Meet Haley Quinn: the Woman Getting Interns to Unionize. The headline I will never be able to live down came in May of 2015 when the interns at the American Federation of Teachers (AFT) formed the first union of non-medical interns in the country, joining the Office and Professional Employees International Union (OPEIU). The victory came after a year long organizing effort led by a dedicated group of interns who I am lucky to call my friends. After perhaps clumsily emerging as the leader of organizing committee, I lived out my fifteen minutes of fame as the poster child for intern organizing and Millennials in the Labor Movement. When my paid internship with AFT came to an end, I made a transition that one might not expect from The Woman Getting Interns to Unionize or The Woman Speaking Rather Publicly about the Exploitation of Intern Labor. I took an unpaid internship on Capitol Hill. And now that intern rights have become my shtick, I would be remiss to write about anything other than the ethics of unpaid internships after doing one. In doing so I will examine the prevalence of unpaid internships in the modern economy, dissect what this means for economic justice, and propose solutions to this ultimately unethical practice.

During my fifteen minutes of fame, I had the pleasure of briefly meeting Ross Perlin when we were in a segment on Huffington Post Live together. Among other things, Ross Perlin wrote the book *Intern Nation: How to Earn Nothing and Learn Little in the Brave New Economy*, which helped bring internships into the national conversation. Among other things, he discusses the role of the Great Recession in the rise of the intern economy. The National Association of Colleges and Employers (NACE) estimates, “from the mid-1980s to the mid-2000s, the share of college graduates participating in at least one internship rose from less than
10 percent to over 80 percent.” (Howe). In addition to growing in number, Perlin argues that internships have changed in nature. In an interview with US News he said, “Companies are not using internships in the way they used to in many cases, as a recruiting pipeline, as a way to bring talent into the firm. They’re using them as a cheap labor force that they’re cycling through without any prospect of bringing [interns] on as regular workers. Internships are displacing full-time workers in significant numbers.” Moreover, we see people well into their 20s and even 30s working in intern positions and becoming “serial interns” (Grant).

Those who defend unpaid internships argue that these positions can “open doors” (or insert your personal favorite buzzwords from How to Network seminars here). Ethically, of course, I would argue that even if unpaid internships led immediately to lucrative job offers, the ends would not justify the means. But it turns out to be a moot point because the ends are not really there at all. NACE reports that while the percentage of college graduates who have done internships has increased 10 to over 80 percentage, the percentage of students getting a job after graduation through their internship rose from 5 percent to just 30 percent. The prognosis, however, is much better for college students able to secure the coveted paid internship. 63% of graduates who held a paid internships received a job offer after graduation. Their counterparts with unpaid internships were only slightly more likely to be hired because of their internship, with 37% of unpaid interns offered a job after graduation and 35% of graduates with no internships offered jobs. (Howe). It is not surprising that companies that value their interns’ labor enough to pay them also value their work enough to hire them afterwards. Here it is also worth noting that some paid internships, particularly in the finance industry, have a very high rate of hiring interns, but also practice a great deal of nepotism in the intern application process (Perlin).
In addition to putting young workers in a tenuous employment relationship with minimal hopes of long-term employment, internships come with few legal workplace protections. After the news cycle about the intern union, organizers with the group Intern Labor Rights contacted me. The group had been focusing on this particular issue which, frankly, until meeting with them I was unaware of. Interns are not covered by Title VII of the Civil Rights Act. Title VII protects employees from discrimination on the basis of sex, race, color, national origin, and religion (EEOC). Recently, Congresswoman Grace Meng (D-NY-06) introduced the Federal Intern Protection Act, which unanimously passed the House of Representatives. If enacted, this legislation would extend basic workplace protections against sexual harassment to the thousands of unpaid interns working in the federal government (Heckman). For those of us who organize around intern rights, this is an important victory. But the very necessity of this legislation in the first place underscores a serious problem with the intern economy. In a case of harassment or discrimination, an unpaid intern has no leverage and everything to lose in fighting their employer. The idea that internships are sort of supposed to be miserable as a right of passage discourages interns from reporting incidences of harassment and, as it turns out, currently they have little to no legal route to do so anyway.

Of course at the micro level, being an individual in an unpaid position can be demoralizing, but at the macro level, the prevalence of unpaid internships exacerbates economic inequality. Perhaps the most insidious thing about unpaid internships is that they are truly only available to those who can afford to work for free. People who do not have the luxury of padded savings accounts or families able to financially support them are shut out of what has quickly become the new entry-level job. Moreover, evidence suggests that unpaid interns are more likely to come from lower socioeconomic backgrounds than their paid counterparts. In an article in the
Washington Post debunking the myths of unpaid internships, Ross Perlin explains that interns from wealthier families are more likely to be paid for their labor. “A 2010 study by the research firm Intern Bridge found that students from families earning more than $120,000 per year were more likely to be in paid internships at for-profit companies than students with family income below $80,000, who were more heavily represented in unpaid positions.” (Perlin). Poor and working class students are all but shut out of the intern economy. Without the connections and resources necessary to secure a paid internship, poor and working class students are left with the impossible choice to work for free with no economic security or to not enter the professional workforce at all.

At some point in any conversation about unpaid internships, one pauses to ask: how is this legal? It turns out, many unpaid internships actually are illegal. The law on this can seem a little murky, but essentially comes down to the Fair Labor Standards Act of 1938 and a 2010 fact sheet issued by the Wage and Hour Division of the Department of Labor. Under the FLSA, interns are employees and therefore entitled to at least the minimum wage (Perlin). The DOL fact sheet sets forth six specific criteria that must be met in order for an organization to not pay interns. The exact criteria are as follows:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and

6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship. (Fact Sheet #71).

These criteria all seem to outline an internship with a narrow focus of education and training, more for the benefit of the intern than the employer. Because the academic work of undergraduate students is not generally classified as labor and is hardly ever compensated as such, these criteria that emphasize education seem to justify no pay. Of course, the problem with these criteria, however well intentioned they may be, are incredibly vague and therefore difficult to enforce and are indeed hardly ever enforced. The typical image of the unpaid intern who makes copies and gets coffee is, in reality, engaged in an illegal employment relationship. By a similar token, the unpaid intern running the entire social media department of a small nonprofit who is doing work that has a distinct benefit to the employer and potentially displacing paid workers is probably in a illegal employment situation. In both situations, the employer has a near guarantee of getting away with it. The one high profile legal story has been Eric Glatt’s very public fight with Fox Searchlight over an unpaid internship on the production of the film Black Swan. Glatt and another intern have been battling Fox claiming that they did not receive sufficient educational benefit from their internships to legally be paid nothing and are seeking the money they are legally entitled to (Miller).

When searching for solutions to what so clearly seems to be an increasingly serious problem for young workers, an easy start might be enforcing the laws already on the books. If all unpaid internships were actually held to the scrutiny the Department of Labor advocates, many would need to dramatically restructure or disappear all together. Guidelines mean little without strict
enforcement and penalties for employers found to be exploiting intern labor. If unpaid internships are to remain legal, the Department of Labor must at the very least protect unpaid workers and hold employers accountable.

Because unpaid internships are meant to be educational, universities often offer academic credit for internships and advertise openings. In addition to the Department of Labor enforcing its own guidelines, universities must be more diligent in protecting their students from illegal internships. Thanks to the 2013 organizing work led by Christina Isnardi, New York University’s Careernet now screens internships for legality before posting them (Griffee). While this step was important, many universities still have not put similar policies in place. Additionally, many employers rely on schools giving academic credit for internships to fulfill the educational component that makes unpaid work legal. I would also suggest that it is time for students, faculty, and administrators to seriously examine the role academic credit for unpaid work plays in the perpetuation of economic inequality and exploitative labor practices.

After the Huffington Post declared me The Woman Getting Interns to Unionize, for about a week after I was The Woman doing whatever task I happened to be doing at the time. I was The Woman Ordering an Egg Sandwich, The Woman Who Showed Up Fifteen Minutes Late for Brunch, and even The Woman Trying to Nap in Public. One of the reasons I joke about this title is because anyone who has organized can tell you that no one person is The Woman doing anything. Six people led our original organizing drive. At least as many played crucial roles in organizing the eventual union election. I mean it sincerely when I say that in many ways I have been an inspired bystander in the incredible organizing I have seen around this issue. The more young workers share their stories, the more powerful the movement becomes. There is tremendous energy around this issue and I do not expect it will dwindle soon, especially with
mounting student loan debt and shrinking paid employment opportunities, unless of course the federal government starts accepting “experience” as loan payments.

But the movement for intern rights is not, or at least should not be, about a white student from a middle-class background at an elite private university. The intern economy has benefited me and it will continue to benefit people like me while shutting out those who cannot afford to work for free. Scholarships and university programs that fund unpaid internships for low income students do provide important opportunities and should be recognized for doing that, but the need for them to exist in the first place underscores a much deeper problem. If we are serious about addressing economic inequality, it is time for students, universities, employers, elected officials, and voters to recognize the need to protect young workers and put an end to unpaid internships.
Works Cited


15 minutes of fame is short-lived media publicity or celebrity of an individual or phenomenon. The expression was inspired by Andy Warhol's words "In the future, everyone will be world-famous for 15 minutes", which appeared in the program for a 1968 exhibition of his work at the Moderna Museet in Stockholm, Sweden.Photographer Nat Finkelstein claimed credit for the expression, stating that he was photographing Warhol in 1966 for a proposed book. A crowd gathered trying to get into the pictures and When you receive a business card in this country, you always have to read it very carefully. In fact, the next day the story was in the newspapers and the boss got more than 10,000 e-mails of support from people right across the country. Decide if the statements are true (T) or false (F). 1) It was the boss's third day in his new job. 2) He offered a cup of tea to each person in the usual way. 3) But one man in the office said that he didn't want his business card. 4) Nobody in the office knew that this was very rude. 5) In fact, the next day many people knew about this story. Open the bracket... Read expressions (1 - 8). They can all be used in the first few minutes of a meeting. Match them with the functions (a - h). 1. Glad to see you again! 2. or not, we all have to learn to live together. We may not always. 3. approve of that other people's behaviour, but we do have to live with it. 4. It is impossible to force other people in to behave exactly how we think. 5. they should behave. A. Had a really stupid (1) with my best friend the other day. It all ARGUE. started because we were talking about (2) and having a family.