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1) Work experience, volu

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Internships and work experience have increased hugely in popularity in recent years as employers seek to access and retain talent. Similarly, interns find work experience valuable as it provides an insight into a profession and enhances the intern's employability. However, not without their critics who have raised concerns about the exploitation of interns on long term unpaid work and the perception that internships favour the well-connected and those with the right connections.

Work experience and volunteering are not precisely defined but it is important that employers are aware of their legal obligations towards people working for them on a voluntary basis. This document has been written to help employers in this regard.

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2) Definitions

As stated above, the terms 'work experience', 'internships' and 'volunteer' are not precise legal terms:

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- 2.1 A **volunteer** is a person who provides his or her time, skills and experience without expectation of financial reward. Volunteering may be for a limited time period on a particular project or may be on an ongoing basis.

A volunteer is not an employee of his or her time, skills and experience without expectation of financial reward. Volunteering may be for a limited time period on a particular project or may be on an ongoing basis.

A volunteer is not an employee of the organisation. In addition, a volunteer is not protected by anti-discrimination legislation and does not have the same employment rights as an employee. As the right not to be unfairly dismissed is an employment right, the organisation will agree a role with the volunteer and there will be an expectation that the volunteer will meet the role's requirements and that the organisation will provide work for the volunteer. However, the volunteer is not bound to provide work for the organisation. It is advisable for an organisation to have a written volunteering agreement and to avoid making payments to cover expenses should be covered by the agreement and template agreements in our **profit, Volunteer Agreement** for use with a charity.

A contract of employment is not protected by anti-discrimination legislation and does not have the same employment rights as an employee. As the right not to be unfairly dismissed is an employment right, the organisation will agree a role with the volunteer and there will be an expectation that the volunteer will meet the role's requirements and that the organisation will provide work for the volunteer. However, the volunteer is not bound to provide work for the organisation. It is advisable for an organisation to have a written volunteering agreement, which should not sound contractual in nature, and to avoid making payments which are treated as wages. Payments to cover expenses should be covered by the agreement and template agreements in our **Charities and Non-profit, Volunteer Agreement** for use with volunteers working with a charity.

- 2.2 An **internship or work experience** is a period of direct experience of

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know what type of job

Internships can last anything from a few weeks to a year.

An intern or someone who is on a contract of employment and who is under an obligation to undertake work for an employer is likely to be a worker. This means they will have protection from discrimination and rights relating to paid annual leave, Working Time Regulations. Workers are entitled to the National Minimum Wage (NMW).

2.3 **Work shadowing** is an option whereby in their day-to-day job and do

Work shadowing normally takes a few days, but can sometimes extend into a couple of weeks.

3) National Minimum Wage

Volunteers will only be entitled to the NMW if they are workers. Voluntary workers who work for charities, fundraising bodies and statutory bodies are entitled to the NMW if they receive no monetary payment and they receive no benefit in kind other than reasonable accommodation.

Interns can expect to be paid for their work. Calling someone a volunteer or unpaid intern will prevent them from being entitled to the NMW if they are actually a worker. Calling someone a worker does not involve any payment to NMW.

Certain work experience placements are excluded from the NMW. These are work experience placements for students as part of a UK-based course of further education course. Similarly students of compulsory work experience are not eligible for the NMW.

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