

Jack: My name's Jack Kenchington-Evans. I'm a Director of Interns Australia.

Buffy Gorrilla: What exactly is Interns Australia?

Jack: Interns Australia is the support and advocacy group for fair internships in this country. We've been around for just over five years, and in that time we have lobbied governments, we've written submissions, we've run surveys, we've actively participated in specific actions against particular employers, dodgy internship providers, and we try to raise awareness of this issue through media, seminars, a whole range of activities to try and raise the profile of unfair internships, and try and make some change.

Buffy Gorrilla: How did it get started? Did you have an unfair internship?

Jack: I didn't have an unfair internship when I was getting started with Interns Australia. I came to it about a year or two into it. It was started by two of my colleagues, former colleagues, Arti Prasad and Colleen Chen. They've had an interest in youth activism, industrial relations, political activism, and Interns Australia came out of that interest in the young person's labour market.

Buffy Gorrilla: What is your background in?

Jack: So, I'm a practising lawyer for a trade union, United Voice. We deal with some of Australia's most disadvantaged, vulnerable workers, and we empower them, or they work with the union, to change their industry, and my industrial relations experience has been on that side of the coin; the union side. I bring to that some of my legal experience, and through my exposure to the legal industry's internship programmes, that's really what piqued my interest.

Buffy Gorrilla: Did you do an internship when you were doing your law training?

Jack: I was fortunate enough to get a paid internship and placement year with a law firm, KCL Law, but a lot of lawyers and law students are not so lucky. In fact, there's an emerging practise in a lot of industries whereby the professional accreditation year, completed post-studies, is unpaid. In the legal industry, if you're not fortunate enough to get a legal internship, and they're quite exclusive, there's not a lot of them going around-

Buffy Gorrilla: That's what we've heard. We've interviewed a few law interns, yes.

Jack: There's, I can't quite remember the number of hours or the number of days, but it might be something like 60 days of unpaid legal work you need to do, so that, and it's something we can talk about over this podcast, is really exclusive for a lot of disadvantaged workers who can't afford to not earn money with their work. It's also bad for internal retention of employees, because there isn't a sense of buy in by the intern into the job because the employer is treating their labour for free, and what you get for free, you don't tend to value.

Buffy Gorrilla: So, if we chat a little bit more about Interns Australia because you have an approval system on your website that you've accredited some companies. Can you talk me through what that process looks like for a company?

Jack: So, we've recognised a few issues in the graduate labour market for mostly white collar professionals. That's the preponderance of low-quality, and unpaid, exploitative internships. We really wanted to call out the bad culture that exists out there. It's endemic, and it's at crisis point.

Buffy Gorrilla: Can we define what Interns Australia feels is 'bad culture?'

Jack: So, there's a few elements, and this is what our national fair internship pledge seeks to address. There's a few elements of what makes bad, and you know, on the flip side, what makes a good internship.

First and foremost is compliance with the law, and there is rampant, brazen, systematic, non-compliance with Australia's industrial laws when it comes to internships. That's something that is bad about bad internships, and you know, there's a bunch of flow on effects obviously. There's pay roll tax evasion, there's loss of superannuation, there's a lack of data collected because it's operating in a black market, and then you throw in the Visa and immigration issues, and suddenly you've got a black market labour market on your hands. That's probably the most obvious.

There's other issues a little more subtle, a little less to do with the regulatory space, and more to do with what a good job looks like: rewarding for someone, and giving them professional skills. One thing that we're focused on in the national fair internship pledge, and in our advocacy more broadly, is promoting high-quality internships. That's where you've got onboarding, you've got a human resources infrastructure that makes sure that you're learning, you've got mentorship, you've got measurable outcomes of the internship, so you're not plonked down on the end of a desk making coffees. There's that quality assurance that good internships will have, and that's what the national fair internship pledge seeks to address.

We're breaking ground with that. There isn't an accreditation scheme in Australia, apart from our certification scheme for good internships. We're starting to roll that out a little more broadly now.

Buffy Gorrilla: How can a company receive that accreditation? We've interviewed Finity. One of their former interns, and now graduate members, came in to chat to with us, and didn't even realise that Finity was an awardee of this particular accreditation. How can companies get involved?

Jack: So, the way that companies get involved is there's an application form on our website, and it's got a self-assessment that they complete before they send it back to us. What they need to send back to us is the completed form with a bunch of documents that let us review it.

So, we get to have a look at whether the pay is all right, what the programme is in terms of supervision, what the programme is in terms of access to resources and support onsite, and then we've got an internal checklist matrix that we use to evaluate that, and first and foremost is that it's paid, and lawfully paid. We double check that, engage with some feedback with the company, and see if we can get them badged up and certified.

Buffy Gorrilla: Are you getting a flood of requests?

Jack: We're rolling it out across Melbourne and Sydney at the moment. Our latest signup was the City of Sydney, but we've had buy in from the private sector, and some peak bodies: the Australian Institute of Management, Victorian Trades Hall Council.

So, yeah, we're looking to roll it out more broadly across the ASX peak public companies at the moment because they tend to have the highest quality internships.

Buffy Gorrilla: If a student who is doing an internship receives school credit, but it is not paid, what does Interns Australia think about that?

Jack: We have, as our leading policy goal, compliance with the law. There's some complexities in advocating around unpaid, but credited, internships because they are, as you maybe familiar, the major exception to paid employment in Australia.

So, most employees need to be paid per the industry award, which is the minimum standards of wages and conditions, except if you're on what's called a 'vocational placement.' These people who receive course credit are on a vocational placement. They don't need to be paid. It's a conundrum.

They fall within, for example, the youth allowance social security net. If they're a domestic student completing that, they might be getting, already, some money. If they're an international student, of course, that's not the case, but there's a lawfulness there, but it is on our radar for a few other reasons.

There is minimal oversight over what a vocational placement is, and it's being tested in the courts as we speak. There's a young man who's working with the Young Workers Centre, who is bringing NAB and Swinburne into the courts for his year-long internship, where he alleges he was underpaid \$16,000 because he received a non-legal wage, which the university and the bank characterised as some sort of stipend. He's saying, "That's a sham, I was actually an employee."

Now, one of the challenges in these sorts of cases is, what is a vocational placement? You do get these absurd situations where there might be a six credit point summer subject that lasts two weeks, but the internship associated with it might last eight months.

Now, the court's being invited, in this case, to test if there's some sort of proportionality, some sort of reasonable limitation, and we'll see how that plays out.

Buffy Gorrilla: How do you think it will? Any speculations?

Jack: Wisser heads than mine will decide the meaning of that-

Buffy Gorrilla: It's very diplomatic, Jack.

Jack: ... but I think we're going to see more of these sorts of cases emerge as people become more aware of their rights. You know, wage theft is definitely a talking point at the moment across Australia. It's a bit of a barbecue stopper, and I think internships are going to fall further and further into that public debate.

Buffy Gorrilla: I've never heard that phrase, "Barbecue stopper." It's a good one. I'm going to add that to my Australian way to talk.

Can a good internship be unfair?

Jack: It's a tricky question. There are definitely people who get a leg up by doing an internship that might just be a CV stuffer, and for those people, we're really conscious that they're going to have a terrible time, and they're going to get ripped off, and they're probably a few thousand dollars underpaid, and that's horrible. What's worse, of course, is the people who don't get that internship, who don't get that leg up, who self-select out of it, and that's the single mom trying to pivot into a professional role. That's the kid from the rough postcode who can't afford not to pay rent. That's the indigenous kid from the sticks. How do you get into Sydney and work that six/eight week, six month, internship if you're not getting a wage? Now, that's got some very obvious social inequity issues attached to it. I think most Aussies get that intuitively.

One of the less obvious, but I think really important points to raise though, is what does it do for the composition of our labour market and the competitiveness of our industries?

Australia has, by and large, a meritocratic professional labour market. We've got highly talented graduates who get a gig, historically, on the strength of their performance, rather than, say, their access to credit, or their family wealth.

Now, that's going to change, and it's changing rapidly in America, where unpaid work is a prerequisite for graduate work, and that's going to happen more and more in Australia. It's going to have intergenerational flow ons, and the crisis for business is perhaps for their focus less about the social inequity, and more about the competitiveness of our industries.

If our workforce is there not through merit, but through access to credit, that's a problem, and that's uncompetitive, and it's not sustainable.

Buffy Gorrilla: Is Interns Australia modelled after any particular organisation in the US, or the UK, or anywhere else in the world that is doing something similar?

Jack: We're not modelled on anyone explicitly, but we definitely have sort of similar bodies across different developed countries advocating for the same agenda. You know, it's a grassroots movement that you see in every country where internships are emerging; you've got a group of activists who are passionate about combating that loss of the fair day's work for a fair day's pay, and you know, an emerging public debate I think being generated by that activism.

Buffy Gorrilla: What can students who feel that they might be exploited, or facing some of these challenges, do? What would be the top steps that you would recommend?

Jack: People who've participated in an unpaid internship are going to be reluctant to drag that company over the coals because it's their first step into the labour market, and you know, they're tentative about it. It might well have been a lawful unpaid internship, or there's big questions - for example, with this NAB-Swinburne matter - that they might not want to pose. Those people do have access to personal solutions through the courts, and through the Fair Work Ombudsman, through the Young Workers Centre in Victoria, which is a community legal centre, that they can explore. I'd encourage them to do that.

When people speak out and stand up for their rights, tough as it may be, you can get a fantastic result. The quintessential one in the Australian internships base is Crocmedia, which is a media company that was successfully prosecuted by the Fair Work Ombudsman and a few plucky interns, who stood up for their exploitative internship arrangements. They were hit up for tens of thousands of dollars in compensation and penalties.

There's a personal change that the person can make. They can get compensation for themselves, if they were unlawfully underpaid. More broadly, young people need to get active around this issue, and I can't prescribe a political programme for every intern. We're definitely doing our work in Interns Australia through our surveys, our submissions, our reports, and you know, people can get involved on our website, but yeah, there's that individual, and the collective elements that interns can step up to.

Buffy Gorrilla: While the intern is on their internship ... We were talking about your matrix, and you know, the well scheduled kind of feedback and assessment that the intern does. How much of the responsibility is on the intern in a situation like that to request that? Is that 100% on the company, or as an adult, does the intern need to take some responsibility?

Jack: I think every internship's going to be different based on the character of the intern, and their interest. There's going to be people who are really forthcoming, extroverted, they're going to ask all the questions, and there's going to be people who haven't quite reached that point in their career.

Not to quibble with the point or the question too much, interns are being given-

Buffy Gorrilla: Quibble away.

Jack: Interns in Australia, and graduate students, are entering a very weak labour market. They don't have the bargaining power to sit there across from their HR manager, or their boss, and dictate, or even negotiate, the terms of their employment. They're given whatever they get, and at the moment they're being given an absolute dud, you know, zero dollars an hour. If you can't even get your legal minimum wage, I don't think it's fair to put it on the intern to speak up and get any other conditions.

You know, I think there's a lot of employers either through inadvertence, or through a deliberate arrangement, are using these interns for productive labour without giving anything back.

Buffy Gorrilla: So, I'm sure Interns Australia have seen that article in The Guardian about Amalia Illgner, who has sued Monocle, and one of the things she said in that was that she was worried about this blow back on her career. So, what advice, and we've chatted about it a little bit, what advice would you say to someone like the Amalias, who might be afraid to speak up? Is there a way to do this anonymously?

Jack: There's limited ability to do this anonymously. You have to face the music at some point, but there's support networks out there. The Ombudsman is very interested in this issue. We've met with the Young Workers team, you know, of the Fair Work Ombudsman to discuss their actions in this, and they've got investigators who are following these matters up, and there was a successful prosecution, I think, in the last 18 months with the Crocmedia. So, there's government support. The regulator is trying to get in there and change it.

Groups like Interns Australia, you know, we regularly field questions from interns, have a bit of a back and forth with them online or in person, and yeah, there's people's trade union that they can join. For example, there's the Media, Entertainment, and Arts Alliance, or-

Buffy Gorrilla: Is that open to interns as well?

Jack: Yeah, so if you're working in the industry, they're going to be able to provide some support and assistance to whatever level. It's worth reaching out to your union. It's worth reaching out to community legal centre, definitely the Young Workers Centre in Victoria is very closely involved with these issues of young workers' rights at work.

So, you're not alone. It's a matter of stepping up.

Buffy Gorrilla: Do you think we'll see more cases that actually end in court from young workers?

Jack: I think that's definitely the trend. We're seeing across industries wage theft emerging as an issue. People are starting to become more aware of their rights. The situation, I can't say, is getting better in terms of employers compliance, from what I've seen, and in fact, it would be interesting to chat about some of the sort of side practises and business and hangers on that have emerged only in the last six months, that I've seen.

Yeah, definitely interns are becoming more aware, and I think it's inevitable that they'll become more active and we'll see that.

Buffy Gorrilla: What about these placement agencies that we find, and I think it's maybe more international students who want to secure an internship in the country, what are they up to?

Jack: So, reflecting the bad practise of employers, there are hangers on in the industry who are now charging for the privilege of working for free. We have seen \$1000/ \$2000/\$3000 invoices being sent to young workers to put them in an internship.

Now, I think that practise is abominable, frankly. I don't think any Australian, or international, student who is here should have to pay to work. I think it's unforgivable.

Compounding this, and this came up in the media earlier this year, and Interns Australia was quite closely involved. A company called Future Squared has been running internships out of a warehouse in Footscray. Now, that's where interns are hot-desking. You know, 50 of them lined up on a row doing a 'virtual internship,' they called it, where they provide productive labour for this mob, Future Squared, which I don't quite know what services they deliver, but these interns deliver productive work, and Future Squared has advertised its services and this labour to its clients as productive. So, interns are making this mob money, they get charged by a third party placement fee, you know, a couple of grand to be there, and all the while they're in a sort of intern sweatshop far away from their nominal internship provider and their client on lines of desks, again, paying for the privilege of working for free.

I think that's the sort of rock bottom example.

Buffy Gorrilla: Who's falling for this scheme?

Jack: There's more international students than domestic students who, I think, are in a vulnerable position. They are unable to work a paid job as part of their student Visa, so they can't work more than 40 hours a week, which is a big barrier, of course, to working a professional gig. If the expectation is that you're there Monday to Friday, nine to five, so they're the ones who are particularly eager, based on their Visa limitations, to get a foot in the door through unpaid, unmonitored black market labour. There's that desperation element there.

Again, it comes down to the bargaining power of workers, and there's something that is definitely not new about this. You see it during any time when it's hard to get a job. People just do anything to get a leg up, so you know, those vulnerable people, who might not be coming from the most prestigious institutions, who don't have the easy pipeline into a gig, they're the ones who are coughing up money to work for free.