

## KD Alert: State Discrimination Law Now Protects Unpaid Interns

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On July 22, 2014, New York Governor Andrew M. Cuomo signed into law an amendment of the New York Human Rights Law. Under the new law, employers are prohibited from discriminating against unpaid interns.

The law is effective immediately and prevents employers from sexually harassing unpaid interns and from discriminating against them on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, religion, predisposing genetic characteristics, marital status, or status as a victim of domestic violence. The new legislation also prevents employers from forcing pregnant unpaid interns to take pregnancy leave.

Though New York City passed a similar law earlier this year, the federal laws against discrimination have not yet been expanded to cover unpaid interns.

While employers are well advised to carefully consider whether a position may be properly classified as an unpaid internship under the wage and hour laws, the new law explicitly notes that it shall not be construed to “create an employment relationship between an employer and an intern.”

Employers are highly encouraged to revise their workplace policies to ensure compliance with the new legislation, and to provide notice of the change in law to all human resources, management, and hiring personnel. Employers are also advised to consult with counsel to discuss the proper operation and risks of any unpaid internship program.

The attorneys at Kaufman Dolowich & Voluck are available to assist employers with these compliance obligations.