

Work experience & internships

Work experience and internships are types of on-the-job training. They can span different lengths of time and can lead to ongoing employment.

People doing this kind of training don't need to be paid if there's no employment relationship in place. But if there is, then the person doing the training is an employee. The business needs to pay them.

The information on this page is relevant to people like:

- graduates seeking work experience after completing a tertiary qualification
- overseas students or migrants looking for local work experience
- workers who are changing careers.

When is unpaid internship or work experience okay?

Unpaid work experience or internships can be okay if:

- they're a student or vocational placement (www.fairwork.gov.au/pay/unpaid-work/student-placements) , or
- there's no employment relationship.

For more information about different types of lawful unpaid work, see our [Unpaid work fact sheet \(\[www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/unpaid-work/unpaid-work\]\(http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/unpaid-work/unpaid-work\)\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/unpaid-work/unpaid-work) .

Unlike unpaid work, people in employment relationships are employees of a business and entitled to:

- a minimum wage (www.fairwork.gov.au/pay/minimum-wages)
- the National Employment Standards (www.fairwork.gov.au/employee-entitlements/national-employment-standards)
- the terms of any applicable award or registered agreement (www.fairwork.gov.au/awards-and-agreements) .

To work out if a person is an employee or not depends on a number of things. One of the most important is whether the arrangement involves creating an employment contract.

A person and a business can make an employment contract in writing or verbally. However, they can also make a contract when the person does activities for the business that look like work. This even includes arrangements when both the person and the business:

- say it's not employment, or
- agree the business won't pay the person for their work.

Example: Internship that should be paid

Jonathon is a final year accounting student. He agreed to do an unpaid internship with an accountancy firm. The firm has promised him a job once he graduates.

Jonathon comes in to the firm 3 days a week, preparing customer tax returns and company financials. The firm charges clients for the work he does.

Although Jonathon agreed the business doesn't need to pay him, he does work that a paid employee would usually do. This indicates there is an employment relationship and the employer should pay him for the hours he works.

Best practice tip:

To make sure the placement you're doing is allowed to be unpaid, read the indicators below. You can use them to discuss and agree on the arrangement with the business. Doing this before you start can prevent problems later. If the arrangement changes during the placement, discuss it again.

Indicators of an employment relationship

It's important to understand what an employment relationship looks like and when one exists. Things to look at include:

- what was agreed to?
- what was the reason for the arrangement?
- how long was the arrangement?
- how important was the work to the business?
- what work is the person doing?
- who's getting the benefit?

What was agreed to?

Agreements for work experience and internships may be different depending on what each person agrees to. Things to consider include:

- whether a person thought they were agreeing to work for the business as an employee
- a person's commitment to work for the business's benefit (not as part of running their own business)
- whether a person believed that the business would pay them for their work.

What was the reason for the arrangement?

If the purpose of the arrangement is to give someone work experience, it's less likely to be an employment relationship. But if the person's work is to help with the business's ordinary operations, it may be an employment relationship.

The more productive work that's involved, the more likely it is the person is an employee.

Activities less likely to indicate an employment relationship are:

- observation
- learning
- skill development.

How long was the arrangement?

The longer the arrangement goes on for, the more likely the person is an employee.

How important was the work to the business?

Work that likely indicates the person is an employee is work that:

- a paid employee would usually do
- the business has to do as part of its day-to-day operations.

What work is the person doing?

The person may do some productive tasks as part of their learning experience, training or skill development. But, if the business doesn't expect or require them to come to work or do productive tasks, they're less likely to be an employee.

Who's getting the benefit?

The person doing the work should get the main benefit from the arrangement. If the business is getting the main benefit, it's more likely the person is an employee.

Example: Unpaid internship

A local council has advertised an unpaid internship program for high school and university students interested in government processes.

Students can choose the hours they spend at the council office over a 2 week period. The council makes sure the role is mainly observational and that the students get the main benefit.

In this example there's no employment relationship and the council doesn't have to pay the interns.

Internship programs

Educational and training institutions, such as universities, may run internship programs to help students meet course requirements. These arrangements are often called student or vocational placements (www.fairwork.gov.au/pay/unpaid-work/student-placements) . Government or businesses may also run internship programs. They may have specific eligibility requirements. Do some research to find out which programs might apply to you.

Youth Jobs PaTH internship

You may be eligible to take part in a Youth Jobs PaTH internship (<https://jobactive.gov.au/path#section-jobseekers>)  if you:

- are aged 17 to 24
- are on income support
- have been registered with jobactive, Transition to Work or Disability Employment Services for at least 6 months.

This allows you to gain work experience and show an employer what you can do.

People are not employees when they're receiving government benefits while doing work placements or internships through Commonwealth government employment programs.

Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

You might also be interested in

- [Unpaid work fact sheet \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/unpaid-work/unpaid-work\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/unpaid-work/unpaid-work)
- [Help for young workers and students \(www.fairwork.gov.au/find-help-for/young-workers-and-students\)](http://www.fairwork.gov.au/find-help-for/young-workers-and-students)

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