

# Unpaid Wages are a Serious Workers' Compensation Issue

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Three recent New York lawsuits by unpaid interns for unpaid wages raise the question, "Exactly what are the laws that govern intern payment, or nonpayment?"

The United States Department of Labor has set out a 6-factor Fact Sheet to assist employers in determining whether an individual can be a paid or unpaid intern.

1. The internship 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 derives no immediate advantage from the activities of the intern;
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.

When all or any of these factors are present and the intern is the primary beneficiary of the arrangements, the intern's activities can be unpaid. If the employer is the primary beneficiary, an employment relationship exists and the intern's activities are protected by the Fair Labor Standards Act (FLSA).

David Perecman of The Perecman Firm is an experienced attorney in workers' compensation issues. Contact the experienced [New York workers' compensation attorneys](#) at The Perecman Firm at <http://www.perecman.com> for assistance with your workers' compensation situation.