

### UK Rules on Internships

#### Employment rights and pay for interns

Information is provided on the UK Government Website: Employment rights and pay for interns

<https://www.gov.uk/employment-rights-for-interns>.

Accessed 30/04/2020

*“An intern’s rights depend on their employment status. If an intern is classed as a worker, then they’re normally due the National Minimum Wage.*

*Internships are sometimes called work placements or work experience. These terms have no legal status on their own. The rights they have depend on their employment status and whether they’re classed as:*

- *a worker*
- *a volunteer*
- *an employee*

*If an intern does regular paid work for an employer, they may qualify as an employee and be eligible for employment rights.”*

The site also states that:

*“An intern is classed as a worker and is due the National Minimum Wage if they’re promised a contract of future work.”*

The circumstances under which interns are not entitled to the National Minimum Wage Scheme are described:

#### **Student internships**

*“Students required to do an internship for less than one year as part of a UK-based further or higher education course aren’t entitled to the National Minimum Wage.”*

#### **School work experience placements**

## Conditions and rules for internship in United Kingdom

*“Work experience students of compulsory school age, ie under 16, aren’t entitled to the minimum wage.”*

### Voluntary workers

*“Workers aren’t entitled to the minimum wage if both of the following apply:*

- *they’re working for a **charity, voluntary organisation, associated fund raising body or a statutory body.***
- *they don’t get paid, except for limited benefits (eg reasonable travel or lunch expenses)”*

### Work shadowing

*“The employer doesn’t have to pay the minimum wage if an internship only involves shadowing an employee, i.e. no work is carried out by the intern and they are only observing.”*

### Complaints

Advice on making a complaint is provided by the Advisory, Conciliation and Arbitration Service (ACAS) at: <https://www.acas.org.uk/>.

ACAS also summarises the UK guidance at: <https://www.acas.org.uk/young-workers-apprentices-and-work-experience/working-hours-for-apprentices>. (Accessed 30/04/2020)

## Employment Status

Further to the rules on Employment rights and pay for interns, additional information is provided on the UK Government Website: Employment Status.

<https://www.gov.uk/employment-status>

Accessed 30/04/2020

### Workers

*“A person is generally classed as a ‘worker’ if:*

- *they have a contract or other arrangement to do work or services personally for a reward (your contract doesn’t have to be written)*

## Conditions and rules for internship in United Kingdom

- *their reward is for money or a benefit in kind, for example the promise of a contract or future work*
- *they only have a limited right to send someone else to do the work (subcontract)*
- *they have to turn up for work even if they don't want to*
- *their employer has to have work for them to do as long as the contract or arrangement lasts*
- *they aren't doing the work as part of their own limited company in an arrangement where the 'employer' is actually a customer or client."*

### Employee

*"An employee is someone who works under an employment contract.*

*A person may be an employee in employment law but have a different status for tax purposes. Employers must work out each worker's status in both employment law and tax law."*

The guidance also states that:

*"All employees are workers, but an employee has extra employment rights and responsibilities that don't apply to workers who aren't employees."*

Employment rights may be summarised as follows:

Entitled	
May be Entitled	
Not Entitled	

Entitled to:	Employment Status	
	Worker	Employee
National Minimum Wage		
Protection against unlawful deductions from wages		
The statutory minimum level of paid holiday		
The statutory minimum length of rest breaks		
Not work more than 48 hours on average per week (or to opt out of this right if they choose).		
Protection against unlawful discrimination.		
Protection for 'whistleblowing' (reporting wrongdoing in the workplace).		
Not be treated less favourably if they work part-time		

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Statutory Sick Pay		
Statutory Maternity Pay		
Statutory Paternity Pay		
Statutory Adoption Pay		
Shared Parental Pay		
Shared Parental Leave		
Minimum notice periods if their employment will be ending (for example, if an employer is dismissing them).		
Protection against unfair dismissal		
The right to request flexible working time off for emergencies		
Statutory Redundancy Pay		

Guidance on working out employment status can be found at:

<https://www.gov.uk/employment-status/worker> for workers (doing casual or irregular work);

<https://www.gov.uk/employment-status/employee> for employees or

<https://www.gov.uk/employment-status/selfemployed-contractor> for the self-employed.

## **Minimum wage: work experience and internships**

Information for organisations offering placements or internships is provided on the UK Government website: Minimum wage: work experience and internships.

<https://www.gov.uk/guidance/national-minimum-wage-work-experience-and-internships#what-is-work-experience>

Accessed 30/04/2020

*"If you or your organisation offer work experience, including 'placements' and internships, you need to consider if the person who will work for you is entitled to the National Minimum Wage (NMW) or National Living Wage (NLW). Both are referred to here as minimum wage.*

*It is your responsibility to decide whether the person is a worker for minimum wage purposes and, if they are, whether an exemption applies to them.*

## Conditions and rules for internship in United Kingdom

*Failure to pay the minimum wage to someone who is entitled to it is against the law. If an unpaid person claims that they are owed minimum wage arrears, you must prove that they are not a worker or that no arrears are owed. Someone's entitlement to the minimum wage depends on the contractual relationship with their employer, not their job title."*

The site describes the type of work which counts as internship:

*"Work experience can be called a 'placement' or an 'internship'. Internships are sometimes understood to be positions requiring a higher level of qualification than other forms of work experience, and are associated with gaining experience for a professional career. However, the term 'intern' has **no legal status** under minimum wage law. Entitlement to the minimum wage does not depend on what someone is called, the type of work they do, how the work is described (such as 'unpaid' or 'expenses only') or the profession or sector they work in. What matters is whether the agreement or arrangement they have with you makes them a worker for minimum wage purposes."*

*"Some forms of work experience, including placements and internships, may be referred to as 'unpaid work' or 'expenses only', where someone gives their services free of charge in order to develop or maintain their skills. Organisations offering such positions should check if the person is a volunteer for minimum wage purposes or if an exemption applies. If the person is not a genuine volunteer and is not exempt, then you must pay them at least the minimum wage."*

Exemptions to National Minimum Wage are described in the guidance for:

- Students working on a placement of less than 1 year as a required part of a UK-based further or higher education course.
- People undertaking work experience who are of compulsory school age.
- Participants in government schemes or programmes to provide training, work experience or temporary work, or to help in seeking or obtaining work
- Participants in **EU Lifelong Learning Programmes** (Leonardo da Vinci, European Community Youth in Action, Erasmus or Comenius)
- Voluntary workers working for a charity, voluntary organisation, associated fund-raising body or statutory body; and who receive no monetary payments except limited and specified expenses or benefits

*"Not every worker who works for a charity, voluntary organisation, associated fund-raising body or statutory body is automatically a voluntary worker."*

*"Calling an unpaid worker 'unpaid' or 'a volunteer', even if the individual agrees to this, does not prevent them from qualifying for the minimum wage if they are entitled."*



## Conditions and rules for internship in United Kingdom

*The website provides guidance for businesses on recruitment advertising, employment contracts and other written agreements; record keeping and health and safety and provides examples of types of work experience.*

Further information on volunteer placements can be found at the UK Government Website: Volunteer placements, rights and expenses at <https://www.gov.uk/volunteering/volunteers-rights>. Accessed 30/04/2020\_

## **National Minimum Wage and National Living Wage rates.**

Details of the UK National Minimum Wage can be found on the UK Government Website at: <https://www.gov.uk/national-minimum-wage-rates>.

Accessed 30/04/2020