How to spot a dodgy internship

Internships can be a great way to get industry experience; however, there are certain things you need to know before becoming an intern. There are plenty of dodgy internships out there – here's the lowdown on what constitutes an internship, what your rights are and if you can expect to get paid.

What is an internship?
An internship is a popular and valuable way to gain exposure to a field or profession, gain important on-the-job skills, network with professionals in the field and in some cases, internships can be the first step towards permanent employment.

Before taking on an internship it's important to know how you are seen in the eyes of the law and what your rights are as an intern because there are some employers out there who will take advantage of the intern-employer relationship.

What rights does an intern have?
The rights of an intern depend on whether you are classified as an employee or a volunteer. "An employee receives reward for work done (usually by way of wages or salary), but a volunteer does not," says Jaenine Badenhorst, Senior Solicitor with Rainey Collins. It's important to know that in New Zealand, unpaid interns are considered to be volunteers and are not protected by employee rights, only human rights.

As a general rule, if you are an unpaid intern (also called volunteer interns), you should not be doing work that is integral to an organisation's success. Badenhorst says that if you are an unpaid intern, then you really should only be doing tasks that further your learning and work experience. If you are doing tasks that benefit the business and are fulfilling a key role in the organisation, then it's likely you should be getting paid.

Paid interns have minimum entitlements, which employers cannot contract out of such as paying minimum wage, leave entitlements, public holiday entitlements, and rest and meal breaks. However, Badenhorst says paid interns typically need to be employed for six months before they qualify for sick leave, bereavement leave or parental leave.

What about remuneration?
Badenhorst says that if an intern is doing the work of an employee then there should be a clear understanding about remuneration. "All employees have to be provided with a written employment agreement," she says. "It is also a requirement that remuneration be recorded in the employment agreement. There should be no surprises. However, a lower minimum wage might be applicable for a trainee employee."

The current minimum wage in New Zealand is $15.75 per hour*, but employers are allowed to pay 80% less than the minimum wage when the employee is 20 years or younger and undergoing training to become qualified for a particular occupation (such as a bricklayer).

The top 3 things an intern should do before starting work:

- Know your status. Are you classified as a volunteer intern versus an employee intern? Different rights apply.
- Have a clear idea about your expectations. “What do you hope to gain from the internship? Will your goals be met?” asks Badenhorst. It is worth organising a meeting to discuss your goals with your manager and talking through how the organisation will help you to meet your goals.
- Have a discussion with the employer about their expectations – this includes what tasks you be required to do, how often, and for how long.

Signs of a dodgy internship

A dodgy internship is one where the employer uses an intern to benefit the business but does not pay them for their work. In this case, you may contribute to the profitability and daily running of the business but are not paid for your work. The general rule is that if you are performing the work of an employee, you should be paid.

Internships can be the key to unlocking a successful career within your chosen industry, however, it is important to understand whether you are seen as a volunteer or an employee within the eyes of the law. Badenhorst adds, “It is a good idea to have a written understanding, even if you’re a volunteer intern.”

**Current as at May 2018.*