

Client Alert

NEW STATE LAW PROTECTS UNPAID INTERNS IN THE WORKPLACE

July 28, 2014 -- Civil rights and workplace protections have been extended to unpaid interns under a new state law that took effect early last week. The law was prompted by a recent dismissal of sexual harassment claims brought in federal court in New York by an unpaid intern against a company executive on the grounds that she was not an “employee” under the applicable federal, state, or city anti-discrimination laws. The New York City Human Rights law was amended earlier this year to close the same loophole.

The new state law extends anti-discrimination protections to all unpaid interns in New York based on hiring, firing and terms of employment. The law also protects interns from retaliation and codifies the prohibition against sexual harassment of interns. In other words, interns now have the same workplace protections as traditional employees in terms of their ability to bring lawsuits for sexual harassment and other forms of unlawful discrimination.

Accordingly, we recommend that employers provide all interns with a copy of their antidiscrimination and antiharassment policies. If necessary, these policies should be updated to expressly address that they apply to all employees including interns and unpaid volunteers. The policies must also be distributed to all interns at the commencement of the internship and should be acknowledged as having been received by them in writing. As with regular employees, interns must have a clear understanding of these policies including the appropriate reporting procedures in the event a complaint needs to be filed.

If you require any additional information about unpaid interns or any other employment-related issue, please contact:

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