**NUJ Response to Low Pay Commission consultation on National Minimum Wage 2013: Internships**

**September 2012**

*The National Union of Journalists is the voice for journalism and for journalists across the UK and Ireland. It was founded in 1907 and has 34,000 members. It is an affiliate of the European Federation of Journalists and International Federation of Journalists. The NUJ represents members working at home and abroad in all sectors of the media, including staff, students, freelancers, writers, reporters, editors, sub-editors, photographers, illustrators and people who work in public relations***.**

1. The NUJ has been a member of TUC’s working party on the Low Pay Commission consultation and we refer the LPC to the TUC’s submissions. The problem for many of our student members is that they are being forced to work for nothing in order to gain a foothold in an extremely competitive industry. The law does prohibit this: interns should be paid at least the NMW, but many employers are flouting this and enforcement is proving difficult.
2. The union supports structured work experience and has produced guidelines to help members get the best possible experience from accepting short-term placements. There are responsible employers in the industry. The NUJ has commended magazines such as Elle and Cosmo for paying their interns. Unfortunately there are too many unscrupulous employers who do not. Substituting unpaid interns for employees is not acceptable. Interns should be paid for their work. This also has a moderately negative impact upon the public purse in terms of lost revenue.
3. The Cabinet Office’s report *Fair Access to Professional Careers: A progress report by the Independent Reviewer on Social Mobility and Child Poverty (May 2012)* identified journalism as “one of the most socially exclusive of professions”. It said: “All too often, unpaid internships are a key entry route into journalism and the media industry more generally. What seems to distinguish journalism from other professions, however, is that interns are substitutes for what in other sectors would be regarded as functions carried out by mainstream paid employees.” It added: “The stories we heard are legion of access to an internship being made through connection rather than ability. That is unacceptable and must change.”
4. A study by the Sutton Trust found that of the leading journalists in 2006, 54 per cent were independently educated (an increase from 49 per cent in 1986). The Trust, which aims to promote social mobility through education, is currently updating its data and early indications suggest that there has been little change in the educational backgrounds of today’s senior staff.
5. The NUJ carried out a survey in 2008 on work experience placements. It found that one-in-four people claimed to have completed a placement at an organisation that would not be able to function normally without people on work experience. One member surveyed said: *“I do not think [a NATIONAL NEWSPAPER] would survive without unpaid work experience. One of my colleagues had been working unpaid for 11 months before going on the payroll after NUJ pressure. Although I was more qualified than her, I was unable to afford to work such a long time unpaid.”*
6. Unpaid internships are rife on magazines. A record number of redundancies in this sector have led to publications being run on a minimal staff. Companies are left with unrealistic budgets and see unpaid staff as the answer. But very often it amounts to exploitation. These are young people desperate to get a job and often they are not in a union. The NUJ tends to become involved in these cases after the event, when the journalist has found themselves acting as if they were a member of staff and not finding paid employment at the end of their stint. This is a familiar story within the industry.
7. The NUJ has been at the forefront of the campaign to end the abuse of work experience. As part of our ‘Cashback for Interns’ initiative we successfully argued in an employment tribunal the right for an intern to be paid the National Minimum Wage. The union continues to challenge employers on this basis. The legal department has also issued a number of “take down” notices when jobs have been advertised detailing employee roles as internships without pay. **The NUJ believes that advertising unpaid internships should be made illegal and that HMRC should view such ads as an attempt to breach the law.**  In our experience, HMRC will not investigate complaints about advertisements unless these are presented to them in bulk and even then they cannot guarantee that action will be taken.
8. Unpaid “internships” have become the scourge of the industry. **Legislation should ensure the NMW is afforded to interns to enable them to enforce their right to pay without the requirement to prove they are a “worker” or an “employee ” in order to assert their rights.** The NUJ supports the TUC’s position that while the law is broadly in the correct form, what is needed is a prolonged program of enforcement that leads to some visible outcomes.