

Volunteering, Work Experience, Placement or Internship?



Which term best describes the type of role you are creating?

While all these terms describe unpaid work, they are not interchangeable. And just because the work is unpaid, does not mean the person doing it is a volunteer.

Organisations have different obligations towards the person performing unpaid work depending on whether they are performing a volunteer role, work experience, a student placement or an internship. **If your organisation is not clear on the difference, there is a risk that Fair Work Australia may determine that an employment relationship exists and the person should be paid!**



What is volunteering?

Volunteering Australia's **definition of volunteering** states:

'Volunteering is time willingly given for the common good and without financial gain.'

Concepts deemed outside this definition include:

- Compulsory educational service learning (where students are required to perform unpaid work as part of a course)
- Mandated court orders including community service and fines
- Internships
- Formal work experience / vocational placements
- Mandatory government programs
- Limited choice labour market government programs

What does Fair Work Australia say?

Fair Work Australia has a number of useful fact sheets that clarify the different types of unpaid work:

Volunteering

"A volunteer is someone who does work for the main purpose of benefitting someone else, such as a church, sporting club, government school, charity or community organisation.

Key characteristics of a genuine volunteering arrangement include:

- the parties did not intend to create a legally binding employment relationship
- the volunteer is under no obligation to attend the workplace or perform work
- the volunteer doesn't expect to be paid for their work.

The more formalised that volunteer work arrangements become (for instance if the volunteer is expected to work according to a regular roster) the greater the possibility that an employment relationship will be found. It is less likely that an employment relationship will be found to exist where the volunteer work is undertaken for selfless purposes or for furthering a particular belief in the not-for-profit sector."

Student Placements

"Vocational placements provide students with the opportunity to apply the theory and skills they learned while studying in a professional workplace.

The placement must be done as a requirement of an education or training course. The placement must be a required component of the course as a whole, or of an individual subject or module of the course."

View all the **criteria** a vocational placement must meet to be lawfully unpaid.

Unpaid work experience and unpaid internships

"A work experience arrangement or internship is when a person works for a business to gain experience in a particular occupation or industry.

An unpaid work experience arrangement or unpaid internship can be lawful if it is a vocational placement or if there is no employment relationship found to exist. In particular:

- the person must not be doing "productive" work
- the main benefit of the arrangement should be to the person doing the placement, and
- it must be clear that the person is receiving a meaningful learning experience, training or skill development."



An employment relationship

"Where an unpaid work arrangement is not a vocational placement, the arrangement can only be lawful if no employment relationship exists."

View the [Fair Work Australia website](#) for advice and factors to consider when looking at whether an employment relationship exists (and if there is an obligation to pay wages).

Code of Practice

Volunteering Australia's [Code of Practice for engaging volunteers](#) includes guidance for organisations to avoid creating "volunteer" roles which should be paid positions:

- Not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs.
- Differentiate between paid and unpaid roles.
- Define volunteer roles, and develop clear role descriptions.
- Ensure volunteers are not required to take up additional work during industrial dispute or paid staff shortage.
- Not ask a volunteer to work in a voluntary capacity for more than 16 hours per week.
- Ensure that the work of volunteer staff complements but does not undermine the work of paid staff.
- Ensure that all voluntary work is undertaken on a voluntary basis and without coercion.

Creating appropriate volunteer roles

It is important for volunteer-involving organisations to think about the role they want filled and be clear on:

- What would you like the person to do?
- How will the person contribute to the common good?
- What skills should they already have?
- How will the person benefit?
- What sort of commitment is expected?
- What support or supervision is offered?
- Should this be a paid role? (If so, it is not a volunteer role)
- Are you looking for a student placement or internship? (If so, it is not a volunteer role)
- If it is a volunteer role, how does it differ from paid work or other types of unpaid (non-volunteer) work?

While it is difficult to provide definitive advice to your organisation about the legal standing of your unpaid positions, Volunteering Queensland encourages you to examine the resources linked in this document and below to assess the suitability of your positions.

Further resources:

- [The Centre for Volunteering – Internships versus Volunteering](#)
- [Volunteering and Contact ACT – Designing Volunteer Roles: A Practical Guide](#)