

## Position statement on unpaid work

(prepared by the Careers Centre for Staffordshire University and endorsed by the Students' Union)

### Our position on the National Minimum Wage

The University advertises work for students and graduates on behalf of employers. This includes:

- Part-time work
- Vacation work
- Graduate work
- Internships
- Student placements for 6-12 months that are formal requirements of courses
- Shorter placements that are built into courses

Our promotion of such opportunities requires that they comply with employment legislation, including that relating to the National Minimum Wage (see appendix). **The University would not wish to condone the promotion of opportunities in breach of such legislation.**

If an employer is offering **unpaid work, therefore**, then before we will promote the vacancy we will require them to provide us in writing detailed reasons why they consider the work may be exempt from National Minimum Wage legislation. This should be sent to Mark Kent, Head of Careers Centre at [m.kent@staffs.ac.uk](mailto:m.kent@staffs.ac.uk)

Opportunities that fall beyond the scope of existing National Minimum Wage legislation include:

- Those for students undertaking a maximum of one year's work experience ***as part of their course***
- Some work with charities
- Very specific cases in which a volunteer is genuinely under no contractual obligation
- Work shadowing

## Our overall position

### Staffordshire University supports work experience opportunities that enable:

- The acquisition and development of skills and knowledge
- The demonstration of candidates' value to employers
- The making of new contacts that will benefit candidates in their career
- The sampling of particular sectors, employers and types of work

### We do not support activities that:

- Exploit individuals
- Restrict social mobility
- Replace entry level jobs for graduates and others

### We will not:

- Advertise jobs which contravene current legislation on National Minimum Wage – see appendix
- Broker jobs which contravene current legislation

### We recommend that employers:

- Do not contravene current legislation
- Do not offer long (over 1-2 months) or full-time unpaid placements even if your vacancy is not covered by minimum wage legislation
- Do ensure that all work experiences offer genuine learning opportunities to the candidate

### We recommend that students and graduates:

- **Do** consider carefully how experiences in general and specific opportunities in particular can help them progress their career, and weigh any potential long-term benefits against immediate financial and other personal implications;
- **Do** make the most of any opportunity in terms of making contacts, learning new and developing existing skills/knowledge, and gaining experience;
- **Do** consider how best to negotiate with their line manager and others to ensure that they maximise the benefits of each work experience;
- **Do** think about how they will articulate the skills, knowledge and experience they have gained or developed in future applications and interviews;
- **Do** make use of the Careers Centre for information, advice and guidance on any of the above.

## Appendix

### National Minimum Wage (NMW) – summary of statements from Department for Business Innovation and Skills

Whether or not someone is entitled to be paid the national minimum wage depends on whether they are a “worker” under national minimum wage legislation. If they are a “worker” they are entitled to be paid at least the national minimum wage unless a specific exemption applies.

A “worker” is someone who works under a contract of employment or any other kind of contract (express or implied) **whereby they undertake to do work personally for someone else** (and they are not genuinely self-employed).

Note that for national minimum wage purposes **there are no special rules in respect of interns**. So you can advertise unpaid internships but if the actual working arrangements are such that the person is a “worker” **then you will have to pay them at least the national minimum wage by law**.

A **volunteer** does not have any form of contract of employment or contract to perform work or provide services. They are not workers and therefore not covered by the [National Minimum Wage Act 1998](#). Volunteers do not qualify for the national minimum wage (NMW) because they are not workers. Volunteers can volunteer for anybody, not just organisations in the voluntary sector.

**Voluntary worker** is a term which is used in the National Minimum Wage Act 1998. It has a specific meaning for NMW purposes. Voluntary workers are a class of workers who have an exemption from qualifying for the NMW. The exemption is at Section 44 of the National Minimum Wage Act 1998.

Voluntary workers may not be called such by the organisation who engages them. They may be people who consider themselves 'volunteers' but who are in fact workers due to the arrangements under which they work. However, if such individuals meet the conditions of the voluntary worker exemption, they do not qualify for the NMW. This exemption is designed to allow people who **genuinely wish to work without profit for good causes to continue to do so without fear of qualifying for the NMW**.

#### Students:

Someone who enters into an agreement or contract to work for experience will be a “worker” for national minimum wage purposes and entitled to be paid the national minimum wage in the normal way, unless they are a genuine volunteer or fall into one of the groups who are exempt.

In national minimum wage legislation there is a specific exemption for “workers” who are students undertaking work experience lasting up to one year as part of a UK further or higher education course. Otherwise, students are entitled to be paid at least the national minimum wage in the normal way including when they are:

- studying at non UK educational establishments,
- doing work which is not a specific requirement of their course, or
- doing work which is a requirement of their course but which lasts longer than one year.

### **Further information**

Information on work experience and NMW can be found at <http://www.businesslink.gov.uk/workexperience&internships>

#### **Q. What if someone undertaking work experience thinks they are being exploited?**

**A.** If someone thinks they are a “worker” and not being paid the national minimum wage, they can ring the Pay and Work Rights Helpline on 0800 917 2368 (Text phone 0800 121 4042). The Helpline is open from 8 am to 8 pm (Monday to Friday) and 9am to 1pm on Saturdays.

#### **Q. Where can a business find further information about the national minimum wage?**

**A.** Businesses can obtain help and information on national minimum wage matters by calling the Pay and Work Rights helpline on 0800 917 2168. The document ‘Understanding National Minimum Wage Law’ can be downloaded at <http://www.businesslink.gov.uk/guide>.