

Ruling Casts Shadow on Unpaid Media Internships

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A Federal District Court judge [ruled](#) June 11 that Fox Searchlight violated federal and New York minimum wage laws by not paying two interns who worked on the film *Black Swan*. The ruling also granted former interns the right to file a class action suit against Fox Entertainment Group, the parent company of Fox Searchlight.

The decision threatens to upend what has long been a rite of passage into the media industries for many young workers by throwing into sharp relief some fundamental questions about the risks unpaid internships pose to both the labor market and the intern.

Citing a 2010 [fact sheet](#) issued by the Department of Labor's Fair Labor Standards Act (FLSA), Judge William H. Pauley ruled that internships should not benefit the company more than the intern, that the company should create an educational environment that facilitates vocational training, and that the intern should not displace work otherwise done by paid labor. The case against Fox Searchlight hinged on the fact that the

production company treated the two plaintiffs, Eric Glatt and Alex Footman, like regular [employees](#) rather than trainees or apprentices.

In citing the federal mandate, Judge Pauley introduced criteria largely ignored by the private sector and rarely enforced by the government. Despite the criteria's [vagueness](#), it's arming a wave of new [complaints](#) from former interns against media companies that include [Conde Nast](#), [Gawker Media](#), [NBCUniversal](#), and [Warner Music Group](#). A recent lawsuit against PBS's Charlie Rose resulted in a [settlement](#) of \$110,000 in back pay to be distributed amongst all previous interns.

Details from the cases are remarkably consistent: plaintiffs cite extended workdays and tasks with little-to-no vocational value, like fetching coffee, making copies, arranging travel, and completing paperwork.

With [unemployment](#) rates among recent graduates hovering around 8 percent (down from an all-time high of 9.4 percent a year ago), job options in the creative sector are not keeping [pace](#) with the number of degree holders seeking work experience, forcing even top students onto the "internship treadmill."

Such realities betray the likelihood that companies are using unpaid interns to benefit corporate bottom lines. Interns compensate for gaps created by job cuts, and ultimately drive down wages for less-skilled workers who must compete for entry-level jobs against an oversupply of free labor. Moreover, unpaid internships reinforce disparities between those who can

afford to work for free and those who cannot, a system of privilege that further exacerbates [class](#), [gender](#), and [racial](#) inequalities.

Furthermore, the allure of creative work oftentimes prompts interns to confuse poor working conditions with “artistic suffering.” It promotes an individualist ethos blind to the collective concerns of similarly positioned workers. Or, as one [critic](#) put it, “How are twentysomethings ever going to win back health benefits and pension plans when they learn to be grateful to work for nothing?”

Of course, unpaid interns occupy one of the most vulnerable positions in any organizational structure. Speaking out against your plight, especially in such fickle industries as entertainment, risks alienating you from superiors and diminishing your chances for advancement. You can read an update on the post-lawsuit careers of the plaintiffs in the case against Fox Searchlight [here](#).

In the UK, the National Union of Journalists (NUJ) has emerged as a leading voice in the [campaign](#) against unpaid internships, with [leaders](#) saying the union will take an active role enforcing intern rights. In addition to the union’s efforts, a number of grassroots organizations, including [Graduate Fog](#), [Interns Anonymous](#), [Interns Aware](#), and the lobby group [Internocracy](#), are helping educate and organize interns. These organizations began to grow in the wake of a landmark legal [ruling](#) in November 2009, deriving from a case supported by the Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU).

In the US, the law firm Outten and Golden, who represented the two interns in the Fox Searchlight case, is currently spearheading most of the litigation, and has launched a [website](#) to attract potential clients. [Intern Labor Rights](#), a New York-based organization formed out of the Occupy Wall Street movement, is building a coalition with similar groups in Canada, the UK, France, Switzerland, the Netherlands, and Austria. Stateside unions and guilds have remained relatively mum on the issue.