



Legal Protection for Interns on Its Way to NJ Soon?

Insights

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Last month the New Jersey Assembly Labor Committee approved the New Jersey Intern Protection Act and sent it to the whole Assembly for a vote. The bill approved by the Assembly Labor Committee was passed by the Senate in June of 2014 and now awaits a vote by the Assembly.

The bill if passed would extend certain legal protections under the Law Against Discrimination, New Jersey's anti-discrimination law, the Conscientious Employee Protection Act (also known as CEPA), New Jersey's whistleblower law, and the Worker Freedom From Employer Intimidation Act, a law prohibiting intimidation on religious and political matters to unpaid interns. The bill extends the protections under these laws by amending each law to include interns within their coverage.

Pursuant to the bill, an intern will be defined as a person who performs services (whether paid or unpaid) for an employer on a temporary basis whose work:

1. Provides training or supplements training given in an educational environment;
2. Provides experience for the benefit of the intern; and
3. Is performed under the supervision of existing staff.

The bill will allow interns to bring a private right of action and also provide the State of New Jersey with the authority (under the Law Against Discrimination) to bring actions against employers on behalf of interns.

The bill still needs to be voted on by the Assembly, and if passed, signed by the Governor. The Senate voted in favor of the bill 35-1 with 4 senators not voting. The Assembly Labor Committee recommended the bill 6-1 with 1 member not voting and 1 member abstaining. Given the support the bill has already received, it is likely to pass in the Assembly. In the meantime, employers should keep an eye out for when the bill is taken up by the Assembly, and if passed, is sent to the Governor's desk for signature. Also, employers should be prepared to update their policies and handbooks and provide instruction and training to persons that supervise interns or will be responsible for handling complaints made by interns.