

# INTERNS! KNOW YOUR RIGHTS

The U.S. Department of Labor wants you to know...

In 2010, the DOL issued *Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act* to “help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services they provide to ‘for-profit’ private sector employers.”

*Fact Sheet #71* includes a strict test that must be satisfied **completely** before such an internship is considered legal, including:

- The internship must be **similar to training** that would be given in an **educational environment**
- The internship experience must be for the **benefit of the intern**
- The intern **must not displace** regular employees
- The employer must derive **no immediate advantage** from the activities of the intern

Interns performing any kind of work that does not meet all of the criteria are **LEGALLY CONSIDERED EMPLOYEES** and **MUST** be paid at least the mandated minimum wage and overtime.

## Don't Forget

- ➔ Unpaid internships perpetuate **class advantage** by denying opportunity to those who cannot afford to work for free
- ➔ Unpaid interns are **not covered** by workplace protections against sexual harassment and racial discrimination
- ➔ Unpaid internships devalue the **fundamental dignity** of work
- ➔ Unpaid internships create **downward pressure** on wages by forcing workers to compete with free labor
- ➔ Business owners and shareholders **profit from the uncompensated labor** of others
- ➔ Unpaid internships contribute to **unemployment and inequality**

**NOTE:** Receiving college credit is NOT sufficient legal grounds for an internship to be unpaid

## Take Action:

- ★ **Read *Fact Sheet #71*** on the DOL website: [tinyurl.com/factsheet71](http://tinyurl.com/factsheet71) (this tinyurl redirects to a [www.dol.gov](http://www.dol.gov) page)
- ★ **Spread the word!** Hang this flyer wherever interns and those who employ them can see it
- ★ If your current or past internship does not meet the full test **YOU MAY BE ENTITLED TO BACK PAY**, even if you received college credit. **Contact** the DOL's Wage & Hour Division ([tinyurl.com/backpay](http://tinyurl.com/backpay) or 1-866-4USWAGE) or your state's DOL office ([tinyurl.com/dol-states](http://tinyurl.com/dol-states)). **Not claiming your legally due pay is equivalent to making a cash donation to your employer. Would you do that?**
- ★ For more information, or to **get involved** with this or other actions, contact OWS Arts & Labor

— Culture Worker Support brought to you by OWS Arts & Labor —

[artsandlabor.org](http://artsandlabor.org) | [owsartsandlabor@gmail.com](mailto:owsartsandlabor@gmail.com) | 347.766.7806

A PDF of this flyer can be downloaded at: [artsandlabor.org/interns-know-your-rights](http://artsandlabor.org/interns-know-your-rights)