

INTERN LABOR RIGHTS YEAR END REPORT 2013





The past year has proved to be a milestone for intern rights, with significant accomplishments in the fight to have interns recognized as employees, with rights to both pay and workplace protections. Substantial decisions in courts, local governments and corporations around the country have brought unfair internships to the fore, prompting many employers to change their practices for the better. Multiple media conglomerates have changed their hiring policies—from terminating their exploitative internship programs to paying their interns. Significant information was released that began to fill in the data gap of unpaid work across the nation. Unpaid and underpaid interns are filing lawsuits against their employers for illegal wage theft. Students are taking matters into their own hands, from demanding that their universities stop posting illegal internships on their job boards to writing substantial theses on the detrimental effect of unpaid internships and free labor.

Intern Labor Rights has compiled this year end report to serve as a resource guide. It includes a summary of important developments at the legislative and institutional levels; a detailed timeline that documents lawsuits, actions and corresponding public response; links to pivotal articles, panel discussions and interviews; an overview of the related struggles across the nation; and our vision and goals for 2014.

We encourage any feedback and hope to generate further discussion to broaden our point of view. If you are in New York City, Intern Labor Rights meets every Sunday. For the most current meeting locations and schedules, visit internlaborrights.com or join us on facebook.com/internlaborrights and Twitter @InternLabor. Visit <http://www.internlaborrights.com/2013-year-end-report/> where the new Intern Labor Rights Timeline is posted

SIGNIFICANT STRIDES FOR INTERNS

In a landmark judgement, a federal court in New York ruled in the case of *Glatt v. Fox Searchlight Pictures* that the plaintiffs' internships did not meet the legal tests, under both federal and state law, for interns to be considered trainees. The 'interns' were found to be employees and therefore due back pay. The verdict is currently under appeal, but the comprehensive ruling by Judge William H. Pauley III was explicit, also rejecting the suggestion that internships for college credit might somehow be exempt from labor law. Last year also saw the passage of a crucial bill signed into law by Oregon Governor John Kitzhaber extending workplace protections to unpaid interns. In practice, interns are now afforded legal protections from sexual harassment, discrimination, unlawful termination and other abuses covered under employment law.

The legislation, however, stopped shy of the federal court ruling by not actually classifying interns as employees, avoiding the question of payment altogether.

In the context of these legal initiatives, some well-known companies have begun to change their internship policies. In the broadcasting industry, Viacom, the media conglomerate that owns properties including Paramount Pictures, BET, MTV Networks, and Comedy Central, began to pay all their interns in 2013 as did NBC Universal. An AOL article appears to be the sole coverage of many of the changes at major broadcasters, which have otherwise remained under the radar—quite likely because such employers do not wish to draw attention to their prior practices. The piece also cites an Arizona



State University study that claims the Phoenix area saw a 14% increase in paid internships in broadcasting and a 20% increase in paid publication internships over a one-year period, which represent significant increases.

In August, COO of Facebook and author of *Lean In* Sheryl Sandberg was scrutinized heavily after an executive of her Lean In Foundation—which particularly encourages women to ask for fair compensation—posted an advertisement for an unpaid, editorial internship in New York. Given that unpaid internships are disproportionately held by more women than men, the posting elicited widespread criticism. Consequently, Sandberg's foundation agreed to offer a formal paid internship program.

The journalism and print media fields also saw significant changes. VICE magazine published an expansive piece examining the exploited labor of left-leaning media outlets. Personal narratives and critical analyses of underpaid and unpaid interns exposed unfair labor practices in various liberal news sources, such as Mother Jones, Democracy Now! and The New Republic. On the same day the VICE piece was published, Mother Jones, which had been offering \$1000 a month to its interns—approximately \$6 per hour, or \$4 below its California home state's—minimum wage announced an increase in its budget for interns and fellows to be paid \$1500 a month. This is slightly above the California minimum wage. It is worth noting that Mother Jones and other publications may refer to these low-paid, short-term employees as fellows, not interns, a growing trend we observe with concern. The Mother Jones fellowships replaced their internship program in 2012, attracting qualified and experienced writers for low pay. VICE themselves made use of unpaid interns as late as July 2013, but in the process of preparing this story, found it appropriate to bring that practice to an end.

Elsewhere in the media, quarterly political magazine Dissent announced in the fall that their internships would begin paying a \$2,000

per semester stipend. Gawker Media now runs a minimum wage Editorial Fellowship program; last summer, they were sued for wage theft by three former unpaid interns at the company. Internet magazine Slate announced a new round of paid internships at the end of 2013, including some positions that had previously been unpaid.

Also widely discussed in online media was the decision of Condé Nast—the media company that owns The New Yorker, Vogue, Vanity Fair, Glamour, and other popular magazines (Condé Nast itself is owned by one of the country's largest privately held companies, Advance Publications)—suspended its internship program amidst an ongoing lawsuit claiming they paid interns less than minimum wage. Some commentators saw the ending of a prestigious internship program as a loss, but others saw the cessation of an already elitist and exploitative practice as a sign of the beginning of the end for unpaid and underpaid internships. Yet others have speculated that the decision was a cynical and calculated move meant to engender a backlash against interns who step forward to assert their rights—thus “ruining the party” for everyone else—while also minimizing the company's legal exposure. Given the prominent role interns play in the publishing giant's day-to-day operations, however, there's hope that there will soon be a flurry of hiring for paid entry-level positions.

In a particularly inspiring case, interns at The Nation, the long-running liberal and progressive magazine, successfully fought to increase the wage at their internship program, which was increased to match the minimum wage, up from a previous weekly stipend of \$150 (\$3.75 an hour for a full work week.). In their statement, the interns requested a living wage and The Nation itself has played host to arguments that the current minimum wage for workers in general is not high enough. We view this as a step in the right direction, which could potentially inspire more workplace organizing amongst interns around the country.

ADVOCACY INITIATIVES

ProPublica Series

To begin filling in the data-gap that is endemic to the issue of unpaid internships, independent journalism organization ProPublica launched an investigative series on internships, which are often conducted without any documentation: no personnel records are created or maintained and no income tax withholdings or payroll deductions are made. We are confident that this project will prove incredibly valuable.

To date, ProPublica has tracked 30 lawsuits that have been filed in the United States. Some of these lawsuits have been filed in federal court, many on behalf of hundreds, if not thousands, of unpaid interns alleging illegal wage theft.

Before launching their series, ProPublica began a crowdsourcing campaign to fund the research of a paid intern-journalist, Casey McDermott, as she travelled across U.S. campuses collecting stories from interns. The project includes: an explanation of applicable laws; appeals for stories from employers and career counselors; a platform for interns—and for those who had to turn down unpaid internships for financial reasons—to share much needed data; an online tool to help calculate the true price of academic internships; a Tumblr page; hashtags to follow the series on Twitter (#ProjectIntern, #MyInternStory); and more.

Fair Pay Campaign

In Washington, D.C., a new campaign was launched aimed at the Washington establishment: the Fair Pay Campaign (FPC). The FPC's advocacy tactics reflect both the nature of the Washington environment and the background of co-founder Mikey Franklin, who

has worked on progressive legislative campaigns in conjunction with the Democratic Party, labor unions, and other established advocacy groups.

NYU Students Organizing

In another advocacy development, New York University undergraduate Christina Isnardi and several co-organizers ran a petition campaign calling on the school's career development office to cease promoting illegal unpaid internships to NYU students. Their effort confronted the paradox that university career offices often overlook labor law violations. This absence of oversight—defended by universities under the claim of satisfying student demand for experiential learning opportunities—harms students' prospects in the long run. The campaign collected over 1,000 signatures and instigated a series of meetings with the petition organizers, the leadership of NYU's career management center, and its general council.

In response, NYU has inaugurated several changes:

- A greater screening process has been implemented. All employers must agree that their internship position abides by the DOL guidelines through a “click-off” system.
- Although the number of unpaid internships posted on the website have remained steady, a greater initiative to post paid internships and jobs has been implemented. Samples taken before and after the campaign show that the number of paid internships posted by NYU's career center increased by over 800% (from under 500 to over 4,000).

- An internship directory (listing the Internship Coordinators and Employment Directors at each NYU school) was created to facilitate better oversight of student internships.
- More specific language is being used on the career center website to reduce ambiguous compensation arrangements; instead of only listing whether internships are “Paid” or “Unpaid,” now the options listed are “Paid,” “Unpaid in compliance with NYU and DOL guidelines,” “Both Paid & Academic Credit,” “Academic Credit,” and “Stipend.”
- To promote greater awareness, NYU has added links providing more detailed information about related labor laws and about illegitimate job postings to the career management site.

Despite offering the above plans for reform to their career center, NYU continues to post unpaid internships at for-profit companies on their job board.

Who Pays Interns?

A key source for this section was another new appearance last year: the Tumblr Who Pays Interns?, which tracks “whether, and how much, magazines and websites pay their interns.” Inspired by Who Pays Writers? and run by a former unpaid intern, the site not only lists the payment statuses of various media companies, but also posts updates when a company changes its practices.



INTERN LABOR RIGHTS

ILR members have dramatically expanded outreach efforts locally and internationally in the past year. We were instrumental in the formation of the International Coalition for Fair Internships—a global alliance that came to fruition through a series of virtual global summits hosted since beginning in January 2013. Our efforts continued as we extended our awareness campaign to various sectors deeply affected by unpaid internships, from the fashion industry to the United Nations. In collaboration with the Student Union of the University of Arts (SUARTS) and Intern Aware, we targeted the Spring season of Fashion Week in London and New York by handing out promotional Pay Your Interns “swag bags” to hundreds of fashion week attendees.





This summer, we stood in solidarity with unpaid interns at the United Nations by leafleting at the UN's landmark General Assembly and Secretariat buildings. Furthermore, we hosted a series of happy hours to generate one-on-one conversations that connected activists and organizers with future and past interns in the city.

In response to the federal court ruling that recognized unpaid interns as employees, we organized a panel discussion that examined the future practice of internships now that employers will be forced to find new footing upon less than certain ground: *Intern Nation* author Ross Perlin presented a historic framework on the formation of the internship and its detrimental effect on our economy; Irma Rodriguez from Queens Community House shared her concerns regarding the widespread phenom-

enon of free labor in activism and its conflict with social and racial justice aims; attorney partner Rachel Bien from Outten & Golden LLP detailed the legal aspects of intern, volunteer and worker struggles and rights; lastly ILR member Dedunu Suraweera spoke openly about the importance of speaking up and organizing.

Attendance in our weekly meetings has increased significantly, frequented by not only interns and organizers, but also intern supervisors from publishing, visual art, music, design and fashion industries. Graduate and undergraduate students have joined us as well to develop their own researches on unpaid internships, student debt, minimum wage and workers' rights. Litigators, journalists and organizers have often served as advisors in these meetings.



Upcoming Events

Walter Hill

Anna Rodriguez

Richard Hill

Deborah Barrowman

NATIONAL MOVEMENT

In 2013, issues of income disparity, lack of workplace protections, and the ambiguous value of student labor found some long overdue attention from the national media. The voices of exploited interns echoed a growing sentiment among unpaid and underpaid workers across academia and the service sector economy that the current situation is not just or sustainable, and that something must be done to turn the tide.

Graduate assistants at New York University voted “overwhelmingly to unionize,” making them the only graduate student union currently recognized by a private university in the United States. Their affiliation with the United Automobile Workers puts them in a stronger position to negotiate for fair health benefits and increased stipends in return for the valuable role they play in keeping the university’s distinguished academic programs credible and competitive.

Meanwhile, some of the largest revenue generators for universities—student athletes—literally took their message to the field in one of the most high profile displays of discontent in collegiate sports history. Several college football players marked their armbands with the letters “A.P.U.” (All Players United) to call attention to the goals of the National College Players Association. Their demands included: greater attention to the risks of brain trauma, protecting financial aid of players who’ve suffered debilitating injuries, and allowing players greater control over how their likeness is used for commercial purposes.

Some of the most important actions against insufficient wages and precarious working conditions came from workers in the retail and foodservice sectors. Throughout the entire year, workers from both sectors came out in historic displays of solidarity. On Black Friday, protests erupted in cities across the nation to target Walmart, the flagship among big box

retailers who have capitalized on the fears of both employees and customers still reeling from the 2008 recession by keeping wages low. After being given financial advice that would be laughable were it not so insulting and being encouraged to sign up for government benefits by their employers, fast food workers came out in droves to say “Can’t Survive on \$7.25!” Popular demands for an increase in the minimum wage have been empowered by these low wage workers, who are organizing to change the system of impoverishment by advocating for fair pay.

As all of these campaigns have gained wider recognition and tangible victories in the past year, the intern rights movement sees itself as part of a broader movement to fairly compensate workers who have seen wages and benefits decline steadily over the past decades. We stand in solidarity with these movements as we work together towards a more just and sustainable economic future.

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Two Billion and 00/100 DOLLARS

Free Labor

Unpaid Interns

: OCCUPY WALL STREET : ARTSANDLABOR.ORG/INTERNLABORRIGHTS

NEW YEAR RESOLUTIONS

After 12 years under the highly contested oversight of Michael Bloomberg, New York City is moving in a different direction, under the progressive-backed leadership of newly elected mayor, former Public Advocate Bill de Blasio. During the mayoral run, Intern Labor Rights' members called for an end to de Blasio's role in proliferating unpaid internships—participating in his Reddit AMA, sending letters to his unpaid Organizing Fellowship staff, and speaking with de Blasio during an impromptu campaign meet-and-greet in Greenwich Village. While de Blasio voiced some agreement with the problems surrounding intern labor, it is unclear what measures he will take to investigate the role of interns, in a city he claims to have split into a “Tale of Two Cities.” Additionally, newly elected Public Advocate Letitia James, formerly Brooklyn Councilwoman, has gained significant support from labor unions, garnering much of her win from the union-backed Working Families Party line. She has also spoken publicly on behalf of workers alleging wage theft at the massive Atlantic Yards development project, in a case wherein the employer claimed the workers were actually intern trainees not due wages.

Given that both political figures have been associated with progressive ideals, ILR aims to hold the new administration accountable, by calling for a critical reform of the intern economy within this new administration, along with broader policy changes.

Recognizing that intern labor exists under the broader umbrella of precarious labor, Intern Labor Rights aims to foster greater awareness and coalition building with labor movements across the spectrum; in particular, ILR will widen our efforts to investigate the exploitation surrounding fellowships, deemed by some to be the “new internship.” Though there is little focus or data examining this position, it is clear that job descriptions and personal accounts of fellowship experiences warrant greater scrutiny.

Moreover, a recent bill was introduced to the New York state legislature by Democratic Senator Liz Krueger of Manhattan; it calls for protection of unpaid interns against sexual harassment and discrimination, as well as whistleblower status, all of which would mirror general statutory protections provided for em-

ployees in the workforce. The bill, a response to a recent ruling by an NY District Judge, is modeled on laws passed in Oregon: the only state as of yet to offer such protections for unpaid interns. While it awaits review, ILR will work to increase support from both community and public officials to pass this crucial step towards intern rights.

Currently, unpaid interns in the private sector are afforded some avenues to claim back pay, though such protections for interns in the non-profit and public sector are less than clear. By advocating for interns to be recognized as employees across multiple sectors, ILR hopes the national stage will be set not only for adequate workplace protections, but also for fair wages, greater compliance by employers and better oversight from educational institutions.

In spring 2014, in conjunction with Intern Labor Rights, former Nation interns are launching a campaign to organize interns, from the progressive media and beyond, at their workplaces.

Selected Articles

"Opportunity Costs: The True Price of Internships," Madeleine Schwartz, *Dissent*, Winter ed.

"Behind the Fox Searchlight Internship Lawsuit," Eric Glatt, *HuffPost Live*, Jun. 13.

"For Disgruntled Young Workers, Lawsuits May Spark Intern Insurrection," Michelle Chen, *In These Times*, Jul. 24.

"Unpaid Internships Must Be Destroyed," Matt Bors, *The Nib*, Nov. 4.

"How I Went From Unpaid Intern to Intern Organizer: And How You Can Fight Back," Too, Dedunu Suraweera, *Policy Mic*, Nov. 18.

"Interns: All work, no pay," Tanya de Grunwald, Kieran Yates, Emily Buist, *The Guardian*, Nov. 22.

"The Exploited Laborers of the Liberal Media," Charles Davis, *Vice*, Dec. 2.

