

# Human Resources

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## Internships

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RESOURCE DOCUMENT - V1. 2014

# Internships

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## The Workplace Rights of Interns

The most important thing to remember is that all interns have rights in the workplace, although these may differ according to the nature of the internship schemes.

## Do interns have any rights at work?

All 'interns' in Ireland have basic employment rights, including the right to a safe working environment, data protection rights, protection against discrimination, and the right to adequate breaks and holidays.

Some employers may think that because someone is an intern they have no employment rights. That is incorrect. An employer cannot deprive an intern of their rights merely by describing the role as an internship. It does not matter how the role is described or how the post is advertised, all interns have the following basic rights:

- protection from excessive working hours
- adequate breaks and rest periods
- annual leave
- public holidays

- protection from sexual and other types of harassment or discrimination
- data protection
- fair procedures

## Unpaid internships and rights to the national minimum wage?

Eligibility for the national minimum wage depends on the actual nature of the work and the relationship with the organisation providing the internship. It is not enough for an employer just to claim that they are an 'intern' or to require them to sign a contract stating that they have no right to the minimum wage.

Intern rights depend on the facts of the situation, what happens in practice in the workplace, who decides what they do and what they are expected to do by the employer.

As an intern - provided they are doing work of value to the employer, have a similar level of supervision and responsibility as the rest of the workforce - then they are likely to be entitled to be paid at least the national minimum wage regardless of what their title is.

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If however they are on a Government Intern or Work Experience Scheme - that scheme may be exempt from minimum wage laws - then different rights to payment apply.

Government Internship Schemes are as follows:

- JobBridge - National Internship Scheme
- Work Experience Programmes

## Hours of work, Public & Annual holidays

Interns have legal protection against excessively long hours and overwork and are covered by working time rules on:

- entitlement to rest breaks during the working day
- a limit on weekly working time,
- a minimum daily rest period
- minimum weekly rest period
- paid annual leave,
- public holidays
- extra protection in the case of night work (including a right to free health assessments)

## Public holidays

Interns are also entitled to Public Holidays.

There are nine public holidays in Ireland each year. Public holidays in Ireland (as in other countries) may commemorate a special day or other event, for example, St Patrick's Day (17 March) or Christmas Day (25 December). The list of public holidays in Ireland each year is as follows:

- New Year's Day (1 January)
- St. Patrick's Day (17 March)
- Easter Monday
- First Mondays in May, June and August
- Last Monday in October
- Christmas Day (25 December)
- St. Stephen's Day (26 December)

Interns are entitled to paid leave on the public holiday or one of the following alternatives:

- A paid day off within a month of the public holiday
  - An additional day of annual leave
  - An additional day's pay
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## Annual Leave

Interns are entitled to four weeks paid holidays during the year. Under Irish law on working time, interns earn annual leave entitlements from the time they start their internship. Where the internship is for a period less than a year there are different ways of calculating their annual leave entitlement these can be a bit tricky but a good rule of thumb is that if your internship is full time and last for 6 months then they are entitled to two weeks paid annual leave.

## Sickness

Interns cannot be required to be at work if they are sick. Usually employers require notification of sickness and a letter from your doctor after the third day of sickness absence.

Interns rights to payment should be laid out in their contract and their rights to retain their social welfare payments are laid out in the various schemes

**Squires Gilbride - Chartered Accountants & Advisors are located in Dublin, Ireland.**

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