

Legal Questions around Student Internships

Our goals are for schools and businesses to design and implement internships that are:

- Meaningful and valuable to the student and business;
- Safe for the student and everyone at the workplace; and,
- Opportunities for students to learn valuable technical and professional skills and earn wages and/or credit.

When students participate in internships at a workplace outside of school, questions and concerns often arise around legal issues, and particularly regarding liability and insurance. Schools and businesses will generally find that they already possess the necessary insurance coverage to engage in student internships with limited added risk. The best way to reduce risk is to ensure that students, businesses, and parents/guardians are fully aware of the nature of the internships and additional risks, and prepared in terms of knowledge and skills that will limit potential for injury or accident. Additionally, paid internships create an employer-employee relationship and provide clear recourse should accidents occur.

AGE RESTRICTIONS

Students 16+ can engage in internships, and businesses should follow [child labor laws](#) around hours worked and Hazardous Occupations when designing these opportunities (more information on Hazardous Occupations is outlined below). Students 14-15 may also legally work, however the laws are stricter.

Recommendation: The GWB recommends that internships be designed for students 16 and over. For students under 16, there are [other options](#) for work-based learning opportunities.

LIABILITY OF BUSINESSES

The issue of liability arises whenever any business has individuals on its work site. A business' Comprehensive General Liability (CGL) policy should cover students and volunteers engaging in internships, whether paid or unpaid. Exposure to liability is generally no different than what exists relative to employees and the general public, such as when visitors enter the workplace; and CGL policies should not increase in cost because of minors at the work-site. If students are paid and considered employees of the business, students and the business are protected as in any other employer-employee relationship, and the student would be eligible for Workers' Compensation benefits should he/she be injured during the internship. Workers' Compensation costs are based on wages, and not age of the employee, therefore Workers' Compensation premiums should not increase substantially because wages for student interns will be low. If the student is unpaid, the business' CGL policy should cover what the student's personal health insurance will not in the case of injury.

Recommendation: To participate in paid or unpaid internships, businesses must have Comprehensive General Liability (CGL) policies and must ensure that those policies will cover student interns.

Whenever possible, students should be paid for their work experiences, and paid students must be covered by the employer's Workers' Compensation insurance. For unpaid internships, it is recommended that schools and internship hosts enter into "Indemnification, Hold Harmless" contracts in which schools extend their liability policies to businesses to provide added peace of mind. Unpaid internships should also follow the criteria as put forth by the [U.S. Department of Labor](#).

LIABILITY OF SCHOOLS

School liability policies generally do cover school-sponsored activities off-site, including internships. Schools, school staff, and school committee members are generally protected under school liability policies if students are hurt, injure another employee, or do damage at a worksite. School liability policies typically do not cover individual students for any activities, in the event that they are injured or cause damage. Those districts covered under The Trust (RI Interlocal Risk Management Trust) can view an FAQ document [here](#). Districts not covered under The Trust should contact their providers.

Recommendation: Schools should have liability insurance policies and ensure with their provider that those policies cover off-site school-sponsored internships. Schools should also consider offering basic accident or catastrophic insurance to students as added protection in the case of accident or injury.

SAFE AND INFORMED EXPERIENCES

Above all, students, parents/guardians, and businesses should be fully aware of the opportunities and risks of internships, and should be clear on the expectations of the experience. Businesses should be expected to maintain safe working environments in terms of physical safety and discrimination and harassment. Students should be fully prepared for the experiences and expected to follow the norms and expectations of their worksite.

Recommendation: Schools and/or intermediaries managing internships should hold comprehensive orientations for businesses and students covering topics such as workplace safety, workers' rights, and discrimination and harassment and clear lines of recourse in case any situations should occur. Parents should sign permission forms and waivers for their students to engage in internships and acknowledge the added risks of these activities. Parents and guardians should also give permission for transportation to the internship sites, whether that is through public transportation, school transportation, or students transporting themselves. Schools and/or intermediaries may also want to request and confirm student medical and auto insurance coverage, if applicable.

HAZARDOUS OCCUPATIONS

The US Department of Labor (USDOL) **prohibits** all students under 18 to engage in jobs that involve:

- Manufacturing and storing of explosives (*applies to explosives only, not manufacturing as an industry*)
- Motor-vehicle driving and outside helper on a motor vehicle
- Coal mining
- Occupations in forest fire fighting, forest fire prevention, timber tract operations, forestry service, logging, and sawmilling
- Exposure to radioactive substances
- Power-driven hoisting equipment, including forklifts (*low-lift trucks and low-lift platform trucks not included*)
- Mining, other than coal
- Power-driven bakery machines, including vertical dough or batter mixers (*light-weight countertop power-driven mixers not included*)
- Manufacturing brick, tile, and related products
- Wrecking, demolition, and shipbreaking operations

The USDOL **permits** the following jobs for “student-learners” 16-17 years old if the student meets the “student-learner” criteria below. If a student under 18 does not meet the “student-learner” criteria, these jobs are prohibited:

- Power-driven woodworking machines
- Power-driven metal-forming, punching, and shearing machines
- Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as grocery stores, restaurant kitchens, and delis) and wholesale establishments, and most occupations in meat and poultry slaughtering, packing, processing or rendering
- Power-driven balers, compactors, and paper processing machines
- Power-driven circular, bandsaws, chain saws, guillotine shears, wood chippers, and abrasive cutting discs
- Roofing occupations and all work on or about a roof
- Excavation operations

Additional details and exemptions regarding each Hazardous Occupation (HO) listed above can be found in USDOL’s [Child Labor Bulletin 101](#).

“Student-Learner” Criteria:

- 1) Student is enrolled in an aligned course within a RIDE-approved CTE program
AND
Student is employed under a written agreement signed by the student, business, and school coordinator/principal, and kept on file by the school and business, that outlines:
 - That the work in the hazardous occupation will be incidental to the training
 - That such work will be intermittent and for short periods of time, and under close supervision of a qualified and experienced person
 - That safety instructions shall be given to the student by the school and business
 - That a schedule of organized and progressive work processes to be performed has been prepared (i.e. job description)
- OR
- 2) Student is a registered apprentice in accordance with state apprenticeship standards
OR
- 3) Student is a high school graduate and completed related training in a RIDE-approved CTE program and not yet turned 18

Recommendation: Schools and businesses should always ensure that students are safe, properly trained, and supervised. Particularly when dealing with hazardous occupations and equipment, businesses should consult with the school to ensure that the student has successfully completed required training.

Schools and businesses must abide by the USDOL Hazardous Occupations regulations, but they are not as onerous as they seem. Students 16 and 17 years old may work in any position that is not listed as hazardous. Note that the USDOL regulations apply only to jobs where there is an employer-employee relationship; the GWB requires that schools and businesses abide by the USDOL Hazardous Occupations regulations in any type of work experience, such as a job, paid internship, or unpaid internship.

While students 16-17 years old cannot be directly engaged with prohibited activities, they can still participate in internships within certain industries and companies that are related to these occupations. Some examples:

- Students 16-17 years old can intern with a business that has prohibited equipment (ex. meat slicers or forklifts) as long as the student is not using that equipment.
- Students 16-17 years old can intern with manufacturing businesses as long as those businesses do not manufacture explosives or bricks, and students are not using any of the prohibited tools/machines.
- See other similar detailed exemptions in [Child Labor Bulletin 101](#).

The GWB recommends that parent or guardians be made aware of any potentially hazardous machines or activities in a work experience, and also sign the written agreement between the student, business, and school. Businesses are recommended to keep fact sheets like the [USDOL Youth Rules! brochure](#) on hand. This brochure includes some helpful tips from other businesses, such as placing visible warning stickers on machines that minors cannot legally operate.

BACKGROUND CHECKS

Two RI General Laws directly address background checks for adults working with students. [RIGL 16-2-18.1](#) requires all employees of schools and school departments to undergo national and state background checks, and [RIGL 16-2-18.4](#) requires all volunteers who “may have direct and unmonitored contact with children and/or students on school premises” to undergo state background checks. Neither law refers to internship supervisors where those supervisors will be working with students outside of school premises.

Recommendation: Though it is not legally required, it is a good idea to require background checks for internship supervisors. Schools should decide this locally and balance student safety with potentially onerous requirements for businesses. In many cases, businesses may already require background checks for their employees and schools can request existing results. Schools may also want to work with businesses to minimize unmonitored one-on-one contact between interns and supervisors as is feasible and appropriate, and ensure that all student interns have known, trusted, and available points of contact at the school and business in case any issues arise.