



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy Urges Support for Stronger Workplace Protections for Interns

TIMOTHY M. KENNEDY | October 23, 2013

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Federal Court Judge threw out an unpaid intern's sexual harassment suit, after ruling unpaid interns are not covered by same workplace protections provided to paid employees.

Senator Kennedy wants NY's human rights laws reformed immediately to ensure all workers, including unpaid interns, are protected from sexual harassment, retaliation and discrimination.

Students from colleges across WNY join Senator Kennedy to discuss need for workplace rights for unpaid interns.

BUFFALO, N.Y. – Due to a loophole in New York State law, unpaid interns have no protection from sexual harassment, discrimination or retaliation in the workplace. At a roundtable discussion with local students at Buffalo State College, Senator Tim Kennedy, D-Bufferalo, called this gap in the law an “injustice” and vowed to pursue legislation to close this loophole and extend stronger workplace protections for unpaid interns.

Earlier this month, in the case of Lihuan Wang v. Phoenix Satellite Television, a federal court judge ruled that **New York human rights laws do not protect unpaid interns** from sexual harassment. The judge **tossed out the sexual harassment lawsuit** that Ms. Wang, an unpaid intern, had filed against a former employer, ruling that unpaid interns are not covered by the same workplace protections provided to paid employees. Essentially, the courts determined that since they are not paid, unpaid interns are not technically employees and are not shielded with the same legal safeguards.

Senator Kennedy wants New York State’s human rights laws reformed immediately to ensure all workers, including unpaid interns, are protected from sexual harassment, retaliation, discrimination and other violations. Kennedy is a cosponsor of new legislation (**S.5951**) that will strengthen workplace protections for unpaid interns and ensure they are not harassed or exploited by superiors or other paid employees.

“Unpaid interns, like all workers, deserve protection from sexual harassment, discrimination and retaliation in the workplace,” said Senator Kennedy. “It is absolutely urgent that we close this intolerable loophole in the law and strengthen protections for unpaid interns before another individual suffers abuse or exploitation in their workplace. Nobody should be able to get away with sexually harassing a co-worker without punishment, but unfortunately current law fails to adequately protect interns. With our new legislation, we will ensure that all workers, including unpaid interns, are treated with the fairness and respect that they should already be able to expect.”

Students from colleges throughout Western New York joined Senator Kennedy at Buffalo State Wednesday to voice support for this long-needed legislation. In addition to Buffalo State, students who attend the University at Buffalo, Canisius College, SUNY Fredonia and Erie Community College rallied behind Senator Kennedy's efforts to reform state law and extend labor protections to unpaid interns.

This alarming absence of basic rights for unpaid interns comes to light at a time when more students than ever are participating in internships during their college careers. Over 63 percent of Class of 2013 graduating seniors participated in an internship or cooperative education assignment while working on their bachelor's degree, [according to the National Association of Colleges and Employers \(NACE\)](#). This is the highest participation rate since NACE began tracking this data with the Class of 2007. A 1992 Northwestern University study put the internship participation rate at 17 percent. There is no official count of the number of paid and unpaid internships across the state and nation, but experts say the prevalence of unpaid internships is exploding. Many estimate that at least half of all internships are unpaid.

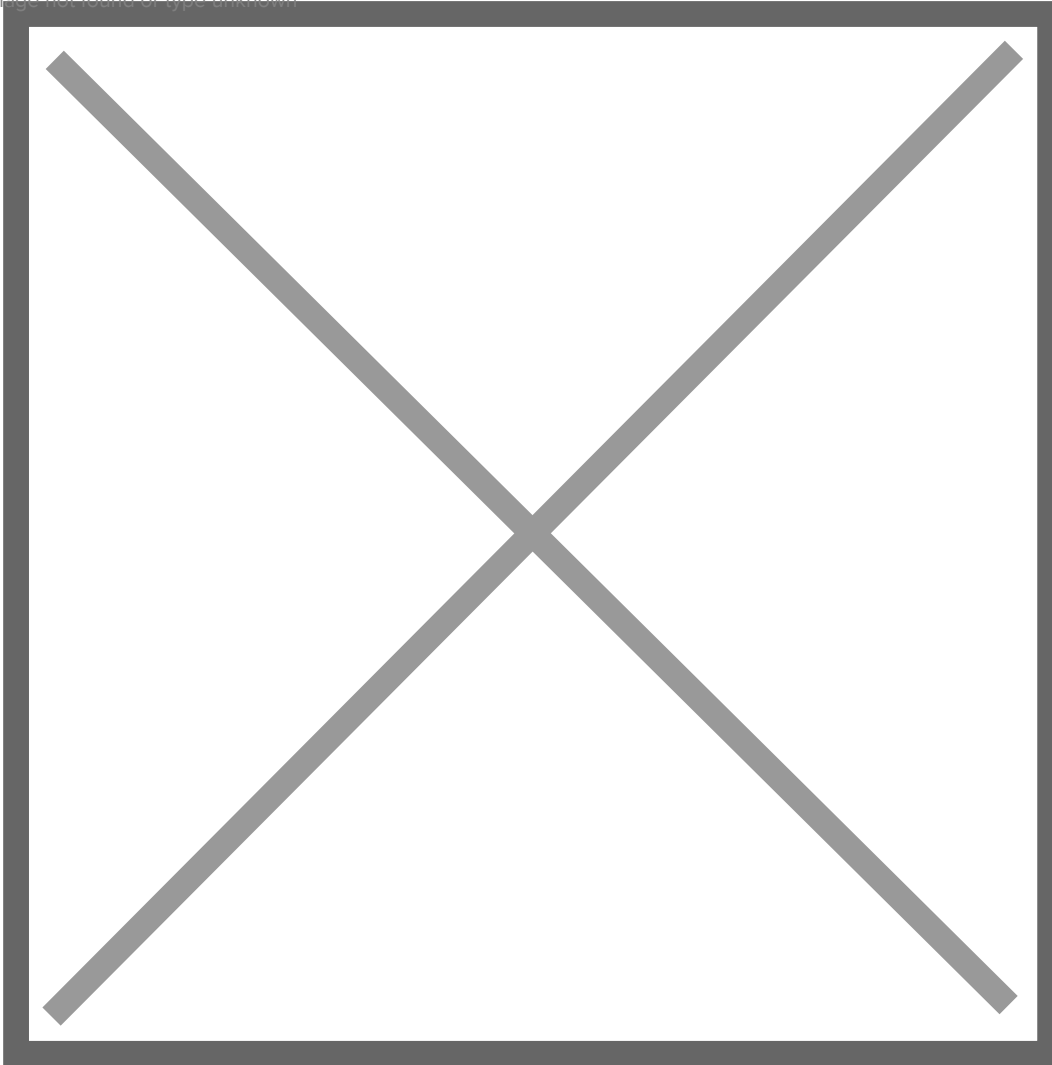
The Kennedy-cosponsored legislation will outlaw sexual harassment against unpaid interns, and it will prohibit retaliation against an intern who files a complaint or reports sexual harassment. The legislation will also make it an unlawful discriminatory practice for an employer to fire, refuse to hire, or otherwise discriminate against an unpaid intern based on his or her age, race, gender, national origin, sexual orientation, military status, disability, domestic violence victim status or other factors. In addition, the bill will prevent employers from forcing interns to take a leave of absence if pregnant.

"In today's economy, more and more students are turning to unpaid internships to gain valuable work experiences and get their careers started," Kennedy added. "The state needs to ensure unpaid interns are protected from harassment and discrimination – just as we would

if that student were in the classroom. A student who seeks an on-the-job learning experience and a stronger resume shouldn't be left defenseless against exploitation in the workplace. This is an injustice that needs to be stopped."

Only Oregon and Washington, D.C. have passed laws to provide workplace protections for unpaid interns. The New York State legislation that Senator Kennedy is cosponsoring mirrors Oregon's statute.

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Senator Kennedy with students from University at Buffalo, SUNY Buffalo State, SUNY Fredonia, Canisius College and Erie Community College who participated in the roundtable discussion.

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Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.