



Internships, education and welfare

Does adding a regulator
minimise welfare risks of
internships?

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We acknowledge and pay our respects to the Kaurna people,
the traditional custodians whose ancestral lands we gather on.

We acknowledge the deep feelings of attachment and relationship of the
Kaurna people to country and we respect and value their past, present
and ongoing connection to the land and cultural beliefs.

A synopsis

- ❖ Interrogating the assumption that adding a regulator improves internship quality
 - ALMPs
 - Universities in Australia
 - Labour regulators, hosts and universities in France
- ❖ What are we risking?

Internships/traineeships/ALMP placements – opportunity vs risk



Placements perceived to be a means to develop "real world" employability skills, networks, gain valuable experience, and (hopefully) facilitate transition into employment.



But a variety of risks.

- workplace risks for participants
- educational risks for participants
- undermining labour market
- undermining labour protections



Assumptions about university/ALMP placements

It is often assumed that the involvement of a 3rd party regulator (University in an educational internship, government in ALMP) ensures placement are of higher quality.

eg. 2014 Council of the EU recommendation on a quality framework for traineeships explicitly excludes educational internships on the basis that they are 'of better quality, due to the quality assurance by the educational institutions . . . involved'.



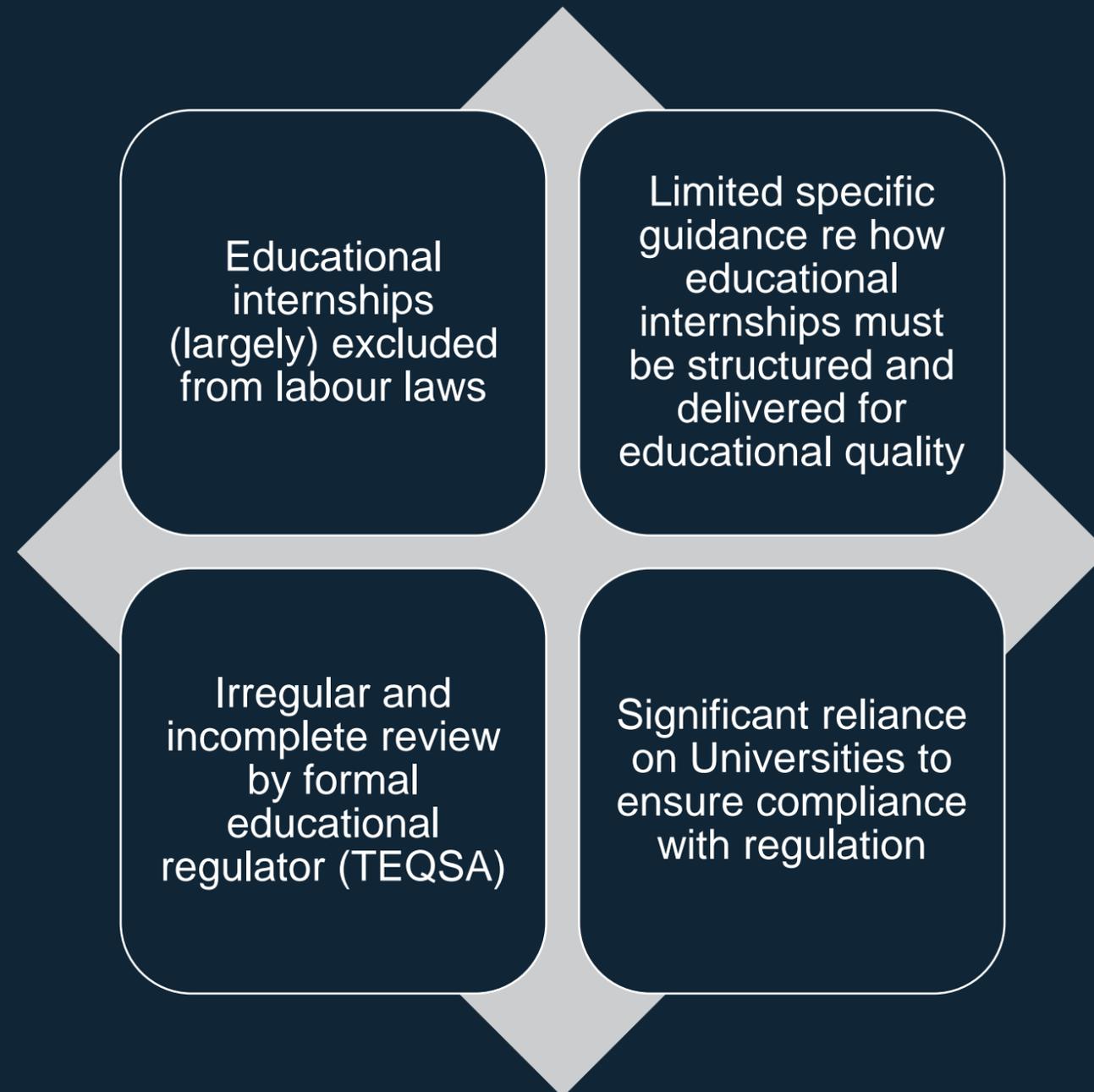
Is that the case?

- **No empirical or other evidence about the ‘impact or effectiveness’ of regulatory regimes governing academic or ALMP internships**
- **= substantial gap in our understanding.**

Exploring the assumption

- 1. Analysis of whether laws in Australia that seek to ensure the quality of educational internships are having their intended effect**
- 2. Considering whether those insights may be relevant elsewhere.**

Australia's regulatory approach



Project interview data

15 universities



68 interviews



Summary

			
<p>Universities often have institutional commitment to delivering quality internships for students</p> <p>BUT</p>	<p>No detailed plan about how to get there</p>	<p>No consistent or rigorous strategy to ensure compliance with external regulation – policies and procedures not designed to achieve compliance</p>	<p>No evaluation of resource requirements or method to consistently provide them</p>

A
priority
without
a
plan?

“[W]e genuinely see it as part of, you know, a defining characteristic of [University] is that we do this and we try to do it to a very high standard”

- “I live and breathe internships all the time and I - it's a huge area. I think that it's not well enough regulated, I think there's too many cowboys out there. I think universities are interpreting the law in a whole heap of different ways. I think employers are ripping students off left, right and centre. Students are desperate and they are accepting stuff that they shouldn't do and I think it's a huge mess.”



Conclusion – despite expectations



has not ensured
systems are
implemented to
ensure regulatory
compliance

- student safety
- quality of the student learning experience
- students are not exploited



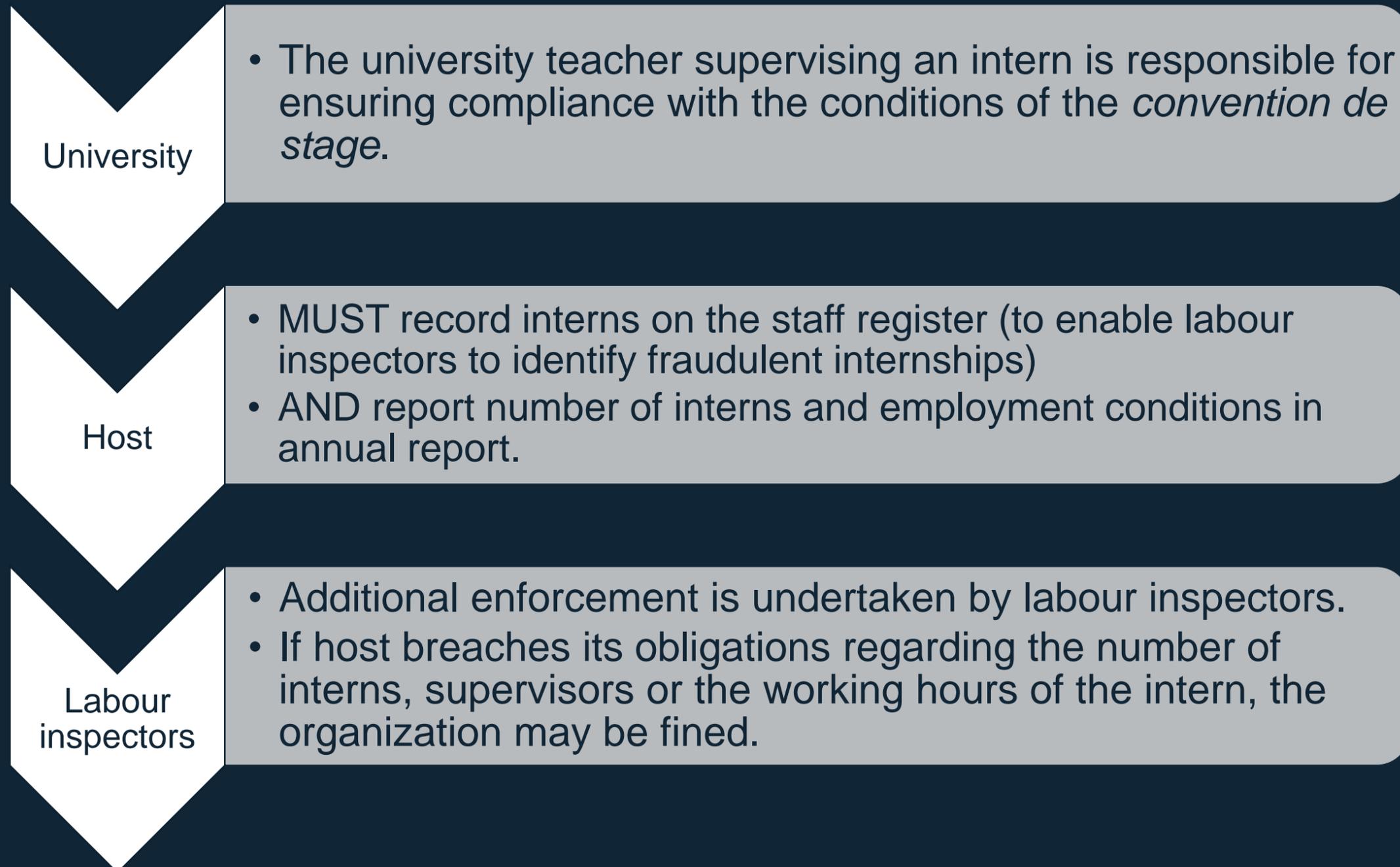
Comparison jurisdiction: France

2011 'Cherpion Law' (amended 2014) introduced a range of measures to regulate internships and protect interns

- To be legal internship must be undertaken under a tripartite agreement (convention de stage) between a student intern, host and educational institution
- The *convention de stage* must specify the educational objectives, its conditions, the activities to be undertaken and the skills to be developed
- Both the educational institution and host must provide a supervisor for every intern
- Limits on the number of interns that supervisors can oversee
- Duration < six months
- Internship >two months entitled to compensation (not a salary).
- Other workplace protections extended to interns, i.e. limits on daily and weekly working hours.



3x enforcement



Summary

- not extended to students engaged in work experience

labour laws

instead

- separate regulatory approach with clearly identified regulatory goals + actors with responsibility INCLUDING hosts, university and labour inspectors

- In 2016 continuing reports of abuse of internships

but



Adding 1 regulator didn't work – what about 2?

- 2016: 'employers not offering appropriate pay or using interns as cheap sources of labour rather than offering them structured training and work experience'.

Conclusion

- **“Both internships and work participation schemes highlight a growing trend towards the legitimacy of free labour, and the supposed need to submit to the cries of businesses which claim that imposing labour rights on these schemes would undermine their viability, in a way that would harm the participants.” Amir Paz-Fuchs, p. 267**
- **But the utility and effectiveness of the alternative regulatory schemes to:**
 - ❖ **Protect participants**
 - ❖ **Ensure the broad justifications/outcomes are realised**
- **must be questioned**

What are we risking?

- Relying on a regulator to offer practical protection to interns in the absence of legal rights, with risks to participants: see i.e. Alysia Blackham, “Working at the edges of legal protection: Equality law and youth work experience from a comparative perspective” Ch 18
- Entrenching a system in which young people are trapped in a cycle of precarious work, unable to transition to secure employment: see i.e. Julia López López, “Traineeships and systemic discrimination against young workers” Ch 19
- Undermining the labour market with free/cheap labour: see i.e. Amir Paz-Fuchs, “Trainees - the new army of cheap labour: Lessons from workfare” Ch 15
- Embracing a system that allows the unscrupulous to “exploit interns, displace regular workers and undermine a nation’s labour and social regulations”” see i.e. Irene Nikoloudakis, “Regulating internships in active labour market programmes: A comparative perspective” Ch 14

make
history.



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