However, given the absence of legislation, there may be a risk that in case if the intern does 'dependent' work, this relationship would be considered as employment, with all relevant duties (including to pay a salary, etc.).

2.2. How long can the internship last?

The length of an internship is not regulated by law. However, the longer the internship, the greater the risk that it would be considered employment.

2.3. Other points

To eliminate the risk of an intern being held to be an employee, many employers conclude specific zero-hour contracts instead of standard employment contracts. These can be agreements to complete a job and/or agreements on a working activity. Despite the fact that these agreements do constitute an employment relationship and there is duty to pay remuneration (at least the minimum wage) under them; they can be terminated easily.



3 Comments

Unpaid internships are used also by NGOs, governmental institutions and parliamentarians. However, according to our information, many employers prefer to provide paid internships. In the past, articles have been published on whether there should be a legislative definition of an internship including the obligation to pay the intern. Currently, we are not aware of any movement seeking to change the status of interns.



Denmark

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

No.

1.2. How long can the internship last?

An internship can last several months. There is no statutory limit, but the internship must not last so long that it acquires the nature of an employment relationship, as the employment law rules will otherwise apply (i.e., legislation and collective agreements).

1.3. Other points

In Denmark, there is little legislation on employment relationships and no collective agreements that are applicable to all employees. Therefore, the employer can, as a main rule, enter into any agreement with employees or interns (provided the agreement is not in contravention of the Danish Contracts Act). However,

the internship must not in reality be an employment relationship. In this case, the Danish legislation on employment relationships and collective agreements will apply. It is therefore important that the intern obtains experience and knowledge instead of compensation. Also, some collective bargaining agreements may contain provisions excluding employers from hiring unpaid interns.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

No.

2.2. How long can the internship last?

The internship will often last for a single semester (in Denmark this is approximately four months).

2.3. Other points

Student interns are entitled to receive public financial support pursuant to the State Educational Grant and Loan Scheme (in Danish often referred to as 'SU') if they do not receive compensation for their internship.

3 Comments

Unpaid internships are common in Denmark, and they have been a topic of public debate and given rise to several court cases. However, in Danish law, the general view seems to be that internships are accepted and not considered employment relationships if the intern obtains experience and knowledge as part of the internship (rather than compensation).



Estonia

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

No.

1.2. How long can the internship last?

Duration is not regulated by law.

1.3. Other points

Internships, regardless if they are compensated or not, must always be registered in the employment register. Moreover, all the regulations regarding the occupational health and safety apply to interns as well, even if the internship is unpaid.

It is also important to note that if the internship involves the performance of work duties and not just learning or observing, there is a risk that the relationship between the parties may be considered an employment relationship. In such a case, labour

laws and the protection of employees thereunder shall apply and remuneration must be paid (minimum of EUR 654).

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

Please see answer to Question 1.1.

2.2. How much should you pay?

Please see answer to Question 1.2.

2.3. How long can the internship last?

Please see answer to Question 1.3.

3 Comments

Paid internships are very common. Unpaid internships are still offered, but have become less popular over time. Unpaid internships are not attractive to students anymore, meaning that the market itself has required employers to offer only paid internships.

Finland

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

Yes. The salary paid must comply with the minimum wage under the applicable binding collective agreement. If there is no applicable collective agreement, the employer must pay the intern a salary that is considered usual and reasonable for the work in question. The work performed by the intern must be used as a basis for estimating his or her pay.

1.2. How much should you pay?

The salary is in most cases determined according to a binding collective agreement.

1.3. How long can the internship last?

There are no legal limits for the duration of paid internships.

1.4. Other points

There is no strict regulation regarding paid internships in Finland. Intern employment relationships are considered as normal employment relationships with all standard rights and obligations (e.g. healthcare benefits, paid time off, insurance).

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

No, if the unpaid voluntary internship is through an official educational institution and the intern has the opportunity to receive academic credits for the internship. In practice, these type of unpaid voluntary internships are not common. A wage according to a relevant collective agreement or the minimum 'work requirement' wage set by the Social Insurance Institution (Kela) is usually paid.

If the internship does not take place through an educational institution, the rules for unaffiliated internships apply (Q1).

2.2. How much should you pay?

The employer pays salary in accordance with the relevant collective agreement. If a collective agreement does not apply and the internship takes place through an educational institution, the employer is recommended to pay at least the minimum salary set by Kela (Finnish Social Insurance Institution) which is EUR 1,283 in 2022.

2.3. How long can the internship last?

Please see answer to Question 1.3.

2.4. Other points

Some educational institutions offer a limited amount of funding for voluntary internships that amounts to the wage required by Kela. In addition, many educational institutions in Finland do not recommend unpaid voluntary internships.



3 Comments

Paid internships with a minimum wage are customary in many fields, and are also offered by government institutions and NGOs. Unpaid internships are common in fields of vocational education, where internships are mandatory to graduate.

Many labour unions have campaigned against unpaid internships and they have become more uncommon, especially in higher education.



France

VOLUNTARY INTERNSHIPS

1 Does an intern have to be a student attached to a university or other educational institution?

Yes.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

It is mandatory to compensate a voluntary intern when the internship lasts more than 308 hours, even if it is not continuous (i.e. a single period).

2.2. How much should you pay?

Employers must pay interns a minimum of EUR 3,90 per hour in 2022.

2.3. How long can the internship last?

An intern may not complete more than six months of internship in the same organisation per academic year, regardless of whether it is for one or more internships.

FRANCE

3 Comments

The number of internships lasting more than two months in private companies fell from 289,000 in 2019 to 225,000 in 2020, or -22% year over year. The pandemic put an end to the increase observed in 2018 and 2019 (+4% per year). This fall in 2020 is described as being caused 'almost entirely' by the collapse of entry into training during the first lockdown from March to May, a period during which internships are usually very numerous.

The drop was 24% in March 2020 compared to the same period in 2019 and then 87% in April and 50% in May. Beginning in June, 'internship entries return to levels similar to 2019, without making up for the very sharp decline in the spring.'

Individuals aged under 20 suffered the most from this dramatic decline (-39% of internship entries compared to 2019), which affected all sectors, with the exception of human health and social action. In these sectors, the number of internship entries increased by 16%. The largest decline was in accommodation and food services (-50%). More recent data was not available at the time of writing.



Germany

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

Interns who are employed for the purpose of acquiring professional skills, knowledge, abilities or experience are entitled to appropriate remuneration.

In this case, the statutory minimum wage has to be paid, unless, in particular, the internship lasts only up to three months and:

- » serves as an orientation for professional training or for taking up studies; or
- » is (voluntarily) accompanying professional or university training, if such an internship relationship with the same 'trainer' did not exist before.

Only in (rare) cases, in which a voluntary internship does not meet the requirements mentioned at the beginning, is compensation not

mandatory.

In any case, please note, that if a service provided by the intern is not covered by the internship, there may be grounds for a claim for payment of usual remuneration of an employee.

1.2. How much should you pay?

Since 1 January 2022, the statutory minimum wage is EUR 9.82 gross and as of 1 July 2022 it will be EUR 10.45 gross per working hour. From 1 October 2022, it will further increase to EUR 12.00 gross per working hour.

Apart from the obligation to pay the minimum wage, the amount of remuneration can be freely agreed, but must generally be 'appropriate'. There is no general rule as to exactly what would be 'appropriate' in view of the variety of conceivable internship arrangements.

1.3. How long can the internship last?

The characteristic of any internship is that it is for a limited duration. However, there is no general time limit. Only internships that last less than three months can be exempt from the

requirement to pay statutory minimum wage (see Q1.1.).

1.4. Other points

Internships for students who have already graduated from a relevant study programme, which only serve the purpose of entering the labour market, but which are predominantly connected with usual employee work tasks are generally 'bogus internships', as employment relationships must always be compensated.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

Please see answer to Question 1.1.

2.2. How much should you pay?

Please see answer to Question 1.2.



2.3. How long can the internship last?

Please see answer to Question 1.3.

3 Comments

According to a study from clevis consult, 78.7% of the internships in Germany are remunerated and the average monthly remuneration is EUR 1,071.07 gross.

For large organisations that regularly offer internship positions, remuneration is the norm. However, in particular in the media, advertising or tourism sectors, unpaid internships are not uncommon.

Since the Minimum Wage Act came into force in 2015, the social debate on unpaid internships has subsided.



Kazakhstan

1 Does an intern have to be a student attached to a university or other educational institution?

Yes.

2 Can a student take an internship even if this is not compulsory for their course?

No.

3 Comments

The demand for voluntary internships to get experience and improve qualifications exists in Kazakhstan, and employers would be ready to accept interns, but the concept of internship contradicts the requirements of labour legislation, one principle of which is the right to remuneration for labour.

Despite this, in practice, employers do use interns, mostly when hiring for work before entering into an employment contract, using unpaid internship as a probationary period. This is definitely a violation of law. The labour inspection authority actively stops these violations and applies sanctions (fines of between USD 400 and 1,000) on employers for allowing people to work without entering into an employment contract and failing pay salary. During recent years, these enforcement measures helped to change the situation, but the issue still exists. This is in part because employees are not themselves active in the protection of their rights and agree to the conditions imposed by employers in order not to lose a potential job.

1 Does an intern have to be a student attached to a university or other educational institution?

No. A person who holds a Luxembourg high school diploma or its equivalent or a person who has successfully completed a first cycle of higher or university education may conclude a voluntary internship.

Voluntary internships, also called ‘**practical internships**’, are concluded in order to acquire professional experience.

1.1. Is it compulsory to pay the intern?

Internships that last more than four weeks must be compensated.

1.2. How much should you pay?

Internships lasting between four and twelve weeks inclusive are compensated at 40% of the minimum social wage for unskilled workers (on 1 April 2022: EUR. 2.313,38).

Internships lasting between 12 and 26 weeks inclusive are compensated at 75% of the minimum social wage for

unskilled workers.

For trainees who have successfully completed a first cycle of higher or university education, the reference wage is the minimum social wage for qualified employees (On 1 April 2022: EUR. 2.776,05).

1.3. How long can the internship last?

The duration of voluntary internships may not exceed six months in a period of 24 months with the same employer.

If the internship involves a person who has successfully completed a first cycle of higher or university education, the entire duration of the internship must be within 12 months of the end of the last school enrolment that led to the diploma.

1.4. Other points

All voluntary internships must be regulated by a training agreement signed by the trainee and, if s/he is a minor, by his or her legal representative, as well as by the training supervisor.

The number of voluntary internships

in a single company at one time may not exceed 10% of the workforce. In companies with fewer than ten employees, the maximum is one internship.

These limits do not apply during the period from 1 July to 30 September inclusive.

The provisions relating to working hours, weekly rest, public holidays and paid annual leave and safety at work apply in the context of these voluntary internships.

The Luxembourg labour code provides that affiliation to the social security system is compulsory and that the employer is obliged to keep an internship register which can be consulted at any time by the staff delegation and which must be made available to the Labour and Mines Inspectorate upon request.

2 Can a student take an internship even if this is not compulsory for their course?

Yes. Voluntary internships to acquire professional experience can be concluded between a student and an internship employer.

A student is considered to be a person who is registered in a Luxembourg or foreign educational institution and who regularly follows a course of study.

2.1. Is it compulsory to pay the intern?

Please see answer to Question 1.1.

2.2. How much should you pay?

Internships lasting between four and twelve weeks inclusive are compensated at 40% of the minimum social wage for unskilled workers (on 1 April 2022: EUR. 2,313,38).

Internships lasting between 12 and 26 weeks inclusive are compensated at 75% of the minimum social wage for unskilled workers.

2.3. How long can the internship last?

The duration of voluntary internships may not exceed six months in a period of 24 months with the same employer.

2.4. Other points

Please see answer to Question 1.4.

3 Comments

In 2020, a clear legal framework was adopted for interns. This put an end to a legal vacuum concerning internships.



Monaco

1 Does an intern have to be a student attached to a university or other educational institution?

Yes.

2 Can a student take an internship even if this is not compulsory for their course?

No. If the training is not mandatory, trainees are considered to be salaried workers.

As a voluntary intern is treated as a salaried worker, the employer must comply with the provisions relating to work permits as well as with the provisions regarding wages. The organisation is also required to register the trainee with the social security organisations, to pay contributions and to take out insurance for work-related accidents and occupational diseases.

3 Comments

Internship in Monaco is subject to very strict regulation.

In addition to the mandatory nature of the internship, it must fulfill the following conditions:

- » The trainee must remain a student of the educational institution and be subject to its control.
- » The conditions of the internship must result from an agreement between the educational institution, the organisation and the student or his or her legal representative.
- » The organisation must not derive any direct profit from the presence of the trainee and must offer him or her an internship that is in line with the educational project defined by the educational institution.
- » The trainee may not claim any remuneration. However, in practice, compensation is usually paid, but it cannot exceed the amounts determined by the Administration (i.e. currently 43% of the legal minimum salary for trainees aged between 18 and 20; 53% of the legal

minimum salary for trainees 21 and older).



Netherlands

VOLUNTARY INTERNSHIPS

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

In the Netherlands it is not mandatory to pay any compensation to an intern, unless it is required by an applicable collective bargaining agreement.

1.2. How much should you pay?

Although it is not mandatory under Dutch law to compensate interns, in practice most companies will pay an internship allowance. The internship allowance is usually regarded as reimbursement of expenses, such as costs of travel or relocation. Organisations who take on interns need to be careful that the internship allowance is not seen as salary, as this would pose the risk that the internship agreement qualifies as an employment agreement (see d below). A monthly internship allowance of EUR 500 to 1,000 is common, but the amount varies between sectors, organisations and different internship positions.

1.3. How long can the internship last?

Under Dutch law, there is no maximum duration for an internship agreement. In practice, internships are usually not longer than three to six months.

1.4. Other points

An internship agreement often shows characteristics of an employment agreement. The internship agreement will actually be considered an employment agreement if:

- » Substantial work is carried out by the intern; and
- » The intern receives a salary; and
- » There is also a relationship of authority.

In this case all obligations for employment agreements apply (such as minimum wage, holiday pay and dismissal protection).

To avoid this, most importantly the work carried out by the intern must be primarily contributing to his or her education, knowledge and experience rather than contributing

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to the objectives of the organisation. It is also important to avoid making types of payments to the intern can be seen as salary; as a result, it is common practice to only pay an allowance that is deemed to cover expenses.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

Please see answer to Question 1.1.

2.2. How much should you pay?

Please see answer to Question 1.2.

2.3. How long can the internship last?

Please see answer to Question 1.3.

2.4. Other points

Please see answer to Question 1.4.



3 Comments

There is some public debate in the Netherlands on the varying levels of internship allowances and on the (mis) use of interns as cheap labour.

Interns with a higher level of education generally receive a higher internship allowance. In 2020, the Dutch central government introduced an equal internship allowance for all interns regardless of their level of education. The business sector was asked to do the same, but in practice, companies and also local governments still do not pay equal internship allowances to interns of different educational levels.

Research in June 2022, commissioned by the largest student association in the Netherlands, ISO, shows that one in four students doing an internship is in fact employed like a regular employee though with unfair or even zero compensation. It is particularly common in the healthcare and education sectors for students not to receive an internship allowance. Among students who do receive

an allowance, there are significant differences in the amount. ISO announced actions to urge the Dutch government to improve the position of interns.

The qualification of an internship as an employment agreement (with corresponding rights and obligations) is also an issue that comes before Dutch courts from time to time.

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

- » **Paid internship, apprenticeships in employment relationship:** Yes.
- » **Genuine volunteer position with no employment relationship:** No.

1.2. How much should you pay?

Generally, paid interns should receive at least the adult minimum wage (NZD 21.20 per hour).

There are several instances where a paid intern may be paid less than the adult minimum wage, depending on the individual intern's specific circumstances.

For example, if the intern is aged 16 or 17 and has done less than six months of continuous service with the employer, they should be paid at least the starting out minimum wage (NZD 16.96 per hour).

Apprentices and interns completing an educational industry training program should be paid at least the training minimum wage (NZD 16.96 per hour).

1.3. How long can the internship last?

No set duration. In New Zealand it is expected that a volunteer position would be infrequent (for example, only four hours per week) or of short duration (for example, a seven-day course). Generally, the longer a person volunteers and the more hours they work, the more likely they are to be deemed an employee.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

It is not mandatory to compensate an intern who is in a genuine volunteer position with no expectation of reward or payment.

2.2. How much should you pay?

Please see answer to Question 1.2.

2.3. How long can the internship last?

Please see answer to Question 1.3.



3 Comments

Many New Zealand employers offer internships to young people. It is common for tertiary students to complete internships or work experience during the break between semesters. In addition, many young people will complete apprenticeships as part of entering a trades profession, where they complete a combination of work experience and educational assessments.

New Zealand employment law distinguishes between an employee and a volunteer. All employees must be paid at least the applicable minimum wage and employers cannot use the label of 'volunteer' to avoid payment for genuine work. An unpaid intern must be a true volunteer, which means the work they perform should be distinguishable from employees, be of limited duration and hours, and be done without an expectation of reward or payment. For this reason, unpaid internships (volunteer positions) are less common in New Zealand.



Poland

1 Does an intern have to be a student attached to a university or other educational institution?

No. Polish law provides for a special type of agreement called a **graduate traineeship contract**. It can be concluded with individuals under 30 who finished secondary school or eight years of primary school. This agreement can also be concluded by a student or a graduate if s/he meets these conditions.

There is also another traineeship contract available for students of technical and vocational schools. It is similar to a graduate traineeship contract, except that the duration cannot be longer than the period of schooling, and the remuneration cannot be higher than the minimum wage (the traineeship can also be unpaid). This type of internship may replace compulsory internships during a course of study at a technical college or vocational school.

1.1. Is it compulsory to pay the intern?

No. The organisation hosting the intern can decide whether to pay him or her.

1.2. How much should you pay?

Remuneration for a graduate traineeship may not exceed twice the minimum wage (in 2022 it may not exceed PLN 6,020). It is also possible to pay less than the minimum wage.

1.3. How long can the internship last?

Internships can last for a maximum of three months. Even if there is more than one agreement between an organisation and a trainee, the total period of internship cannot exceed three months.

1.4. Other points

Most provisions of the Labour Code do not apply to the graduate traineeship contract. Only the anti-discrimination and some working time provisions apply.

No social contributions are due. Individuals under 26 are also exempt from personal income tax if their annual income does not exceed PLN 85,528.

2 Can a student take an internship even if this is not compulsory for their course?

Yes. Students in Poland often work on a regular basis, that is, based on employment or civil law contracts. Graduate traineeship contracts are rather rare, mostly due to their time and remuneration limits. The exemption from personal income tax for individuals under 26 also applies for these contracts (both employment and civil law). Civil law contracts with students are exempt from social security contributions while employment contracts are not.

2.1. Is it compulsory to pay the intern?

Remuneration is only mandatory for employment contracts. For graduate traineeship contracts or other properly structured civil law agreements payment is not mandatory. A service agreement is only unpaid when this is expressly indicated in its provisions. Without such a provision, a service provider is entitled to at least minimum hourly rate (in 2022 this is PLN 19,70).



VOLUNTARY INTERNSHIPS

POLAND

2.2. How much should you pay?

A person employed under an employment contract must receive at least the minimum salary (in 2022 PLN 3,010) for a full-time job. For paid civil law agreements (e.g. service agreements), a minimum hourly rate (in 2022 PLN 19,70) applies.

2.3. How long can the internship last?

For contracts other than graduate traineeship contracts for which the maximum duration is three months there are no limits.

3 Comments

Unpaid internships are not common in Poland. There has been no public debate on this subject recently.

1 Does an intern have to be a student attached to a university or other educational institution?

No. It is possible to do what is known as a **'graduate internship'** based on two written agreements. Firstly, between the school graduate/trainee (who has been in the register of job seekers for at least one month) and the relevant Office of Labour, Social Affairs, and Family (the 'Office') and secondly, between the Office and the employer.

1.1. Is it compulsory to pay the intern?

Yes, but the allowance is not paid by the employer but by the relevant Office.

1.2. How much should you pay?

During a graduate internship, the relevant Office pays the trainee a monthly flat-rate allowance of 65% of the minimum subsistence wage (for the period from 1 July 2022 to 30 June 2023, the allowance is EUR 152,37 per month).

1.3. How long can the internship last?

A graduate internship can last at least three months up to a maximum of six months, without the possibility of extension or repeat. The exact duration is determined by the employer. The trainee can 'work' a maximum of 20 hours per week.

1.4. Other points

A graduate internship can only be used by a person who has completed his or her studies, is under 26 years of age and has been registered at the relevant Office for at least one month. The graduate internship requires an agreement between the trainee and the relevant Office.

2 Can a student take an internship even if this is not compulsory for their course?

Yes. The most relevant and frequent type of agreement used in these circumstances is an **'Agreement on temporary work by students'**. These are mainly intended for students under 26 who would like to have an additional job to support themselves.

Potentially, the parties can also conclude an **'Internship Agreement'**, but this option is not directly governed or permitted by law. In this case, the employers must be even more cautious, as the line between these internships and illegal employment or work is very thin. This option is risky and may cause complications for employers.

2.1. Is it compulsory to pay the intern?

» **Internship agreement:** No. To fulfil the purpose of such an agreement (which is not explicitly governed or allowed by the law), it should not be compensated, as any compensation may constitute circumvention of law on dependent employment relationships.

- » **Agreement on temporary work for students:** Yes.

2.2. How much should you pay?

The minimum remuneration for an **agreement on temporary work by students** for 2022 is EUR 3.713 per hour. However, the parties may also agree on a higher level of remuneration.

2.3. How long can the internship last?

- » **Internship agreement:** this is not legally regulated.
- » **Agreement on temporary work by students:** the agreement can be concluded for a period up to a maximum of 12 months (however, after this period, a new agreement can be concluded).

2.4. Other points

Internship agreements in Slovakia are not specifically governed or allowed by the law, therefore the employer should be careful and consider whether using this option is appropriate. If this option is selected, the trainee cannot perform a 'productive activity' and his or her work must not show

signs of being 'dependent' work. The purpose of the agreement should be primarily to enable the trainee to gain a general overview of the working environment and new knowledge and experience from practice. In practice, these agreements are rarely concluded in Slovakia, and parties tend to use agreements on the temporary work of students, as explained above.

3 Comments

In general, internships based on internship agreements carry a high risk for employers that the intern's activity will be considered as illegal work or employment by the relevant Labour Inspectorate. The Labour Inspectorate may impose a fine on the employer of up to EUR 200,000. Conversely agreements on temporary work of students are frequently used and must include payment for the student.

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

Yes.

A **'training labour contract to acquire professional experience'**, which is an employment contract, must be concluded within three years after completion of studies (or five years for disabled employees). It is for individuals who have a university degree or an intermediate or higher degree, specialist, professional master's degree or certificate from the vocational training system, etc.

1.2. How much should you pay?

The intern's salary, which is based on the time effectively worked, will be established by the collective bargaining agreement applicable in the organisation or, failing that, the salary that applies to the professional group and salary level appropriate for the functions performed.

The salary must not be less than the minimum for a 'training labour contract': at least 60% of the salary level proportionate to the time effectively worked. It must also not be lower than the National Minimum Wage proportionate to the time effectively worked.

1.3. How long can the internship last?

Not less than six months and no more than one year.

1.4. Other points

Several statutory provisions apply to **'training labour contracts'** including the following:

- » The position must allow for professional practice appropriate to the level of studies or training covered by the contract.
- » The parties can agree on a probationary period which cannot exceed one month.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

No. In this case, no labour relationship will exist with the university student. However, payment could be agreed between the university and the organisation. If any payment is made, social security contributions must also be paid by the organisation.

2.2. How much should you pay?

The amount can be agreed by the parties, in compliance with the agreement reached between the organisation and the university.

2.3. How long can the internship last?

Within the framework of a university non-labour training internship, the student can undertake either a **'curricular internship'** or an **'extracurricular internship'**.



- » **Curricular internships** are academic activities that are part of a University Study Plan. Their duration will be set in the Study Plan.
- » **Extracurricular internships** are those undertaken by university students voluntarily basis during their studies and which, although they are for the same purposes as curricular internships, are not part of the a University Study Plan. These internships shall preferably last no longer than 50% of the academic year, though it is dependent on what the universities decide for the appropriate development and monitoring of the student's academic activities.

2.4. Other points

The period of a non-labour internship is not taken into consideration for seniority purposes and it is not exempt from a probationary period unless otherwise expressly stipulated in the applicable collective bargaining agreement.

3 Comments

Unpaid internships are not common in Spain. Organisations and and universities usually agree a specific stipend or student aid to be paid for the duration of non-labour internships.

New rules will be approved within the coming months that regulating several aspects of university non-labour training. These may possibly include the obligation to pay compensation, entitlement to annual holidays and rest periods, etc.

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

No, it is not mandatory.

If an internship is compensated, there is a risk it could be argued the contract is not an internship agreement, but an employment agreement.

1.2. How long can the internship last?

To avoid the risk of being considered employment, an internship should not last for more than 24 months (and from 1 October 2022, 12 months). Otherwise, it would turn into employment for an indefinite term.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

No, it is not mandatory.

If an internship is compensated, there is a risk it could be argued the contract is not an internship agreement, but an employment agreement.

2.2. How long can the internship last?

To avoid the risk of being considered employment, an internship should not last for more than 24 months (and from 1 October 2022, 12 months). Otherwise, it would turn into employment for an indefinite term.

3 Comments

Internships are quite common in Sweden and can be unpaid, for example when a student is doing is thesis in a Master Degree. Normally in these cases, the internship does not last for more than ten to 20 weeks.

Internships that are paid are normally treated as employment contracts, and the intern-employees would receive salary each month in this case.

Internships are not a topic of debate in Sweden.

1 Does an intern have to be a student attached to a university or other educational institution?

No.

The Swiss Code of Obligations does not provide for any definition of the term 'internship' and does not set out any specific rules to be complied with when entering into an internship agreement. Usually, internships are fixed-term employment relationships.

1.1. Is it compulsory to pay the intern?

The employer must compensate the intern for the work performed. However, the salary can be paid in cash or in kind. In return for their work, trainees receive a payment in kind in the form of practical training and monetary compensation.

1.2. How much should you pay?

In Swiss employment law, there are no requirements regarding the level of remuneration: an intern's salary is a matter of negotiation between the parties. However, the free determination of wages may

be restricted by regulations in an applicable standard or collective labour agreement or by cantonal minimum wage regulations.

1.3. How long can the internship last?

Swiss employment law does not set out any rules as to the duration of an internship. However, since an intern should get insight into a professional activity or gain professional experience, internships usually last at least two months but no longer than one year.

Note that several internships in a row with the same employer are considered chain employment contracts which are prohibited unless the employer can provide an objective reason for doing so. In principle, having two fixed-term employment contracts in a row is considered permissible.

1.4. Other points

In contrast to temporary employment, interns should get insight into a professional activity or gain professional experience. It is therefore advisable to provide for a written contract setting out not only the term, working hours and salary, but also

the internship objectives and the individual(s) responsible for overseeing the internship.

Additionally, protective provisions must be complied with when hiring a young employee (i.e. an individual up to the age of 18). For example, hazardous work, night work and work on Sundays are generally prohibited for young employees. In addition, special rules apply with regard to working hours.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

Please see answer to Question 1.1.

2.2. How much should you pay?

Please see answer to Question 1.2.



2.3. How long can the internship last?

Please see answer to Question 1.3.

2.4. Other points

Please see answer to Question 1.4.

3 Comments

In recent years, the number of interns in Switzerland has steadily increased. The Swiss trade unions have therefore repeatedly drawn attention to the fact that these contractual relationships have a high potential for risk (intensive work performance for a low salary). However, the Federal Council maintains that due to the relatively low quantitative importance of internships, there is no evidence that they have become a gateway to precarious employment conditions for young professionals in Switzerland.

Turkey

VOLUNTARY INTERNSHIPS

TURKEY

1 Does an intern have to be a student attached to a university or other educational institution?

Yes.

2 Can a student take an internship even if this is not compulsory for their course?

No, students can do so, but will be deemed employees under Turkish Law. and provisions on, for example, annual leave, weekly holiday, working periods etc. will apply.

2.1. Other points

The expression 'voluntary intern' is commonly used in Turkey; however, these individuals are legally considered employees.

As voluntary interns are considered employees under Turkish law, it is obligatory to pay them a salary (not

less than the minimum wage at the date in question currently net TRY 5.500,35 and gross TRY 6.471,00 until 31 December 2022). 'Voluntary interns' (that is, employees') social security premiums must also be paid by the employer.

3 Comments

In Turkey, large organisations often employ students who want to strengthen their CV as interns. However, organisations also prefer to start new recruits who are not students as trainees and give them a probation period in accordance with Turkish labour law.

Some organisations do not treat voluntary interns as employees and do not make any payments to them (and do not pay social security premiums for them): this is illegal. The Social Security If interns have been employed illegally, employers can face administrative fines.

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

In general, yes. The term 'intern' is not defined by law, however, and can mean different things:

- » **Worker:** If the intern is a worker, doing a job, then they must be paid the UK minimum wage. Most interns should be classed as workers but are often not called that (see below).
- » **Work experience/shadowing:** If the intern is just doing work experience or work shadowing (i.e. coming to look at the job and maybe try out some tasks), they do not need to be paid.
- » **Volunteer:** It is technically possible for a person to volunteer (rather than work) for an organisation. This can be a way for employers to try to explain unpaid internships. In reality, however, most interns

are doing an actual job under some kind of contract rather than coming to help out occasionally with no commitment, and so most interns are workers rather than volunteers.

- » **Voluntary worker:** Voluntary workers employed by charities and similar organisations are not entitled to the national minimum wage provided that certain conditions are met.

1.2. How much should you pay?

UK minimum wage – which varies by age, [see here](#) for more detail.

1.3. How long can the internship last?

There are no specific rules on this but note that genuine work experience or work shadowing would not normally last beyond a few weeks.

2 Can a student take an internship even if this is not compulsory for their course?

Yes. The normal rules apply to internships undertaken while an individual is a student but that are not part of a course itself. In these cases, the answers are the same as for question 1.

2.1. Is it compulsory to pay the intern?

Please see answer to Question 1.1.

2.2. How much should you pay?

UK minimum wage – which varies by age, [see here](#) for more detail.

Please note the UK minimum wage is age-related so students who are working, for example in their holidays or to support themselves through university, are often entitled to a lower rate on the basis of their age

2.3. How long can the internship last?

Please see answer to Question 1.3.



2.4. Other points

Specific rules apply to work experience placements undertaken by students **as part** of a UK-based higher/further education course. Placements of this nature which do not exceed one year are exempt from the requirement to pay the national minimum wage.

3 Comments

Interns often go unpaid in practice, especially in some sectors such as the arts and media. This is partly because the term 'intern' is not defined and some employers are under the impression that an 'unpaid internship' is a recognised and acceptable type of arrangement. There have been various attempts to tighten up the law and be more explicit about banning unpaid internships, although so far attempts have been unsuccessful.

1 Does an intern have to be a student attached to a university or other educational institution?

No, non-students can also be interns.

1.1. Is it compulsory to pay the intern?

While not mandatory, most internships for non-students/graduates are compensated. Unpaid internships may be challenged by workers or the Department of Labor based on the argument the worker is an employee and must be paid.

1.2. How much should you pay?

The rate of pay may vary, but must be at least the federal minimum wage or the applicable state minimum wage if that rate is higher than the federal rate.

1.3. How long can the internship last?

There is no time limit on internships, but it is uncommon for an internship to exceed one year.

2 Can a student take an internship even if this is not compulsory for their course?

Yes.

2.1. Is it compulsory to pay the intern?

Employers are not required to compensate voluntary interns unless the individual is in fact an employee. Courts have used the 'primary beneficiary' test to determine whether an intern or student is, in fact, an employee. Generally, this test allows courts to examine the 'economic reality' of the intern-employer relationship to determine which party is the 'primary beneficiary' of the relationship. In very general terms, if the benefit to the employer outweighs the educational value of the work experience, an intern is likely to be considered an employee and entitled to compensation.

2.2. How much should you pay?

The rate of pay may vary, but must be at least the federal minimum wage or the applicable state minimum wage if that rate is higher than the federal rate.

2.3. How long can the internship last?

There is no time limit for internships but they rarely exceed one year.

3 Comments

Unpaid internships have been the subject of controversy and litigation in recent years. A number of legal actions have been filed by interns in the entertainment industry, resulting in multi-million-dollar settlements by various companies and have led to a small decrease in the frequency of unpaid internships. There is also a push to end unpaid internships in federal legislative offices, although as of yet, no law has been enacted.



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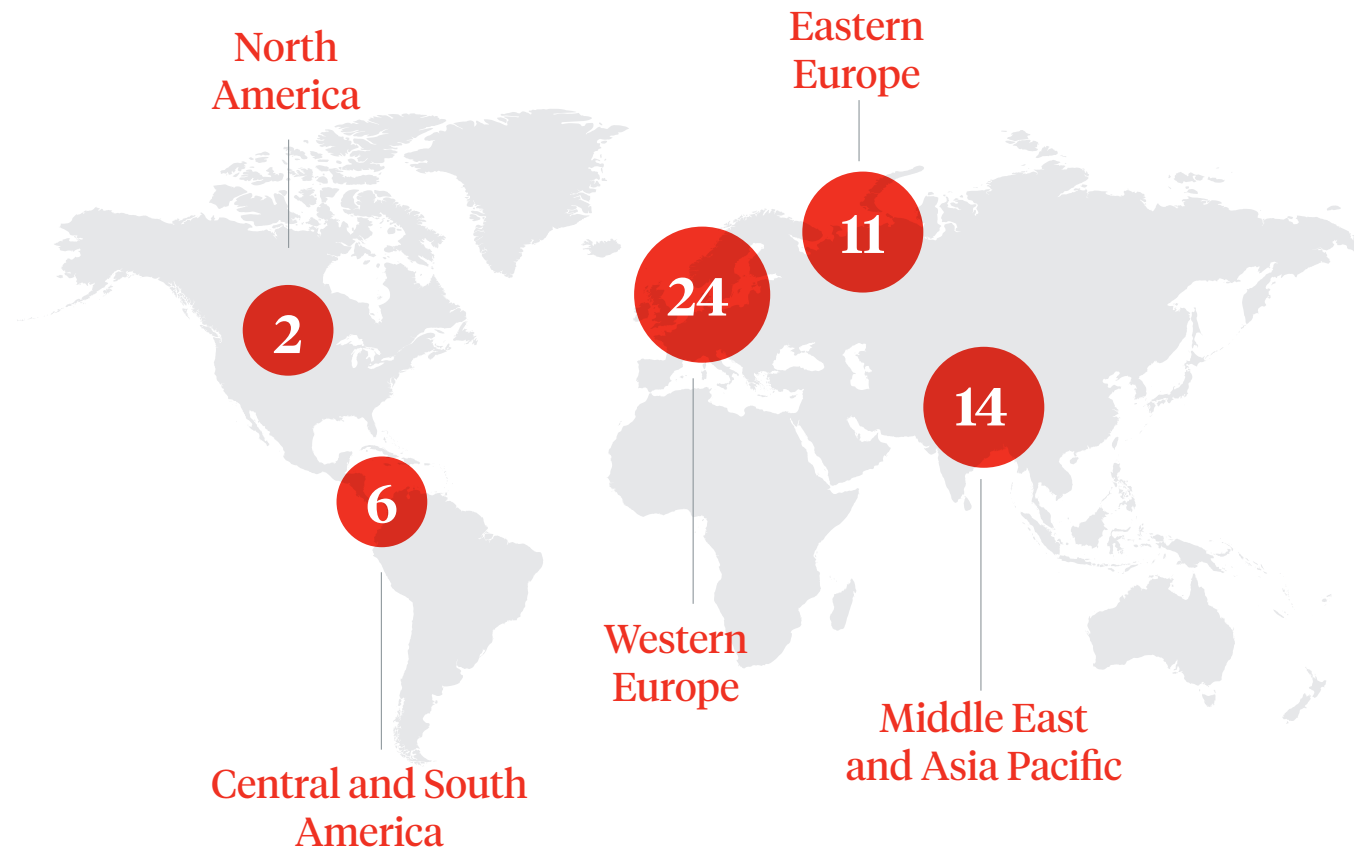
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