Unpaid work in the print and broadcast media industry

Unpaid work arrangements are entered into for a variety of reasons. These include:

- giving people experience in a job or industry
- testing a person's job skills
- volunteering time and effort to a not-for-profit organisation.

These arrangements can be initiated by the business, the person wanting the work or experience, or third party organisations such as schools and training institutions.

In the print and broadcast media industry, these arrangements typically involve unpaid work experience and internships.

Unpaid work arrangements can be legal where an employment relationship has not been formed. However, when employment is disguised as an unpaid work arrangement, the person is entitled to be paid.

Work experience and internships

In the print and broadcast media industry the terms 'work experience' and 'internship' refer to a number of different arrangements. A person could be offered training, learning opportunities or practical work experience, or a combination of these, and may be paid or unpaid. The arrangements sometimes span several months and can often lead to offers of employment.

For an unpaid internship or unpaid work experience arrangement to be lawful, the business needs to ensure that the intern or work experience participant is not actually an employee. Indicators that an employment relationship has been established include where the person is:

- mostly completing productive work for the business
- obligated to attend work and be productive
- doing work that would otherwise be done by an employee.

Unless they are undertaking a vocational placement, a person doing an internship or period of work experience who satisfies the criteria above must be paid. This applies regardless of whether they agree to the unpaid arrangement.

A 'vocational placement' is a formal work experience or internship arrangement that is part of a government-approved education or training course. These placements are allowed to be unpaid.

For information regarding vocational placements, work experience and whether an employment relationship exists, see our Vocational Placements and Unpaid Work Fact Sheets.
Example 1

A commercial radio station placed an advertisement seeking students to work on a voluntary basis for one day a week over a 6 month period. The placement offered hands on experience with a potential for job opportunities, but wouldn’t count towards the students’ course credits. The station’s HR manager explained to candidates that the internships were observational in nature, with no expectation of productive work.

When they started, the radio station asked the interns to sign agreements that detailed the training they would receive. As part of their internships, the students would observe the program producers creating and developing radio programs, and listen in while radio producers presented live on-air or created pre-recorded content. They never undertook those activities themselves, other than on a ‘dummy’ or test basis.

While participants primarily watched and learned, in a few cases they did some hands on work under supervision, such as selecting music tracks and editing advertisement packages.

An employment relationship didn’t exist and the students didn’t need to be paid, because there was neither a significant benefit to the radio station from the work, nor any expectation on the interns to perform productive work.

Example 2

Casey was a media and communications student in her 3rd year of study. She spent several months interning at a fashion magazine one day a week. Casey was primarily tasked with helping the features department undertake research for articles, and also helped out with administrative tasks that no one else had time for. As her understanding of the work grew, she also drafted copy for the magazine and its website. While the internship was related to her field of study, it was not organised through an education or training provider and it didn’t count as course credit or towards the completion of her degree.

In the following year, after her graduation, Casey undertook another internship with a prominent television network. Again, she spent time undertaking essential work for the business including production duties and administrative tasks for the executive producer. For her work, she was given audience tickets to the network’s top rating game show.

In both of these examples, Casey should have been paid because there was most likely an employment relationship between Casey and the businesses.

Example 3

Sally was in her final year of a journalism degree. Wanting to work in print and broadcast media when she finished her studies, she took an unpaid internship with her local newspaper. Sally’s lecturers encouraged her to seek out the opportunity because it would help her gain experience in the industry. She also knew that it would be very difficult to secure a cadetship in the industry if she
didn’t have any relevant work experience. The internship didn’t count towards the completion of her degree and wasn’t directly organised by the university.

The internship went for six months. Sally spent many hours each week interviewing people and attending events for the newspaper. She also researched background information for articles and drafted and submitted her articles under publication deadlines.

Sally should have been paid for her work as there was most likely an employment relationship. The newspaper gained a significant benefit from Sally’s work, and she was obliged to perform to the newspaper’s standards.

Example 4

Tom has volunteered at his local community radio station for 5 years. The station is funded from grants from local and state governments and from donations from community members and through fundraising events. The radio station has a number of volunteers from the local community who contribute time to assist with announcing, fundraising and administration.

As a keen gardener, Tom runs a 2 hour talk back segment on Saturday mornings where members from the community can ring up to ask questions, offer seed swaps and tell their stories. He also helps out with fundraising drives by coordinating volunteers running food and drinks stands, kids’ activities and musical performances.

Tom gives his time to the radio station voluntarily out of a desire to support his local community. Tom could change or stop the arrangement at any time if it no longer suits him. There is no obligation from the radio station that Tom continues his volunteering. As a not-for-profit organisation, even though the radio station receives a benefit from Tom’s activities, this arrangement is a genuine volunteering relationship.

Further information
For further information and resources about unpaid work, visit www.fairwork.gov.au/unpaidwork or contact the Fair Work Infoline on 13 13 94.