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Unpaid Internships: Equal Opportunities?

Regulatory Policy Commentary

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Each summer Washington DC is taken over by interns, the majority of whom are unpaid students looking to gain valuable experience on Capitol Hill, a Federal Agency, or one of the many nonprofits and businesses in the area. Some are willing to forgo payment for their work and often go into debt to be able to put that experience on their resume. In October of this year, the [George Washington University](#) hosted a [conference](#) concerning the regulation of unpaid internships in the context of the [Fair Labor Standards Act](#). Is it illegal, immoral, neither, or both to employ interns without paying them?

Numerous panels at the conference shared the benefits of participating in unpaid internships. Students shared their experiences doing extraordinary work that they were willing to do without pay for the experience it provided. However, some of the students shared that they were forced to turn down internship opportunities that were unpaid, because they were not able to afford the high cost of living in Washington, DC. Some panelists argued that engaging unpaid interns allowed organizations to offer more opportunities to less qualified applicants, providing them valuable experience, while others raised concerns that offering unpaid opportunities restricts access to those experiences to those who can afford to invest upfront to gain the opportunity.

On the legal issues panel, Michael Kravitz from the Division of Communications of the [U.S. Department of Labor's Wage and Hour Division](#) sat as the interpreter for the government's enforcement stance of the Fair Labor Standards Act. The discussion was centered on [Fact Sheet #71](#), which outlines the Department's guidance for unpaid internship programs including six criteria that must be met for an organization to host an unpaid intern. The entire panel of lawyers seemed to agree that the points were understandable and fair, and comported with their interpretation of the law; however, it did not change either side's mind as to who had a more legitimate claim to whether unpaid internships should exist.

A full day of discussion from legal, employer, and intern perspectives did not bring about consensus among participants on the appropriate role of unpaid internships. The law allows individual organizations to make their own interpretations of how to compensate interns for the value they bring to the company. Those who felt a moral obligation to pay interns entering the conference seemed to leave more firmly rooted in their position, while those who offer unpaid positions felt justified that the opportunities they provide for their students make them worthwhile opportunities.