

# Volunteers, internships and studentships

Volunteers and unpaid interns are not employees and are not covered by employment law. Studentships are a type of scholarship and also not covered by employment law.

## Volunteers

A volunteer is someone who does not expect payment for the work they do and must not receive any payment.

It's often clear when someone is a volunteer – for example, volunteering once weekly for a charity or community with no expectation of payment. It can be much more complicated when it comes to work experience, work trials and unpaid internships.

A volunteer is not an employee, so employment law does not apply to them, except for health and safety laws. If an employer has volunteers doing work for them, they must make sure that the volunteers do not expect payment of any kind.

Payment does not include:

- paying back the volunteer for things they paid for as part of the volunteer work
- a koha or thank-you gift.

[Labour Inspectorate Position Statement – Work In A Business Operation Without Payment of Wages \(PDF, 199 KB\)](https://www.employment.govt.nz/assets/uploads/documents/starting-employment/labour-inspectorate-position-statement-work-in-a-business-without-payment-of-wages.pdf) (<https://www.employment.govt.nz/assets/uploads/documents/starting-employment/labour-inspectorate-position-statement-work-in-a-business-without-payment-of-wages.pdf>)

## Internships

If someone agrees to an unpaid internship, they are a volunteer and employment laws do not apply to them. If an employer is thinking of having somebody do an unpaid work trial or internship, or work experience, they should:

- make it clear, in writing, that the position is a volunteer position, and that the person does not expect payment or other reward
- not get an economic benefit from the work done by the volunteer
- not have the volunteer do work that is integral to the business, such as work that an employee would ordinarily do
- limit the duration of work and the hours worked by the volunteer; the longer a person volunteers and the more hours they work, the more likely they are to be considered an employee.

If someone agrees to a paid internship, they should be paid at least the relevant minimum wage. They will need to have an employment agreement and it should be for a fixed term for the length of the internship. The fixed-term employment agreement will need to set out the reason why it is a fixed period of time and not a permanent role.

All the usual employment rights will apply to a paid internship.

[Minimum wage](https://www.employment.govt.nz/pay-and-hours/pay-and-wages/minimum-wage) (<https://www.employment.govt.nz/pay-and-hours/pay-and-wages/minimum-wage>)

[Employee rights and responsibilities](https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/employee-rights-and-responsibilities) (<https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/employee-rights-and-responsibilities>)

## Studentships

Studentships are often used for students at universities involved in research. A studentship is a type of scholarship and is not covered by employment laws. The university does not have to pay someone the minimum wage for work they do as part of a studentship.

If an employer is considering offering a studentship, they need to put in writing that the studentship is a voluntary arrangement.

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