The Changing Way Of Internships

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This time of year many employers are interviewing prospective candidates for summer internships - and perhaps feeling good about giving a young person who plans on entering the business world a chance to learn on the job.

It seems like a win-win, doesn't it? The student gets some experience to enhance his or her résumé and the employer gets an extra employee for a few months, perhaps at lower cost. It is that latter expectation, however, that can cause serious problems.

The law regulating internships can be so confusing and complicated that some well-meaning employers could altogether stop offering these opportunities simply to avoid the potential legal costs and exposure. In these economic times, when companies are increasingly lean and students are finding it difficult to land a job, that result would represent a lose-lose proposition for everyone.

Many savvy employers have already learned that the outdated concept of an intern as a free extra worker simply does not apply. Companies may not use an intern simply to do routine filing, typing or receptionist work for free. In fact, using an unpaid intern simply to perform work that another full-time worker would perform is probably illegal.

Although it may seem counter-intuitive, an unpaid intern, to avoid being classified as an employee, must be present primarily for his or her own benefit, not the company's. And the company must provide him or her with an educational experience that is similar to training that the student would receive in an educational environment.

Offering an internship to a student is a benevolent act on the part of an employer. A well-structured internship can provide invaluable educational experience that would be hard for the student to come by any other way. As tempting as it may be, an internship is never to be construed as an employer's practical - if temporary - solution to inadequate staffing. Providing employers with a more clear-cut safe harbor would help employers avoid this dilemma entirely.

Until the law is simplified or further clarified, the threat of such headaches may cause employers to rethink whether they want to offer internships, paid or unpaid.

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