

Policy on Unpaid Opportunities (UK Only)

Introduction

Changes in the student and graduate labour market over the past few years have seen a significant rise in the number of organisations offering unpaid opportunities to graduates and students. In addition, in certain very competitive industries (especially media, PR, and similar industries) it has often been traditional for entrants to start work on an unpaid basis.

There appears to be a growing controversy around the ethical and legal aspects of this question. Various pressure groups have been formed by students and graduates; the matter has been referenced by high-ranking members of the government; and graduates now appear to be more willing to take legal action where they feel their rights have been violated.

In this context, the following policy has been devised to give clear guidance to stakeholders (University staff, employers, students and graduates) concerning the policy of the University of Gloucestershire when dealing with these issues.

The National Minimum Wage

Entitlement for the National Minimum Wage is based primarily on two criteria:

1. Whether the individual is a “worker” or not. Essentially this hinges on the question of whether the individual has a contract of employment or any arrangement that can be interpreted as such. Such a “contract” can be in written form, a verbal agreement, formal or informal, explicit or implied – each case would be decided on its individual merits.
2. If the above applies, the worker will normally be entitled to the National Minimum Wage. However, there are specific exemptions within the legislation.

In this context, terms such as “internship” or “work experience”, etc. have no legal force. What matters is the nature of the relationship between the employer and the worker.

In the vast majority of circumstances, commercial organisations must pay National Minimum Wage in order to remain compliant with the law.

Organisations that wish to engage anyone on an unpaid basis are strongly advised to seek professional legal counsel to ensure they are compliant with the law as they may be putting themselves at risk of legal action.

Further detail on National Minimum Wage legislation can be found here:

<https://www.gov.uk/national-minimum-wage>

Exemptions

The National Minimum Wage framework allows for certain exemptions. This section details the most relevant exemptions for our circumstances.

Each opportunity will be considered on a case-by-case basis. We reserve the right to reject any opportunity even where an exemption may appear to be valid.

The exemptions we normally accept are:

1. **Work experience in the curriculum:** Work experience required to be undertaken by students as part of UK based higher education courses is exempt from the National Minimum Wage where the arrangement does not exceed one year.
2. **Volunteering with charities or similar bodies:** Charities and certain other organisations (usually voluntary organisations or certain statutory bodies such as a school or hospital) have a special exemption in NMW legislation called the “Voluntary Worker exemption”. This allows such organisations to engage “workers” that would in normal circumstances be entitled to the National Minimum Wage.

It is important to note that the provision of benefits (training, payments, benefits in kind, etc.) beyond what is needed for the direct fulfilment of the volunteer worker’s duties could invalidate the exemption.

3. **Work shadowing:** This involves a student observing work but not being required or tasked to undertake any work themselves.

What does this mean at the University of Gloucestershire?

The statements below will provide a guide for what is accepted by UoG. Each opportunity will be considered on individual merit and we reserve the right to decline positions that are not considered to be of benefit to our students.

We accept - unpaid opportunities that are advertised specifically for our voluntary 80 hour work experience internship scheme and advertised under the ‘Future Plan internships’ type of work.

We accept - unpaid opportunities of no longer than one year that are advertised only under the ‘Placement’ employment types.

We accept - work shadowing opportunities when advertised under our type of work ‘Placements, less than 6 months’. A work shadowing opportunity should not total more than one week in duration, but could be a couple of days a week spread over 2-3 week periods.

We accept – volunteering positions from registered charities, voluntary organisations or statutory bodies. We will decline positions from individuals who are not registered charities and volunteering positions that are full-time. Part-time volunteering positions will be considered on individual merit, with the students' needs being the primary consideration.

We will decline - all unpaid opportunities that do not meet the above requirements.

International Vacancies

The above information is relevant to positions offered in the UK. International positions are dealt with on a case-by-case basis taking into account the merits of the opportunity offered. We will also take into account relevant legislation, custom and practice of the country in which the opportunity will take place.

Disclaimer

The information on these pages is solely for the purposes of clarifying the University of Gloucestershire's policies concerning advertising unpaid opportunities. These guidelines do not represent any authoritative statement of the law and acceptance or rejection of any opportunity under these guidelines should not be taken as a statement regarding the legitimacy of any organisation or opportunity.