



For Immediate Release: 5/7/2015

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**NEW YORK STATE HUMAN RIGHTS LAW PROTECTS
INTERNS FROM DISCRIMINATION**

Provisions cover unpaid interns in the private and public sectors.

As we approach the beginning of summer internship season, Commissioner Helen Diane Foster wants to remind all New Yorkers that interns are protected from discrimination in the workplace under the New York State Human Rights Law. Unpaid interns are protected from harassment and other unlawful discrimination based on age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status.

“Internships play a crucial role by providing vital experience that can guide an individual to professional success,” said Commissioner Foster. “Whether a regular employee or an intern, everyone is entitled to a workplace free of discrimination and harassment in the State of New York. This measure ensures that all workers are afforded their full rights under the law.”

The Human Rights Law defines “intern” as a person who performs work for an employer for the purpose of training under certain circumstances. Among them, that the employer is not committed to hire the person performing the work at the conclusion of the internship and that the person performing the work agrees with the employer that they are not entitled to wages for the work performed. The work performed by the intern is to provide or supplement training that may enhance the intern’s employability, provide experience for the intern’s benefit, be performed under close supervision of existing staff and not displace regular employees. If an individual is called an “intern” but paid, that person will likely be considered a regular employee under the Human Rights Law.

These provisions explicitly protect interns from sexual harassment, which under the Human Rights Law is considered a form of sex discrimination, as well as other forms of harassment

For their part, employers cannot discriminate against interns in selection, retention or terms, conditions and privileges of the internship or when advertising for the internship. It is also unlawful for employers to discriminate against pregnant interns or retaliate against an intern for opposing discriminatory behavior or for filing a complaint.

The Human Rights Law prohibits discrimination in employment, housing, credit, and other jurisdictions, based on age, race, national origin, sex, sexual orientation, marital status, disability, military status, and other specified classes. Complaints with the Division must be filed within one year of the most recent incident of discrimination. For more information about the law and the work of the agency, please visit the Division of Human Rights' website at www.dhr.ny.gov.

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