



*in*TURN

What are you getting out of your internship?

CAUTION

**CHAPTER 1:
THE RULES
OF THE ROAD**

If you've ever looked for an internship, you might have noticed that most are unpaid or "for credit". This is such a common practice that you may have never thought to ask...

**IS THIS
LEGAL?**



The Fair Labor Standards Act (FLSA) states that all “non-exempt” workers are entitled to receive minimum wage. The US Department of Labor has created a six-point test to determine whether an intern can be considered exempt from the FLSA.

If the internship fails to meet even one of these criteria, the intern should be paid.

- 1** The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment
- 2** The internship experience is for the benefit of the intern
- 3** The intern does not displace regular employees, but works under close supervision of the existing staff
- 4** The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded
- 5** The intern is not necessarily entitled to a job at the conclusion of the internship
- 6** The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship

While this might sound vague, you don’t need to hire a lawyer to explain this to you. It’s actually very simple.

If we only need one criteria, let’s focus on number 4.

“The employer that provides the training [the internship] derives no immediate advantage from the activities of the intern.”

In other words, if the work that you’re doing is being used by your employer to make money, then you are entitled to receive pay. This includes anything from pulling stock photos to running errands to scheduling meetings.

The logic here is that if you weren’t doing these things, a regular, paid employee would be. Number 3 anyone?

What if I can earn academic credit?

Regardless of whether you receive credits by taking a class or by doing an internship, you are still paying for them. This means you’re paying to work, which is backwards, and yes, illegal. The notion that receiving credit means you don’t have to get paid is a myth.

What if I get a stipend?

If the total amount of the stipend divided by the total hours you work is less than \$7.25 (federal minimum wage), then you are not being paid what the FLSA requires.

I’m interning for a non-profit, am I entitled to minimum wage?

This can be a grey area, but a good rule of thumb is to research the organization, see how the money is distributed at the top, and trust your instincts if you think you’re doing work that warrants compensation. For example: if the president of an organization is earning six figures, they can absolutely afford to pay their interns.

DETOUR

**CHAPTER 2:
THINGS
TO AVOID**

“Experience is the name everyone gives to their mistakes.”

—Oscar Wilde

With so much euphemistic language and lofty promises surrounding internship opportunities, it’s crucial to have a

**GOOD B.S.
DETECTOR.**

Employers use glamorous buzzwords in listings for unpaid work in attempt to make up for the fact that you won't get paid. **These common phrases can be treated as red flags when looking for internships:**

- 1 **“Great networking opportunity”**— The chance to network and meet people in your industry is ubiquitous. Don't be suckered into doing unpaid work just to have a connection with a big name. There are better, less soul-sucking ways to stand-out, including working for pay!
- 2 **“Gain experience/exposure”**— Sorry, but finding stock photos for seven hours a day is not valuable experience by any stretch, nor will it give you exposure. However, if you produce great work at school, submit to publications, gallery shows, and competitions, you will gain plenty of publicity and experience.
- 3 **“Full-time upon evaluation”**— Don't buy in—besides being identified as explicitly illegal in the internship fact sheet of the FLSA, promising a full-time position as an incentive is unfair and too often goes unfulfilled.
- 4 **“Résumé/portfolio builder”**— When it comes to applying for jobs, your previous internships and freelance work are reduced to lines on your résumé and portfolio pieces. However, there's no reason why you can't develop both and put money in your pocket at the same time. Don't get ripped off.

Another thing to be conscious of is the amount and complexity of the position's requirements. It's bewildering that employers expect such a high level of proficiency from candidates they don't intend to pay.

Read the job listing and insert the phrase “If you want to work for us for free” where appropriate. If it sounds absurd, that's because it is. Some examples:

“If you want to work for us for free, you'll be required to design online graphics and print pieces, conduct research, archive photographs, and provide administrative assistance whenever needed.”

“If you want to work for us for free, you'll be responsible for your own housing, boarding, and transportation.”

“If you want to work for us for free, you must be pursuing a degree at a 4-year college. Our ideal candidate is experienced in Photoshop, InDesign, Illustrator, HTML, CSS, Javascript, After Effects,Flash...”

It's important to be wary of more than just internships. If you land a freelance gig, it is common for students to undercharge, or for a client to expect cheap or free work based on your student status.

Being young or being a student does not mean that your work/time/skills/enthusiasm are unworthy of proper compensation. Have confidence in your abilities, charge accordingly, and don't apologize.



CHAPTER 3:
CONFRONTING
CHALLENGES

You've realized that you are currently participating in an illegal internship or that you have in the past,

**NOW
WHAT?**



Confronting your employer can be intimidating, especially when money is involved. Many interns won't talk to their bosses about issues for fear of coming off too strongly, losing their position, falling out of favor with the company, and ultimately losing the connection.

However, it is non-action and complacency that perpetuates the practice of unpaid internships. It is vital to act—we need to hold employers accountable when they are in violation of the law. **Here are some steps that you can take to take the stress out of the process:**

- 1 STRENGTH IN NUMBERS**—It may help to get in touch with other interns, past and present, and see if they are also interested in collecting wages. Forming a group is great because it takes the pressure off individual interns and provides a support system if things don't go as planned.
- 2 WRITE IT DOWN**— Drafting an e-mail or note can be the best approach. It allows you to say everything you need to say, it gives your employer time to digest the information and won't feel like an attack. Phrase it as politely as possible, but don't be apologetic. Remember, you're not in the wrong for wanting to be paid.
- 3 FILE A COMPLAINT**— If you are unable to convince your employer to pay you by talking to him/her directly, then you can contact the Department of Labor in your state (most have websites) to submit a minimum wage complaint.

4 TAKE IT TO THE TOP— You also have the option of going directly to the federal level. In this case, you'll want to contact the Wage and Hour Division (WHD) in Washington, DC. This can be done online or by phone.

5 IF ALL ELSE FAILS— As a last resort, find an employment lawyer to represent you. The easiest way to do this is to visit nela.org, which is the website for the National Employment Lawyers Association.

Do I even have a case?

Take comfort in the fact that if you were to take your wages dispute to court, you wouldn't be the first intern to do so. In fact, as the buzz around intern rights grows in the media, more and more interns are coming forward and filing suits against employers.

Recently, interns who worked on the movie *Black Swan*, filed a suit against Fox Searchlight Pictures. The suit seeks back pay for over 100 unpaid interns. With big cases like this on the public radar, interns have a much better chance of winning their cases.

That said, if you've ever been asked to track your time for client billing purposes, you have a great chance of winning your case, because the time records will prove that the company was using your work for paying clients. If you aren't getting paid for that work, no one has the right to charge a client for it.



**DEAD
END**

CHAPTER 4:
WE'VE HAD
ENOUGH.

*If reading this book made
you angry, don't worry—that
reaction is highly warranted
and hardly in vain.*

**WE CAN
STOP THIS.**



If you're thinking to yourself, "I don't mind working for free," I'd like you to think bigger.

Studies since 2009 have generally found that 30-40% of students pay for their education without help from their families. In these cases, it's impossible to go for months at a time without income, which often means that internships are out of the question. While affluent students take these unpaid positions and collect lines on their résumés, less privileged students are left without the option.

Laws are in place to prevent workplace discrimination based on race, color, religion, sex, national origin, age, disability, etc. When employers ask interns to work for free, though they may not realize it, they are discriminating based on socioeconomic status. They are alienating talented, qualified applicants who are unable to work for extended periods without pay.

In his book, *Intern Nation*, Ross Perlin succinctly sums up why this is such a big deal.

"You shouldn't have to work for free to break into the white-collar world. To allow that is to devalue work, threaten regular jobs, and exclude the less privileged."

Employers aren't the only ones to blame.

Colleges have played a major role in this phenomenon. They blindly put their stamp of approval on unpaid internships, and the legality is almost never discussed. Students are either required to take internships or feel otherwise pressured to take them, and schools have an obligation to ensure that prospective interns are prepared and informed.

Colleges and universities are starting to catch on. An economics professor at Bates College denies requests from students to earn credit for unpaid internships.

"We're quite adamant about our refusal to play along. Why is it that we have to evaluate this experience so that some multibillion-dollar bank can avoid paying \$7.50 an hour?"

Unfortunately, Bates happens to be one of very few colleges that are forward-thinking in this regard.

If we demand that people pay their interns, won't they just stop having interns?

In 1993, the American Institute of Architecture Students (AIAS), a group that represents 30,000 architecture students, strongly condemned unpaid internships, saying that hiring students to work for no compensation "ignores and belittles [their] contribution." Anyone who wishes to participate in an AIAS event is required to sign a statement saying that they are not participating or making use of unpaid work.

Almost 20 years later, architecture has remained vigilant, and as the VP of AIAS explains, "It's become a part of our professional culture that internships should be compensated." By the way, the number of available positions did not experience any apparent decline. Mandating pay for interns is the same as closing a minimum wage loophole, which has had no adverse effects in the past.

If they can do it, so can we.

Architecture has paved the way for every industry to ban unpaid internships. They've proven that it can work, and that it won't jeopardize the availability of opportunities.



While it would be nice if the government took action, the fact of the matter is that the existing laws will continue to be misinterpreted. Sad as it is, few firms are willing to reform their system while others continue to cut corners. However, as architecture discovered, when a firm's reputation is at stake, everyone stands a little straighter. Ross Eisenbrey of the Economic Policy Institute says, "Some companies will be scared into it, other companies will do it because it's the right thing."

Employers—

Consider this a wake-up call—it's just a matter of time before this practice is eliminated. As it stands now, paid internships are more competitive and will give you a bigger, more diverse, and more talented applicant pool. Don't you want to be able to say that you changed because you wanted to, not because you were forced to? Do the right thing!

Colleges—

Shame on you. It's time you stopped keeping this information from students and reaping the benefits of their unpaid labor. The whole point of college is to prepare students for the professional world. If you say that it's okay and even expected that they work for free as students, you're sending the message that their education is worthless. Doesn't sound to me like a message a college should broadcast.

It is your duty and obligation to ensure that students are fairly compensated for the work that YOU prepare them to do. Take pride in what your institution has to offer. There is no problem with offering credit for internships, but don't lead students to believe that by accepting credits they've signed away their right to also earn wages.

Students—

What was so powerful about the reform within architecture was that it was the students who united, took a stand, and said, "Hey! Our work isn't free." Every single student has the ability to do the same. **When we decide that we're no longer willing to work for free, unpaid positions will disappear.**

Before you take an unpaid internship, think about your classmates who can't afford to. Consider the effect it could have on the quality of work you produce while you're there. Understand that the practice is degrading to your field and your skills.

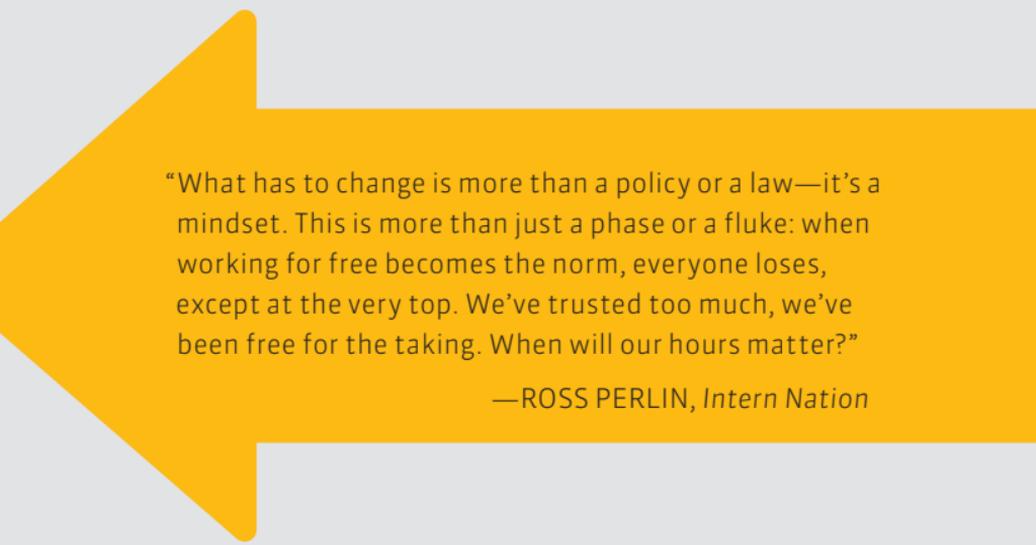
Share this information with your friends, parents, and teachers. Chances are if you learned something, they will, too. The spread of knowledge is the first step. From there, we'll unite and take a stance against this injustice.

Additional Information—

A PDF of this book as well as other articles and resources can be found online at WWW.INTURN.ME

The FLSA fact sheet governing interns can be found online on the Wage and Hour Division section of the Department of Labor website (www.dol.gov/whd).

My main source of inspiration was Ross Perlin's book *Intern Nation: How to Earn Nothing and Learn Little in the Brave New Economy*. It's a brilliant and thorough exposé of unpaid internships that I would highly recommend.



“What has to change is more than a policy or a law—it’s a mindset. This is more than just a phase or a fluke: when working for free becomes the norm, everyone loses, except at the very top. We’ve trusted too much, we’ve been free for the taking. When will our hours matter?”

—ROSS PERLIN, *Intern Nation*