

Trends For 2014: A Death Knell For Unpaid Internships?

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At least one major media organization – New York City-based magazine publisher Conde Nast – will ring in 2014 by saying goodbye to its unpaid internship program, a decision that has generated both cheers and jeers in [news coverage](#). Given the large amount of media attention that was focused on unpaid intern wage-and-hour lawsuits in 2013, it will be no surprise if more big-name employers – and perhaps some major educational institutions – make adjustments to the way they handle internship programs.

In the New Year, employment attorneys will be keeping a close watch on the Second Circuit Court of Appeals, which is expected to weigh in on the challenging issue of standards to be used to determine whether an intern qualifies as an employee under the Fair Labor Standards Act and state labor law. The appellate court is expected to look at the subject after a pair of district courts reached differing views. The cases are *Glatt v. Fox Searchlight Pictures* and *Wang v. The Hearst Corp.* For background on the facts and the interesting legal issues presented, see [the district court's opinion in the Fox Searchlight case](#) in which the court recommended that the case go up for an immediate appeal.

Meanwhile, the online public interest media organization Pro Publica has just launched a [new online application](#) to gather information from college students about educational internships for which students are required to pay tuition. Pro Publica announced the new application last week, stating that its goal “is to bring transparency to the under-scrutinized intersection of internships and higher education.” They are seeking input from university students across the country with an eye toward putting a price tag on the internship experience, while also clearly questioning the role of universities in providing unpaid interns to various organizations, primarily in the media and entertainment industries.

Pro Publica's latest effort is part of its ongoing “Investigating Internships” project, which was bolstered in the fall following a successful Kickstarter campaign to raise funds to research issues such as who benefits most from internships, what protections exist for interns who encounter discrimination or harassment, and whether interns are being fairly compensated. For those who have an interest in delving deeper into the history of internships and the recent backlash against unpaid internships, a thought-provoking book on the subject is [“Intern Nation: How to Earn Nothing and Learn Little in the Brave New Economy,”](#) published by Ross Perlin. Since he first published the book in 2011, he has continued to keep a spotlight on the subject. We expect more media attention will follow in 2014. In sum, if the subject of internships in your organization is not already on your radar screen as an employment law or human resources professional, it should be in 2014.

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