

Know your rights: Internships

Internships can be a great way of getting valuable experience in your industry and an opportunity that may lead to permanent employment.

But before you take on an internship, there are certain things you need to know about your rights.

What is an internship?

While there's isn't a legal definition of an internship in New Zealand employment law, an internship is usually understood to be a period of paid or unpaid work experience.

Internships are a popular way of gaining on-the-job skills and increasing your knowledge about your chosen profession or industry. Research for SEEK shows that 1 in 5 Kiwis believe an internship is the only way to get their 'foot in the door' in their industry.

"Internships can be beneficial if you don't yet have the work experience, qualifications, or skills required to obtain permanent employment," says Jaenine Badenhorst, an associate lawyer with [Rainey Collins](#).

Paid internships: What are my rights?

If your internship is paid, then you are considered to be an employee.

This means you have the same rights as any other employee. Badenhorst explains that this includes things such as:

- The right to have a written agreement.
- An entitlement to sick leave and annual leave.
- To be paid at least minimum wage.
- To raise a personal grievance.
- To have a safe and healthy work environment,
- To be free from discrimination and harassment.

"An employer cannot contract out of, or avoid, rights set out in employment laws simply because you are an intern," says Badenhorst

When is an unpaid internship okay?

The research shows that a significant number of Kiwis (52%) think it's unfair for interns to be unpaid. However, Badenhorst says that unpaid internships are usually appropriate if it's part of your studies, or if you're looking to gain experience on a short-term basis and paid employment is

not an option (due to lack of education, skills or experience).

“It’s important both parties are clear from the outset that the position is voluntary and that there is no expectation of payment,” she says. “A voluntary internship will only be legal if your work does not economically benefit the employer.”

As an unpaid intern, you are classified as a volunteer, rather than as an employee. This means you don’t have any employment law rights, but rather, your rights are limited to those set out in the [Health and Safety at Work Act](#) and under the [Human Rights Act](#).

Employers need to ensure that unpaid interns are not doing work that would otherwise be completed by an employee. “A voluntary (or unpaid) internship typically places less demand on the intern, for instance, in terms of hours and duration of work,” Badenhorst says.

What to look out for

If you are a paid intern, you’re classified as an employee, so you should have a written agreement that you can refer to about your obligations and rights. “If you are not happy with your working conditions or you think the law is not being complied with, you have a duty to bring that up with your employer so they have an opportunity to address the issue,” Badenhorst says.

“If your employer is not willing to engage, or refuses to address the issue/s, you should seek assistance from an employment law expert. A resolution can usually be achieved through direct negotiation or mediation.”

Volunteers or unpaid interns who are not happy with their working conditions should raise any concerns directly with their employer. If your employer refuses to act, you will usually have fewer options available than an employee, unless the issue relates to discrimination and harassment. “In this case you can lodge a complaint with the Human Rights Commission or the Human Rights Review Tribunal,” Badenhorst says. “And where an internship is not going well, volunteers and interns always have the option of ending the internship.”

Whether you’re a paid or unpaid intern, you can raise health and safety concerns, either directly with the employer, or by contacting [Work Safe](#).

Internships can be a great step to help you gain experience in your chosen profession, but it’s crucial you know your rights before entering into an internship arrangement. Your time is valuable, so it’s important to invest it into an internship where you’ll gain the experience and learning that they’re meant to provide. If you have further questions, you can find out more at [Employment New Zealand](#) or speak to an employment lawyer.

Source: Independent research conducted by Nature on behalf of SEEK, interviewing 4000 Kiwis annually. Published November 2021.

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