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Decent Work, Meaningful Education or Potential Exploitation? The Role of Universities in Ensuring the Quality of Academic Internships in Australia, Finland and France

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Academic internships have become a well-entrenched feature of the tertiary education landscape and are perceived to facilitate the transition into graduate employment. However, such experiences straddle the worlds of work and education, which begs the questions: should they be regulated as work, or learning, or through specific regulation and what role should universities have? This paper examines the educational and labour regulation applicable to academic internships in Australia, Finland and France and presents qualitative empirical insights examining how university staff in each jurisdiction manage academic internships in the context of local labour laws and educational regulations. It is concluded that national regulations in France regulate academic internships so as to achieve 'meaningful education' for participants, while in Finland the regulatory approach appears to be tailored to ensuring academic interns are engaged in 'decent work'. In contrast, Australia's current regulatory context appears inadequate to consistently ensure either of these outcomes, leaving academic interns at increased risk of having neither a meaningful educational experience, nor decent work, and being exploited. Universities in Australia and Finland have an increased role in guaranteeing quality internships. However, the preliminary empirical data suggests that this role may not be consistently fulfilled.

Keywords: Internship, Traineeship, Regulation, University, Work Integrated Learning (WIL), Labour Law, Education

1 INTRODUCTION

Gaining work experience prior to graduating from university has become increasingly important in the transition to graduate employment around the world. At the same time, graduates who have not had the opportunity to complete 'real-world'

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work to complement their university studies risk being ‘unable to acquire work experience because they cannot find a first job, and cannot find a job because they do not have work experience’.¹

For many students the opportunity to spend time learning in workplace as a part of their tertiary studies is a way to address this dilemma. A 2017 survey of work experience, including academic internships, found that more than one-third of Australia’s tertiary students completed one or more internships that year.² Similarly, a 2023 survey in the European Union (EU) found that 78% of people between 18 and 35 had undertaken at least one traineeship with up to 90% participation in some countries.³ More than 40% of these traineeships were part of education programmes or professional training.⁴ However, while prevalent across jurisdictions, academic internships are not without risk.⁵ ‘Workplace’ risks for participants include discrimination, bullying or harassment, being injured or exploited, working excessive hours or working without proper safety measures in place. There is also an ‘educational’ risk that a poorly planned or supervised academic internship will not develop professional knowledge, employability skills or professional connections. More broadly, internships (whether those associated with tertiary study or those completed in the open market)⁶ can be abused to obtain cheap or free labour, undermining the labour market and labour standards.⁷

There is limited international regulation of workplace learning arrangements engaged in by tertiary students, and as a result what they can offer participants (and their impact on the labour market more broadly) often depends on national initiatives. The risks that student participants face can be minimized, and the learning outcomes maximized, by national laws and formal enforcement bodies, and/or by the internal regulation and practices of tertiary education institutions, through quality assurance. But what constitutes a quality

¹ Gianni Rosos, *Coordinator of the ILO Your Employment Program* (22 Aug. 2012) <https://www.ilo.org/resource/article/internships-head-start-or-labour-trap> (accessed 8 Oct. 2024).

² Universities Australia, *Work-Integrated Learning in Universities: Final Report* 8 (Universities Australia 2019).

³ Ipsos European Public Affairs, Flash Eurobarometer 523, *Integration of Young People into the Labour Market With Particular Focus on Traineeships* 1–3 (Directorate-General for Employment, Social Affairs and Inclusion, European Commission 2023).

⁴ *Ibid.*, at 3.

⁵ Some of the workplace and educational benefits and risks of academic placements are discussed in Anne Hewitt, *Avoiding the Trap of Exploitative Work: A National Approach to Making Work-Integrated Learning Effective, Equitable and Safe*, 31 *Austl. J. Lab. L.* 101 (2018).

⁶ A. Stewart, *The Nature and Prevalence of Internships*, in *Internships, Employability and the Search for Decent Work Experience* 24 (A. Stewart, R. Owens, N. O’Higgins & A. Hewitt eds, Edward Elgar Publishing 2021).

⁷ See e.g., A. Stewart, R. Owens, N. O’Higgins, & A. Hewitt *Internships: A Policy and Regulatory Challenge*, in Stewart et al. eds, *supra* n. 6, at 2–16, and L. Shade & J. Jacobson, *Hungry for the Job: Gender, Unpaid Internships, and the Creative Industries*, 64(*S1*) *The Soc. Rev.* 188–205 (2015), doi: 10.1111/1467-954X.12249.

workplace learning for a tertiary student? While there are many ways this could be understood, in this paper we define a ‘quality’ internship as one that both enables the participant to obtain skills and knowledge to facilitate their transition from education to employment, and provides the participant with decent working conditions.

The purpose of this paper is to explore how different countries attempt to assure the quality of academic internships and the role of universities in this process. We study how universities in three jurisdictions apply national regulations to the internships they facilitate and the utility of their regulatory role in guaranteeing quality academic internships. This is done through comparative legal research and the analysis of a pilot study of empirical data obtained from twenty-one interviews conducted with staff in different universities in all three countries.⁸ This enables preliminary conclusions to be drawn as to whether the involvement of universities in academic internship improves their quality.

We consider three jurisdictions – Australia, Finland and France – which have very different regulatory approaches. Australia was included in this analysis because of a significant empirical data set which already existed regarding the role of universities in regulating internships.⁹ Finland and France were added as comparative jurisdictions in the pilot study because they are both governed by the overarching EU labour law framework, yet have developed significantly different approaches to the national regulation of academic internships. As a result, the analysis enables useful comparison, albeit on a small scale, of different regulatory approaches which can inform future research projects. By this research we aim to contribute to earlier small-scale research concerning internships.¹⁰

In Part I we define academic internships, consider further what constitutes a ‘quality’ academic internship, and summarize the limited international regulation governing such placements. In Part II we describe the regulation applicable to academic internships at national level in Australia, Finland and France. Part III

⁸ A more detailed description of the method is given in part three of the article.

⁹ That data set of sixty-eight interviews conducted in 2017–2018 with staff at sixteen Australian universities was developed as a part of an Australian Research Council funded Discovery Project which was completed in 2021. Anne Hewitt, who is an author of this paper, was one of the Chief Investigators in that project. For more information on that project, see A. Hewitt, A. Stewart, R. Owens & J. Howe, *Protecting Students at Work: Australian Universities and Regulating for Quality Work Experience* (Adelaide Law School, The University of Adelaide 2021). This research adopts a variation of the interview instrument used in that project, to facilitate comparison of data.

¹⁰ See e.g., R. Perlin, *Intern Nation: How to Earn Nothing and Learn Little in the Brave New Economy* (London, New York: Verso 2012); J. Paulin & S. Thivin, *L'étudiant en entreprise* (Lamy, Wolters Kluwer France 2010); A. Rosin, *Precariousness of Trainees Working in the Framework of a Traineeship Agreement*, 32(2) Int'l J. Comp. Lab. L. & Indus. Rel. 131–159 (2016), doi: 10.54648/IJCL2016008; A. Stewart & R. Owens, *Experience or Exploitation: The Nature and Prevalence of Unpaid Work Experience, Internships and Trial Periods in Australia* (2013); Hewitt et al., *supra* n. 9 above (Ethics approval H-2016-254).

outlines the empirical data arising from the pilot study into how universities in each of the three countries are managing academic internships. Finally, in Part IV, we evaluate how national regulation and the action of universities in combination can most effectively guarantee quality academic internships.

We argue that national regulations in France are attempting to ensure academic internships as ‘meaningful education’, while in Finland the regulatory approach appears to be tailored to ensuring academic interns are engaged in ‘decent work’ with little regulatory oversight of educational outcomes. In contrast, Australia’s current regulatory context has such large gaps and marginal oversight that it may be failing to ensure either of these outcomes, leaving academic interns at increased risk of having neither a meaningful educational experience, nor decent work, and at risk of being exploited. As a result of the insufficient national regulation, universities in Australia and Finland have increased role in guaranteeing quality academic internships. However, our preliminary empirical data suggests that this role is not completely fulfilled.

2 CONTEXTUALIZING ACADEMIC INTERNSHIPS

2.1 DEFINING ACADEMIC INTERNSHIPS

Academic internships belong to a group of work experience schemes that aim to complement the theoretical learning with hands-on work experience at a workplace. There are no agreed definitions for such schemes. Instead, they are variously described, often interchangeably, by terms such as internships, placements, traineeships, stages and work integrated learning.

In the EU, the most commonly used term for such workplace learning placements is ‘traineeships’. The Quality Framework of Traineeships (QFT) defines traineeships as a limited period of work practice, whether paid or not, which includes a learning and training component, undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to regular employment.¹¹ In the lately proposed Traineeship Directive¹² and a revision to the Reinforced QFT¹³ is defined quite similarly, but emphasizes that the traineeship needs to include a significant learning and training component. Hence, a traineeship within the EU refers to a limited-term period of

¹¹ Council Recommendation of 10 Mar. 2014 on a Quality Framework for Traineeships, OJ C 88, 27 Mar. 2014, at 1–4.

¹² Proposal for a Directive of the European Parliament and of The Council on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships (‘Traineeships Directive’) COM/2024/132 final, Art. 2.

¹³ Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships, COM/2024/133 final.

work experience that includes a (significant) training component, but is not necessarily paid. In common law countries, the term ‘internship’ is more commonly used, although there is neither any common nor legal consensus regarding the precise meaning of the term. As Ross Perlin notes, ‘what defines an internship depends largely on who’s doing the defining’.¹⁴ While internship could be defined at the country level, this practice is not very common,¹⁵ meaning the precise nature of an internship remains contested and may vary within a particular country, region or language.¹⁶ In earlier academic literature this ambiguity has been overcome by using internships and traineeship as synonyms,¹⁷ and in this research we continue that tradition. However, we are specifically considering a subset of traineeships/internships, as will be considered below.

In the EU traineeships are categorized into four broader groups: (1) open market traineeships (based on non-mandatory, bilateral agreements between a trainee and a host without the involvement of a third party and formal connection to education); (2) traineeships that are part of active labour market policies (offered to the inactive or unemployed usually by a public institution); (3) traineeships that are part of curricula of formal education and training (school, vocational and higher education); and (4) traineeships that are a mandatory requirement to access a certain profession (medicine, architecture, and so on).¹⁸ Our study concerns placements falling within the third and fourth categories. However, we further focus on a sub-class of these experiences which we describe using the term ‘academic internship’. That term is used to denote experiences with the following characteristics:

- (1) A period of learning in a workplace,
- (2) Undertaken by a tertiary student,
- (3) Which is integrated into their formal tertiary education curriculum, which also includes more ‘traditional’ university learning.

However, there are also potential differences between the experiences we are considering, which could be:

- (4) Either a required/compulsory component of the student’s curriculum or undertaken on an elective basis, and
- (5) Could be completed on either a paid or unpaid basis.

¹⁴ Perlin, *supra* n. 10, at 25–6.

¹⁵ A. Rosin, *Labour Law Protection of Trainees* 13 (University of Turku Publications 2017).

¹⁶ A. Stewart, R. Owens, N. O’Higgins & A Hewitt, *Chapter 1: Internships: A Policy and Regulatory Challenge*, in Stewart et al. eds, *supra* n. 6, at 8.

¹⁷ *Ibid.*

¹⁸ Recital 15–19 Reinforced QFT.

However, our analysis does not cover apprenticeships, which are defined by the International Labour Organization (ILO) as a form of education and training governed by an apprenticeship agreement that enables an apprentice to acquire the competencies required to work in an occupation through structured and remunerated (or otherwise financially compensated) training consisting of both on-the-job and off-the-job learning and that leads to a recognized qualification.¹⁹ Unlike interns, apprentices have historically been covered by employment contracts. Apprenticeships are common in vocational education, are usually of longer duration than academic internships, and combine and alternate periods of classroom and practical training at the workplace.²⁰

2.2 EVALUATING ACADEMIC INTERNSHIPS

Not all internships lead to improvements in either employment outcomes or employability.²¹ While there is some research evaluating the effect of internships to an intern's future career prospects,²² studies on how internships facilitate the education-to-work transition are limited. As O'Higgins and Caro state 'there is relatively little solid evidence plausibly identifying the impact of internships on subsequent labour-market experiences'.²³ Open market internships (which are beyond the scope of this paper, and therefore will be considered only briefly) appear to have much more variable impacts on graduate employment. In summary, a variety of literature suggests that open market internships which are paid lead to better labour-market outcomes than unpaid internships.²⁴ However, the mechanisms of this relationship are less clear, with speculation that pay may not be the driver of these differential outcomes but instead reflect other differences, whether

¹⁹ ILO, Quality Apprenticeships Recommendation, 2023 (No. 208), adopted 16 Jun. 2023.

²⁰ A. Jeannot-Milanovic, N. O'Higgins, A. Rosin, *Contractual Arrangements for Young Workers, in Rising to the Youth Employment Challenge: New Evidence on Key Policy Issues* 127–128 (N. O'Higgins ed., International Labour Office 2017).

²¹ While employment means being hired to complete work in return for a salary or remuneration, employability refers to the skills relevant to employment. A student or graduate's 'employability' is therefore an evaluation of their capability to gain employment, maintain it and find a new job if required. See J. Hillage & E. Pollard, *Employability: Developing a Framework for Policy Analysis. Research Brief 85* (Department for Education and Employment, UK 1998).

²² See e.g., R. Brooks & P. Youngson, *Undergraduate Work Placements: An Analysis of the Effects on Career Progression*, 41(9) *Stud. Higher Educ.* 1563–1578 (2016), doi: 10.1080/03075079.2014.988702; A. Taylor & T. Hooley, *Evaluating the Impact of Career Management Skills Module and Internship Programme Within a University Business School*, 42(5) *Brit. J. Guidance & Counselling* 487–499 (2014), doi: 10.1080/03069885.2014.918934.

²³ N. O'Higgins & L Pinedo Caro, *What Makes for a 'Good Internship'*, in Stewart et al. eds, n. 6, at 36.

²⁴ See W. Hunt & P. Scott, *Stepping stones or trapdoors? Paid and unpaid graduate internships in the creative sector*, 44(4) *British Journal of Sociology of Education* (2023) 585–605 and N. O'Higgins & L Pinedo Caro, *What Makes for a 'Good Internship'*, in Stewart et al. eds, *supra* n. 6.

they be differential motivation of participants,²⁵ structure of the placement,²⁶ or other factors.

In contrast, there is data which suggests that academic internships have generally positive impacts on graduates' future employment prospects.²⁷ For example, Australian data suggests that participating in an academic internship increases employment 4–6 months post-graduation from 75.1% to 83.5%.²⁸ Research from the United Kingdom (UK) also confirms that participating in an academic internship can improve graduate employment outcomes. For example, surveys of employers suggest that they regard the completion of courses which integrate work experience very positively, improving the employability of those who have completed such experiences.²⁹ Similarly, a 2021 analysis suggests that UK graduates who have completed academic internships have improved employability.³⁰ However, UK research also sounds a warning note that not all internships are equally available to all students nor convey equal benefits.³¹ There is evidence that social class in the UK appears to play a significant role in access to the 'best' internship opportunities – that is, those which are most clearly associated with labour market outcomes.³²

While the precise nature of the relationship between completing an academic internship and improved graduate employment outcomes remains unclear, the European Commission (EC) has listed key factors of traineeships which are suggested to make the transition into paid employment easier. These include: a robust institutional and regulatory framework; active social partner involvement; strong employer involvement; close partnerships between employers and educational institutions; funding, including employer subsidies and other incentives; close alignment with labour market needs; robust quality assurance; high-quality guidance, support and mentoring of apprentices/trainees; appropriate matching of apprentice/trainee to host organization;

²⁵ S. Baert, B. Neyt, T. Siedler, I. Tobback & D. Verhaest, *Student Internships and Employment Opportunities After Graduation: A Field Experiment*, 83 *Econ. Educ. Rev.* 1–10 (2021), doi: 10.1016/j.econedurev.2021.102141.

²⁶ Hunt & Scott, *supra* n. 30.

²⁷ O'Higgins and Caro consider a variety of studies evaluating the impact of engaging in academic internships in a variety of jurisdictions and discipline areas: O'Higgins & Pinedo Caro, *supra* 23, at 36–45.

²⁸ Australian Collaborative Education Network, *Australian Collaborative Education Network – 2022 Summary Report for Graduate Outcomes Survey Items 14* (Report, ACEN Dec. 2022).

²⁹ C. Roberts, *The Inbetweeners: The New Role of Internships in the Graduate Labour Market* (Report, Institute for Public Policy Research 2017); UK Commission for Employment and Skills, *Employer Skills Survey 2015 of 91,000 Employers* (2015).

³⁰ C. Tzanakou et al., *How Do Internships Undertaken During Higher Education Affect Graduates' Labour Market Outcomes in Italy and the United Kingdom?*, in Stewart et al. eds, *supra* n. 6, at 72.

³¹ C. Cullinane & R. Montacute, *Pay as You Go? Internship Pay, Quality and Access in the Graduate Jobs Market* (Report, Sutton Trust, UK 2018).

³² C. Tzanakou et al., *Access and Labour Market Outcomes of Internships During Higher Education in Italy and the United Kingdom* (AMS-Acta, University of Bologna 2020).

combination of theoretical, school-based training with work-related experience; a traineeship agreement; certification of acquired knowledge, skills and competences; and flexible approaches that are tailored to the needs of vulnerable young people.³³

In addition to the list above, which appears to be directed towards improving participant employment and employability, academic internships are also an opportunity for participants to develop theoretical knowledge and skills. As such, the broad principles of what constitutes a quality tertiary education should also apply to them. In Australia, academic internships are broadly covered by educational regulation, which requires certain educational guarantees by the universities, which could be considered markers of ‘educational’ quality. They are set out in the Higher Education Standards Framework (Threshold Standards) 2021,³⁴ and require all tertiary courses to:

- have specified learning outcomes (section 1.4.1);
- use methods of assessment that are consistent with the learning outcomes being assessed (section 1.4.3);
- ensure all facilities, including those where external placements are undertaken, are fit for purpose (section 2.1.1);
- accommodate student diversity (section 2.2.1);
- foster a safe learning environment (section 2.3.4); and
- utilize teaching and learning activities which are effective to ensure the achievement of the stipulated student learning outcomes (section 3.1.3).

Such general standards may not be sufficient to ensure a quality academic internship from an educational perspective, but they are a useful threshold to consider for the purposes of this paper.

Finally, we stipulated in the introduction that a quality internship was one in which the participant’s working conditions are decent. While there are extensive international norms regarding this, workplace conditions are largely governed by national legislation, and will therefore be considered in Part II below.

2.3 INTERNATIONAL REGULATION

Although a robust regulatory framework is listed by the EC as one of the key factors of successful internships, at an international level, academic internships are

³³ <https://www.skillsforemployment.org/knowledge-product-detail/4081> (accessed 8 Oct. 2024) Brussels: European Commission (2013), <https://ec.europa.eu/social/BlobServlet?docId=11348&Id=en>.

³⁴ Higher Education Standards Framework (Threshold Standards) 2021 made under s. 58(1) of the *Tertiary Education Quality and Standards Agency Act 2011* (Cth).

poorly regulated. The ILO discussed regulating internships as part of the recently adopted Recommendation on Quality Apprenticeships.³⁵ Initially the proposal included a section on traineeships that would have specified the need for a written training agreement, adequate remuneration, controls on working hours, paid holidays, sick leave, accident compensation and other benefits.³⁶

However, at the 2022 International Labour Conference, all reference to traineeships was removed from the Recommendation.³⁷ The drafting committee recommended instead that the ILO develop proposals regarding 'the modalities, provision and conditions of traineeships and other forms of work-based learning'.³⁸ What these may include, and when they may eventuate, remains unclear. The failure of the ILO to regulate academic (and other) internships continues a notable lack of international regulation in this space.

In the EU, traineeships are currently regulated by a non-binding QFT³⁹ adopted in 2014, which aims to improve the quality of traineeships in particular with regard to learning and training content and working conditions.⁴⁰ However, the QFT does *not* cover traineeships that are part of formal or vocational education, nor traineeships whose completion is a mandatory requirement to access a specific profession.⁴¹ Therefore, it excludes all academic internships as defined for the purposes of this paper. The exclusion of academic internships from the scope of the QFT has been explained on the basis that the involvement a third party (the educational institution) reduces the risk of participants being exploited.⁴² However, there is evidence suggesting this presumption may not be accurate,⁴³ and the EU has updated its legislation by proposing the Traineeship Directive and Revised QFT referred to above, with the Revised QFT including academic internships within its scope. However, even if these proposals are adopted, the problems connected to academic internships will not disappear. First, because the Traineeship Directive primarily regulates traineeships covered by employment contracts, which is not always the case for academic internships. The determination of the intern's status as an employee or otherwise will largely be dependent on the

³⁵ ILO, Quality Apprenticeships Recommendation, 2023 (No. 208), adopted 16 Jun. 2023.

³⁶ ILO, *A Framework for Quality Apprenticeships* 125–136 (2022).

³⁷ ILO, *Summary of Proceedings of the Standard-Setting Committee: Apprenticeships*, ILC.110/Record No. 5B (Rev.1), International Labour Conference, 110th Session, Geneva (2022), paras 529–536, 1762.

³⁸ *Ibid.*, para. 1764.

³⁹ QFT, *supra* n. 18.

⁴⁰ *Ibid.*, Recital 1.

⁴¹ QFT, Recitals 27, 28.

⁴² European Commission, *Applying the Quality Framework for Traineeships* Staff Working Document 324, 4 (2016).

⁴³ For example, the earlier Australian study reported in 2021 that university involvement is not always effective to ensure internships are high quality or comply with relevant regulation. See Hewitt et al., *supra* n. 9.

regulation of the Member State. Second, while the inclusion of academic internships to the scope of the Revised QFT is welcomed, it will remain non-binding.

However, while there is limited regulation of academic internships internationally, each jurisdiction has implemented a variety of domestic law which impact on aspects of academic internships. These laws will be considered in Part II.

3 THE PREVALENCE AND REGULATION OF ACADEMIC INTERNSHIPS AT NATIONAL LEVEL

3.1 AUSTRALIA

Universities Australia reported that in 2017, 37.4% of Australia's university students undertook one or more work integrated learning experiences as a part of their tertiary studies, with around 43% of those experiences satisfying the definition of 'academic internship' used in this paper.⁴⁴ Subsequent studies suggest a correlation between completing an academic internship in Australian undergraduate studies and graduate employment, with students who completed such experiences having slightly higher rates of full-time graduate employment than students who completed some other form of workplace learning (i.e., an industry project). Graduate employment for the former group fluctuated between 6.4% and 8.2% better than the latter between 2020 and 2022.⁴⁵ The same positive trend was evident for those who completed academic internships versus those undergraduate students who undertook no form of workplace learning, resulting in a difference in the employment rate ranging from 8.4% to 10.4% between 2020 and 2022.⁴⁶ In addition, survey data collected post-graduation suggests that students who completed academic internships were less likely to feel overqualified in their jobs and felt most prepared for work.⁴⁷

With regard to the regulation of academic internships, many of Australia's labour laws apply only to those who are working under a contract of employment, and those who are not employees may not be covered.⁴⁸ Such contracts are

⁴⁴ Universities Australia, *Work Integrated Learning in Universities: Final Report 8* (2019).

⁴⁵ In 2020 the difference was 72.0% graduate employment for those who completed an academic internship *v.* 65.6 for those who undertook non work based WIL. In 2021 it was 74.1%:65.9%, and in 2022 83.5%: 76.5%: D. Jackson, *The Impact of Work Integrated Learning on Graduate Outcomes – A Three-Year Review 7* (ACEN 2023).

⁴⁶ In 2020 the difference was 72.0% graduate employment for those who completed an academic internship *v.* 63.5% for those who undertook non work based WIL. In 2021 it was 74.1%:66.7%, and in 2022 83.5%: 75.1%: *ibid.*, at 7.

⁴⁷ *Ibid.*, at 9–12.

⁴⁸ In this connection, it is important to note that the Australian High Court recently found there where parties have entered into a valid and comprehensive written agreement, the characterization of the relationship between them should be focused on rights and duties established by the written contract, rather than an evaluation of how the relationship operates in practice: *Construction, Forestry, Maritime,*

governed by the common law, which requires the arrangement to involve an enforceable contract regulating work in a subordinate or dependent capacity for the other party (the employer).⁴⁹ Students whose academic internship does not envisage such a contract are often excluded from the operation of labour statutes including the Fair Work Act 2009 (Cth) (FWA) and state equivalents.⁵⁰ In addition, where an academic intern works with an organization covered by the national FWA (a national system employer)⁵¹ the internship is excluded from the operation of that legislation provided it is an unpaid ‘vocational placement’. Vocational placement is defined in FWA section 12 to cover placements which are:

undertaken with an employer for which a person is not entitled to be paid any remuneration; and undertaken as a requirement of an education or training course; and authorised under a law or an administrative arrangement of the Commonwealth, a State or a Territory.⁵²

As a result of this provision, any participant in an unpaid academic internship working for a national system employer is excluded from the FWA protections including rights to correct pay, leave and other entitlements, and the right not to be discriminated against. The only provisions within the FWA that do apply are the protections against bullying⁵³ and against sexual harassment.⁵⁴ Notably the extension of the FWA prohibition against sexual harassment to workers (who are more expansively defined than employees, using the definition of worker from the Work Health and Safety Act 2011 (Cth) which includes any individual who performs work in any capacity, including a trainee, a student gaining work experience or a volunteer) is recent, having only come into force on 6 March 2023.⁵⁵

Other aspects of Australia’s workplace laws are dealt with in separate regimes and may or may not cover students doing academic internships.

One of the more generous legislative regimes are Australian work health and safety laws, which have largely been harmonized across Australian states and

Mining and Energy Union v. Personnel Contracting Pty Ltd (2022) 96 ALJR 89. For an analysis of that case see A. Stewart, M. Irving & K. Bomball, *Shifting and Ignoring the Balance of Power: The High Court’s New Rules for Determining Employment Status* 46(4) UNSW L. J. 1214 (2023).

⁴⁹ *Ermogenous v. Greek Orthodox Community of SA Inc* (2002) 209 CLR 95.

⁵⁰ Hewitt et al., *supra* n. 9, at 8–12.

⁵¹ The Fair Work Act 2009 (Cth) applies to many but not all workplaces in Australia. In summary, the Act applies to ‘national system employers’, as defined in ss 14, 30D and 30N. Whether an employer fits within these definitions depends on the host’s organization type and structure, the state or territory in which they are located, and whether the state or territory in question has legislated to extend the application of the federal Fair Work Act. For further analysis see A. Stewart et al., *Creighton & Stewart’s Labour Law* (6th ed., Federation Press, Sydney 2016), Ch. 6.

⁵² Fair Work Act 2009 (Cth) s12.

⁵³ Part 6-4B Fair Work Act.

⁵⁴ Section 527 Fair Work Act.

⁵⁵ Implemented by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth).

territories, which protect ‘workers’. That term is broadly defined in section 7(1)(g) of the legislation to include ‘a student gaining work experience’ and therefore covers participants in academic internships working under a contract of employment or not, and whether paid or unpaid.⁵⁶ In contrast, while all of Australia’s prohibitions of discrimination and harassment extend to employees, some do not extend to others in the workplace such as student interns.⁵⁷ For example, the Sex Discrimination Act 1984 (Cth) was amended in 2021⁵⁸ to extend prohibitions against sexual harassment to workers⁵⁹ defined broadly so as to cover student interns.⁶⁰ However the Racial Discrimination Act 1975 (Cth), Disability Discrimination Act 1992 (Cth) and the Age Discrimination Act 2004 (Cth) do not extend to unpaid work, and therefore exclude unpaid academic interns.⁶¹

While the extension of these legislative protections to participants in student internships is patchy, it is worth noting that universities themselves may have obligations to students under some regimes, even when interns do not receive direct protection, as ‘service providers’.⁶² However, this complex argument is beyond the scope of this paper, and will not be further considered here.

With regard to educational standards, Australian universities are regulated by the Tertiary Education Quality and Standards Agency (TEQSA).⁶³ TEQSA evaluates courses offered by universities against Higher Education Standards that dictate internship arrangements must be ‘quality assured, including assurance of the quality of supervision of student experiences’.⁶⁴ In addition, a TEQSA Guidance Note makes it clear that every academic internship must be ‘well-conceived in design and rationale, educationally sound and its implementation is quality assured and monitored by the provider’.⁶⁵ However, both documents provide limited precise guidance about academic internships. TEQSA also enforces

⁵⁶ Section 7(1)(g) of: Work Health and Safety Act 2011 (NSW); Work Health and Safety Act 2011 (Qld); Work Health and Safety Act 2020 (WA); Work Health and Safety Act 2012 (SA); Work Health and Safety Act 2012 (Tas); Work Health and Safety Act 2011 (ACT); Work Health and Safety (National Uniform Legislation) Act 2011 (NT); work Health and Safety Act 2020 (WA).

⁵⁷ For analysis see A. Hewitt, R. Owens, A. Stewart & J. Howe, *Are Work Experience Participants Protected Against Sex Discrimination or Sexual Harassment?*, 46(2) *Alt. L. J.* 115–119 (2021).

⁵⁸ Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Cth).

⁵⁹ See s. 28B(3) Sex Discrimination Act 1984 (Cth).

⁶⁰ Section 4(1) Sex Discrimination Act 1984 (Cth), adopting the definition of ‘worker’ from the Work Health and Safety Act 2011 (Cth).

⁶¹ Racial Discrimination Act 1975 (Cth) s. 3 (definition of ‘employment’), at 15; Disability Discrimination Act 1992 (Cth) s. 4 (definition of ‘employment’), at 15–18; Age Discrimination Act 2004 (Cth) s. 5 (definition of ‘employment’), at 18–21. For further analysis of these laws see e.g., Hewitt et al., *supra* n. 9, at 13–16.

⁶² This is explored in A. Blackham, *Working at the Edges of Legal Protection: Equality Law and Youth Work Experience from a Comparative Perspective*, in A. Stewart, *supra* n. 9, at 315–317.

⁶³ An independent statutory authority, established by the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) (TEQSA Act).

⁶⁴ Higher Education Standards Framework (Threshold Standards) 2021, 5.4.1.

⁶⁵ TEQSA, *Guidance Note: Work-Integrated learning* (version 2.0, 4 May 2022), at 2.

the Education Services for Overseas Students Act 2000 (Cth) (ESOS Act), which sets out a legal framework governing the delivery of education to international students in Australia. Universities offering courses to overseas students must comply with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth) (the National Code). Standard eleven of the National Code requires TEQSA⁶⁶ approval for various modes of study including work-based training.⁶⁷ TEQSA can also request the university to demonstrate that 'any work-based training to be undertaken as part of the course is necessary for the student to gain the qualification and there are appropriate arrangements for the supervision and assessment of students',⁶⁸ and that 'the provider and any partner they engage to deliver a course ... has adequate staff and education resources, including facilities, equipment, learning and library resources and premises' to properly deliver the course.⁶⁹ Universities which do not comply with the Higher Education Standards, ESOS Act or National Code can face sanctions including suspension or cancellation of registration, or the imposition of conditions.⁷⁰

Despite the existence of a regulator with powers of investigation and sanction, universities retain significant control over the design and delivery of academic internships. This is in part because the rules are vague, and also because TEQSA compliance audits are irregular, occurring in a seven-year cycle,⁷¹ and employ a risk-based audit procedure which means it can consider evidence of compliance on selected issues, which may or may not include academic internships.⁷² Consequently it is critical to evaluate intra-university compliance processes to determine the effectiveness of the regulation.

The national regulation in Australia appears to guarantee the quality of academic internships only partly by setting requirements to the learning quality of the internship. As vocational placements are excluded from the scope of FWA, most of the important labour rights do not apply to academic interns and therefore, assuring decent working conditions during the internship is problematic. Without intra-university regulation these interns are open for exploitation.

⁶⁶ ESOS Act s. 6C provides that the ESOS Agency for a registered higher education provider is TEQSA.

⁶⁷ Standard 11.1.2.

⁶⁸ Standard 11.2.3.

⁶⁹ Standard 11.2.5.

⁷⁰ TEQSA Act s. 99, ESOS Act s. 83.

⁷¹ This is the registration period provided for in the TEQSA Act.

⁷² TEQSA Act s. 15.

3.2 FINLAND

Between 15 and 24 March 2023, 26,334 people between 18 and 35 years from all EU Member States were surveyed about traineeships.⁷³ While that survey was not restricted to academic internships (it also considered placement undertaken by graduates), it reported that 74% of respondents from Finland had completed at least one traineeship, with 30% completing three or more.⁷⁴ In addition, 65% of those who had completed a traineeship indicated it had been undertaken as a compulsory part of study.⁷⁵ While not providing direct evidence of the prevalence of academic internships in Finland, this is indicative that many are being undertaken.⁷⁶ However, the authors have not been able to locate any analysis of the impact of such placements for student participants.

In Finland internships organized as part of higher education in the universities or universities of applied sciences are not separately regulated. However, legal regulation requires that in order to obtain a degree from the university of applied sciences the student needs to complete an internship corresponding to at least 30 study credits (ECTS) equal to around six months work.⁷⁷ Internship can also be a part of study programme in the universities leading to bachelor's or higher university degrees.⁷⁸ Nevertheless, universities can autonomously decide whether to include internship in the study programme or not. In practice, this is becoming more common. However, to the best of the knowledge of the authors of this paper, there are no statistics available on how many students participate in academic internships. As academic internships are not separately regulated, the legal status of the intern depends on her/his employment status.

According to the Employment Contracts Act (55/2001) 1:1:

the Act applies to contracts (employment contracts) entered into by an employee, or jointly by several employees as a team, agreeing personally to perform work for an employer under the employer's direction and supervision in return for pay or some other remuneration. In unclear situations, the existence of an employment relationship is evaluated with an overall consideration, taking into account the conditions of doing the work, the conditions in which the work is done, the parties' intention regarding the nature of the legal relationship, and other factors affecting the actual position of the parties in the legal relationship.

⁷³ Flash Eurobarometer 523, *Report: Integration of Young People into the Labour Market With Particular Focus on Traineeships* (European Commission, Directorate-General for Employment 2023).

⁷⁴ *Ibid.*, at 10.

⁷⁵ *Ibid.*, at 13.

⁷⁶ For an analysis of the varied nature of academic internships in Finland, see *Work Placement Periods in University Studies: Recommendations on the Planning, Implementation and Reporting of Internships and Other Work Placement Periods* (E. Pajarre, R. Hietaniemi, A. Mäkelä, S. Pajari, P. Palosaari-Aubry, K. Saravesi, H. Tompuri & T. Virkki-Hatakka eds, University of Oulu, The Extension School 2016).

⁷⁷ Valtioneuvoston asetus ammattikorkeakouluista (Government's Decree on the Universities of Applied Sciences) 18 Dec. 2014/1129, ss 2, 3.

⁷⁸ Valtioneuvoston asetus yliopistojen tutkinnoista (Government's Decree on the Degrees at Universities) 794/2004, ss 9, 15.

The employment status of a person is determined on a factual basis by considering the essential characteristics of an employment relationship (performance of work for another person; direction and supervision, and payment of remuneration). In the limited case law of the Labour Council and the courts, the performance of work under the direction and supervision of an employer has not been called into question.⁷⁹ However, even if the characteristics of an employment relationship are fulfilled, the court can consider other aspects during the overall assessment. For example, in the decision of Labour Council in 15 September 1986 an intern was classified as a non-employee because the arrangement was considered to be a study experience not work in the strict sense of the term.

If the intern is classified as an employee, the full spectrum of workplace laws including the Employment Contracts' Act, the Working Time Act,⁸⁰ the Occupational Safety and Health Act,⁸¹ the Annual Leave Act,⁸² the Non-Discrimination Act⁸³ and the Equal Treatment Act⁸⁴ apply to their employment. Additionally, the Occupational Safety and Health Act, Non-Discrimination Act and Equal Treatment Act explicitly extend to student interns regardless of their employment status. In cases in which an employer exercises their right to direct and supervise the intern, the Non-Discrimination Act and Equal Treatment Act protect the intern from discrimination and harassment on the basis of sex and other personal reasons on the part of the employer, in addition to protection from discrimination on the part of the university.

The educational content of internships is not regulated at a national level and universities do not have a common policy for internships. However, they have made efforts to coordinate their policies by creating a careers service network known as *aarresaari.net*. It includes twelve Finnish universities and aims to develop academic internship practices. According to *aarresaari.net*, the intern completes a fixed-term employment agreement with the employer. The minimum salary of the intern must comply at least with Kela's (Finnish Social Insurance Fund) minimum wage (EUR 1,331 a month). Some of the students also receive internship subsidies from their universities. A contribution of around EUR 1,300–1,800 for three-month internship is paid to the employers if the employment contract is concluded and the minimum wage paid. *Aarresaari.net* does not specify whether participation in an internship without the conclusion of an employment contract is allowed.

⁷⁹ Labour Council decisions from 15 Sep. 1986, 4 May 1978, 2 Jun. 1993.

⁸⁰ Työaikalaki (872/2019), adopted 5 Jul. 2019.

⁸¹ Työturvallisuuslaki (738/2002), adopted 23 Aug. 2002.

⁸² Vuosilomalaki (18 Mar. 2005/162), adopted 18 Mar. 2005.

⁸³ Yhdenvertaisuuslaki (30 Dec. 2014/1325), adopted 30 Dec. 2014.

⁸⁴ Laki naisten ja miesten välisestä tasa-arvosta (8 Aug. 1986/609), adopted 8 Aug. 1986.

In Finland the higher education institutions have broad autonomy in determining the content and structure of study programmes. While it is obligatory to perform at least a six-month internship to obtain a degree from a university of applied sciences, arranging internships as part of university education is not regulated, nor does the legal regulation stipulate a maximum duration for the internship. Within this framework, universities determine their own internal regulations to ensure the educational quality of academic internships. However, when compared with Australia, the working conditions of interns appear to be better regulated. First, academic interns are not explicitly excluded from the scope of labour legislation. On the contrary, in some cases they are explicitly included even if they would otherwise be classified as non-employees. Second, by assuming and sometimes financially supporting the conclusion of an employment contract between the host company and the student for the period of the internships, universities take a role in guaranteeing decent working conditions for the interns. However, this regulatory framework is flawed in that students are still allowed to engage in academic internships that are not covered by an employment contract. While unpaid internships are not promoted by the universities, they are not forbidden, which can leave participants in such internships without employment law protection. In addition, regulating academic internships only as decent work is insufficient. Academic internships best facilitate the education-to-work transition if the intern acquires useful skills, which is not ensured by the application of employment laws. Hence, to ensure quality internships, the educational institutions need to make sure that academic internships provide quality learning experiences.

3.3 FRANCE

Academic internships are strongly promoted in French university courses, with approximately 55% of university students in master's programmes reported to have completed a work placement in 2018.⁸⁵ However, there is evidence that French tertiary students have differing perceptions of the value of academic internships in facilitating the transition to graduate employment,⁸⁶ and not all academic internships undertaken have equal benefits for participants.⁸⁷

⁸⁵ C. Bonnard, *The Vocational Drift of French Higher Education and the Employability of Graduates*, in *Rethinking Graduate Employability in Context* 181, 187 (P. Siivonen et al. eds, Palgrave MacMillan 2023).

⁸⁶ C. Bonnard, *What Employability for Higher Education Students?*, 33(5–6) *J. Educ. & Work* 425–445 (2020), doi: 10.1080/13639080.2020.1842866.

⁸⁷ Giret and Issehnane (2012) demonstrated that academic internships undertaken by French university students improved graduate employment outcomes if the placements were long and related to the student's studies: J. Giret & S. Issehnane, *L'effet de la qualité des stages sur l'insertion professionnelle des diplômés de l'enseignement supérieur* 117 *Revue française de sciences sociales* 29–47 (2012), doi: 10.4000/formationemploi.3514.

The 2023 EU survey referred to above found that 87% of French respondents had completed at least one traineeship, with 33% completing three or more.⁸⁸ Of those who completed at least one traineeship, 54% indicated it had been undertaken as a compulsory part of study, and 30% that it was obligatory to enter into a specific profession without indicating whether it was also a required part of an educational program.⁸⁹

In France the 2011 ‘Cherpion Law’, amended in 2014,⁹⁰ introduced a range of measures to regulate internships and protect interns from being exploited. As a result of these reforms open market internships have effectively been outlawed and the only legal internships are those undertaken under a tripartite agreement (*convention de stage*) between the student intern, the host organization and the educational institution.⁹¹ The *convention de stage* must specify the educational objectives of the internship and its conditions, including the activities the intern will undertake and the skills they are expected to acquire during the course of their internship.⁹² The legislation also requires that both the educational institution and host organization provide a supervisor for every intern,⁹³ with strict limits on the number of interns that supervisors can oversee.⁹⁴ In order to reduce the risk of exploitation, internships are limited to a duration of six months, and for any arrangement exceeding two months the intern is entitled to compensation (although this is expressly stated not to be a salary).⁹⁵ A range of other workplace protections are also extended to interns, including limits on daily and weekly working hours,⁹⁶ protections against harassment,⁹⁷ occupational work and safety protections,⁹⁸ and compensation for work-related injury.⁹⁹

The faculty member supervising an intern is responsible for ensuring compliance with the conditions of the *convention de stage*.¹⁰⁰ Additional enforcement is

⁸⁸ Flash Eurobarometer 523, *supra* n. 73, at 10.

⁸⁹ *Ibid.*, at 13.

⁹⁰ *Loi* n° 2011-893 pour le Développement de l’Alternance et de la Sécurisation des Parcours Professionnels (28 Jul. 2011); *loi* n° 2014-788 tendant au développement, à l’encadrement des stages et à l’amélioration du statut des stagiaires (10 Jul. 2014). The French Ministry of Education has developed a standardized traineeship agreement, which contains all rights and obligations of the parties involved: Ministère de l’Éducation Nationale, de l’Enseignement et de la Recherche, Arrêté du 29 décembre 2014 relatif aux conventions de stage dans l’enseignement supérieur.

⁹¹ Code de l’éducation Art. L 124-5. A Doctoral student completing an internship requires a less comprehensive *convention d’accueil*.

⁹² *Ibid.*, Arts D 124-4(4), L 124-2(2).

⁹³ *Ibid.*, Arts L 124-2(3), L 124-9.

⁹⁴ *Ibid.*, Arts R 124-13, D 124-3.

⁹⁵ *Ibid.*, Art. L 124-6. In 2020 compensation is €591,49 per month for a full-time internship.

⁹⁶ *Ibid.*, Art. L 124-14.

⁹⁷ According to the Code de l’éducation, Art. 124-12, interns are entitled to the rights and protections of Art L1152-1 (protection against moral harassment) and Art L1153-1 (protection against sexual harassment) of the Code du Travail, under the same conditions as employees.

⁹⁸ Code de l’éducation Art. L124-14.

⁹⁹ Code de la sécurité sociale, Art. L412-8.

¹⁰⁰ *Ibid.*, Art. L 124-2(3) (created by *loi* n° 2014-788 Art. 1).

undertaken by labour inspectors. Host organizations are required to record interns on the staff register,¹⁰¹ which is intended to enable labour inspectors to identify fraudulent internships. If the labour inspectors find that a host organization has breached its obligations regarding the number of interns, tutors or the working hours of the intern,¹⁰² the organization may be fined.¹⁰³ For other breaches the labour inspectors will inform the intern, the educational institution and the staff of the host organization.¹⁰⁴ In addition, host organizations must report the number of interns and their employment conditions in their annual report.¹⁰⁵ In theory, this enables the works council to identify hosts that are in breach of the regulations.

French regulation appears to deal with both the quality aspects of academic internships: meaningful learning and decent work. Clear requirements for the learning content of the internship must be established, there are supervisory minimum standards, and decent working conditions are safeguarded by the application of different employment laws to the interns. Additionally, a maximum duration of the academic internship is laid down and internships arranged outside the *convention de stage* are banned, reducing the possibility of exploitation of interns. Unlike Finland, interns in France are not classified as employees, which means that only part of the employment protection applies to them. Academic interns also have a right to compensation only after two months, which means that at the beginning of the internship they are providing services for free. The regulation of academic internships in Educational Code can be seen as an attempt to ensure that academic internships provide a meaningful educational experience, rather than being regulated as a form of atypical employment. Because educational standards are laid down, the skills that the intern acquires during the first two months could be regarded as a *quid pro quo* for their (supposedly limited) work effort. The national regulation in France is quite clear and broad, leaving little room for the universities to adopt their own regulation. Nevertheless, the universities need to assure that the legislation is complied with.

3.4 NATIONAL REGULATION AND THE EXPECTED REGULATORY ROLE OF UNIVERSITIES

The regulatory regimes considered in this paper differ in significant ways. In **Australia** unpaid interns (a high percentage of participants) are often not

¹⁰¹ *Ibid.*, Art. L 1221–13 (as amended by *loi* n° 2014–788 Art. 3).

¹⁰² See *ibid.* Art. L 124–8 (number of interns), L 124–9 (host organization's obligation to designate a tutor), L 124–14 (intern's working hours).

¹⁰³ *Ibid.*, Art. L 124–17 (created by *loi* n° 2014–788 Art. 1).

¹⁰⁴ Code du travail Art. L 8223–1–1 (created by *loi* n° 2014–788 Art. 6).

¹⁰⁵ S. Mongourdin-Denoix, *Strengthened Regulation of Internships* (Eurofound 2011).

employees and are excluded from the rights and protections laid down in labour laws. This seems, in part, to be because academic internships are primarily regarded as a learning experience. However, the educational regulation only articulates fairly generic general principles regarding the structure and quality of academic internships, and establishes an external regulator tasked with conducting irregular reviews to determine compliance by the universities. This means internal university processes for establishing and running academic internships play a significant role in ensuring their educational quality and ensuring the experience is not exploitative. At the same time, as a result of the exclusion of unpaid academic internships from many labour law provisions, ensuring student safety and freedom from discrimination and harassment during an academic internship, must be burden on the university, as host organizations may not be legally required to take on this responsibility.

In **Finland** there is little educational regulation governing the design or provision of academic internships, and the workplace rights of the interns depend on their employee status. The conclusion of an employment contract is recommended by the universities and supported by the payment of internship subsidies to the employer. However, it is not forbidden for students to undertake unpaid internships which do not attract employee status, and the workplace rights and protections for students in this category remain unclear. In addition to requiring the conclusion of employment contracts in the absence of any regulatory guidance or process for assuring the appropriate educational outcomes for academic internships, developing and enforcing processes for this must also rest with the university. The extent to which they accept this burden can only be assessed through research.

In **France** academic internships are subject to much tighter regulation. A specific regulatory regime has been developed which prohibits all internships except those conducted under a tri-partite agreement between the student/participant, the host organization and the university. The regulation specifically addresses the labour law rights and protections laid down for participants, as well as creating a framework to ensure educational efficacy. In a situation of such strict and broad regulation, universities have a limited role and possibilities in securing the quality of the internship, and their main obligation is to ensure compliance with the national regulations.

4 WHAT REGULATORY ROLE IS BEING UNDERTAKEN BY UNIVERSITIES?

4.1 RESEARCH METHODOLOGY

In the previous section we examined national regulations concerning academic internships and possible avenues for universities to contribute to the educational content of internships and workplace protection of interns. To evaluate how the universities perform their role as regulators and/or enforcement bodies in practice, empirical research was conducted. The empirical evidence informing the analysis here is qualitative ‘language data’ comprising interview responses.¹⁰⁶ Interviews took approximately 45 minutes, and were conducted by the authors, who also recruited participants based on publicly available information accessible on university profiles. All interviews were conducted on an individual basis, and were semi-structured.¹⁰⁷ As a result, while all interviews were based on the same interview questions (a summary of these is attached as an Appendix) the interview could depart from this structure to request further information, or to seek clarification on topics or points raised by the interviewee as desired. This semi-structured format enabled us to elicit grounded accounts of participants’ perceptions and lived experiences of academic internships.

The interviews were conducted at two tertiary institutions in each country: Australia, Finland and France, over a period of twenty-four months from 2020–2022.¹⁰⁸ Institutions were chosen at random, and did not reflect particular types of higher education. Interviews in Finland and Australia were conducted in English, while those in France were conducted in French and translated into English by the interviewer. In total 21 interviews were conducted with university employees, using expert purposive sampling techniques.¹⁰⁹ Expert purpose sampling includes individuals with a high level of knowledge about a particular subject, in this case university engagement with internships undertaken by tertiary students. It was an appropriate sampling technique for this exploratory project as it enabled collection of data from those with insights into the university engagement with internships, which might not be possessed by all university staff. Interview participants were chosen from the following broad categories of university employees who would have expertise on academic internships:

¹⁰⁶ D. Polkinghorne, *Language and meaning: Data Collection in Qualitative Research*, 52(2) *J. Counselling Psychol.* 137, 137 (2005), doi: 10.1037/0022-0167.52.2.137.

¹⁰⁷ S. Jamshed, *Qualitative Research Method-Interviewing and Observation*, 5(4) *J. Basic Clinical Pharmacology* 87–88 (2014), doi: 10.4103/0976-0105.141942.

¹⁰⁸ Human Research Ethics approval, H2020-259. Interviews were conducted over a twenty-four-month period because of disruptions caused by the COVID 19 pandemic.

¹⁰⁹ I. Etikan & K. Bala, *Sampling and Sampling Methods*, 5(6) *Biometrics & Biostatistics Int’l J.* 215–217 (2017), doi: 10.15406/bbij.2017.05.00149.

- (1) academic or professional staff running internship programs (Internship practitioner),
- (2) high level administration or legal staff with responsibility for internship programs (Administration/Legal),
- (3) career/international services (Services).

In all cohorts those interviewed were at a level or in a role where they were expected to have a strong familiarity with, knowledge and understanding of, the approach and practices relating to academic internships in their university. There was, however, no particular disciplinary or subject matter preference in selecting interviewees. After completion of the interviews, it became apparent that there was little uniformity in internship approaches in Finland, which potentially undermined the broad applicability of findings in that jurisdiction.

A summary of the interviews appears in Table 1 below.

Table 1 Completed Interviews 2020–2022

<i>Country</i>	<i>University 1</i>	<i>University 2</i>
Australia	5 interviews conducted: – 2 x Internship practitioner – 2 x Administration/Legal – 1 x Services	4 interviews conducted: – 1 x Internship practitioner – 2 x Administration/Legal – 1 x Services
Finland	4 interviews conducted: – 1 x Internship practitioner – 2 x Administration/Legal – 1 x Services	2 interviews conducted: – 1 x Internship practitioner – 1 x Services
France	4 Interviews conducted: – 2 x Internship practitioner – 2 x Administration/Legal	2 interviews conducted: – 1 x Internship practitioner – 1 x Administration/Legal

Interview transcripts were checked by the original interviewer and anonymized. After the completion of all interviews, they were coded using qualitative data analysis software NVivo by the lead author. The coding was informed by grounded theory, which employs a ‘systematic approach to review participant views collected from an experience in order to allow patterns and themes to emerge over multiple passes through the data’.¹¹⁰

¹¹⁰ J. D. Olson, J. C. McAllister, L. D. Grinnell, K. Gehrke & F. Appunn, *Applying Constant Comparative Method With Multiple Investigators and Inter-coder Reliability*, 21(1) *Qualitative Rep.* 26, 27 (2016), doi: 10.46743/2160-3715/2016.2447.

The first stage of coding identified the interview questions and corresponding responses. In the second stage of analysis thematic codes were developed while reviewing the transcripts. As new themes were identified, they were added to the NVivo project, and a theme definition drafted the software, to help ensure subsequent coding reliability. Finally, in the third stage of coding all interviews were reconsidered and manually coded a third time against the complete thematic code book.

Despite the relatively small number of interviews conducted in each jurisdiction, the researchers believe that the pilot study elicited useful information. While adding further interviews would, no doubt, have contributed some additional interesting details, within the limited number that were conducted we found that significant revelations were being duplicated across interviews. This conclusion is not inconsistent with Guest et al. analysis of the impact of numbers of interview subjects in qualitative research. They claim that saturation usually occurs with around twelve participants in homogeneous groups.¹¹¹ In Australia we were approaching this number, with nine interviews conducted (which, in addition, could be compared to the existing data set drawn from sixty-eight earlier interviews). We acknowledge that in Finland and France only six interviews were conducted, which is only half Guest et al. prediction of twelve participants to reach saturation. Despite this, key themes were repeated across interviews, with relatively few novel insights emerging from analysis of later interview which had not already been identified by earlier participants, confirming that preliminary data offers useful introductory insights into each jurisdiction.

The empirical data was examined to elucidate the ways that universities understood and complied with the applicable regulatory regimes. It was gathered as part of a pilot study seeking to determine:

- (1) whether the situation in Australia has significantly changed since the more extensive empirical project (involving 68 interviews with university staff) was completed there, and
- (2) if there appeared to be differences in the awareness of regulatory regimes and regulatory compliance in Finnish and French universities, compared to those in Australia, which could warrant further examination.

¹¹¹ G. Guest, A. Bunce & L. Johnson, *How Many Interviews Are Enough?: An Experiment With Data Saturation and Variability*, 18(1) *Field Methods* 59–82 (2006), doi: 10.1177/1525822X05279903.

4.1[a] *Weaknesses of the Study*

Before examining the data, the pilot study has a number of weaknesses which must be explicitly acknowledged. The first is sample size: as only two institutions were considered in each jurisdiction, and there was no comparative data available in Finland and France, the data is necessarily not comprehensive. However, as a pilot study we believe it offers some useful insights which could guide future research. In addition, the empirical findings were consistent with a critical examination of the regulatory schemes explored through doctrinal research. This offers some reassurance that the empirical data is offering genuine, if superficial, insights.

Another weakness of the research project is its approach to data collection in countries speaking different languages. While the project broadly was conducted in English (with the authors collaborating and writing in English), the French interviews were conducted in French and subsequently translated by the interviewer. While every effort was made to translate the French interviews accurately, the translation process necessarily impacts language data. In addition, interviews with university employees in Finland were conducted in English. While this was done as a result of resource constraints and the costs of translation, it excluded a number of potential interviewees who were not prepared to be interviewed in a second language. This may have impacted the data gathered. In addition, we acknowledge that some of the Finnish interviewees may not have articulated concepts as clearly in English as they may have been able to in Finnish.

Finally, the interviews were undertaken over a longer period than originally intended. This was an unfortunate consequence of the impact of the Covid-19 pandemic, which limited the appetite for many within universities for engaging in research as work patterns and workloads changed rapidly.

A summary of the results of this analysis appears below. For Australia, this analysis is briefly compared to the earlier (2017) data set from sixty-eight earlier interviews undertaken in a different research project using a similar interview instrument and methodology.¹¹²

4.2 AUSTRALIA

The Australian interviews confirmed broad commitment to offering academic internships, with 'interest in being able to get to the point where every student who would like to take a work integrated learning experience or work experience can do that as part of their programme'. However, all interviewees suggested that developing effective internal policy/processes which would ensure regulatory

¹¹² For a report of that research project see Hewitt et al., *supra* n. 9.

compliance was still a work in progress: 'It's a project which is underway. It's ongoing, but it hasn't kind of got there'. This was consistent with the earlier data which showed increased critical engagement with developing effective university processes, but that project was not yet well advanced in many institutions.¹¹³ As a result of this continuing project, the current data showed university processes were often changed without effective communication to all stakeholders. One interviewee reflected on this in relation to their capacity to authorize insurance coverage for academic internship participants:

[They] told me now I actually can't sign the form, because we've changed it, why we've changed how we've changed. It hasn't actually even been communicated to me as a placement coordinator. And yet, that was something that I only found out.

However, Australian interviews demonstrate broad awareness of some of the major labour laws affecting placements, particularly the FWA and a focus on ensuring compliance with that law: '[w]e're very clear in our communications to students ... there's no such thing as an informal WIL activity. That's called a breach of the Fair Work Act.' Here it is useful to bear in mind that the FWA includes an exemption excluding academic internships from the operation of that law when they comply with certain criteria. The interviewee is pointing out that if these criteria are not complied with (an informal WIL activity) and the participant is not paid, that would likely constitute a 'breach of the Fair Work Act'. Therefore, it appears universities are seeking to ensure that the exemption from otherwise applicable labour laws applies to their academic internship schemes.

This focus on compliance was perceived to be increasing, albeit counter-intuitive, compliance to ensure the academic placement fit within the vocational placement exemption:

I've been involved in internship courses in various forms for quite a long time ... and I think one of the big shifts, over that time ... is really being much more mindful about things like the Fair Work Act because I am aware that it is so easy for students to be taken advantage of.

Accompanying this has been the development of processes to identify and prevent regulatory non-compliance. As the quote above indicated, this process has encompassed compliance with the FWA, but also extends to compliance with other legislative schemes directed to worker safety, as indicated below:

[W]e revamped a lot of our documentation to ensure that the workplaces were safe, that the workplace, the host employer, would be undertaking a work health and safety assessment [and] there was a risk assessment. And to ensure that they were aware that students on placements that they had ... that they were aware of the relevant laws, for

¹¹³ *Ibid.*

example, you know, work health and safety, anti-discrimination, the Fair Work Act, the Work Health and Safety Act.

There was also articulation of how regulatory knowledge was updated and circulated among staff so as to facilitate compliance:

[T]he [internal division] ... which is certainly across ESOS (Education Services for Overseas Students), certainly across TEQSA (Tertiary Education Quality and Standards Agency) requirements, works with that group very closely. Anything industrial we either consult Legal and Risk or HR. Most of the agreements ... that's gone through Legal and Risk and covers off on those things. So, I think, look it's up to Universities to keep on top of changes in the legislation and I know certainly [internal division] flags a number of those.

However, while increased compliance with regulation was often perceived to be a positive, some interviewees indicated that the development of compliance processes were not always well received by all university staff: '[They ask] are you making it too hard? No, I'm actually making it compliant'. Nonetheless, there was significant recognition that broadly applied process, managed either by those with specialist knowledge or centrally, was critical to ensure regulatory compliance: 'process to ensure compliance is critical: it shouldn't be left to individual academic staff to be, you know, signing off on any of those regulatory checks'.

While the project to develop processes to ensure compliance was advancing,¹¹⁴ the interviews suggested that staff training regarding regulation and internal mechanisms to ensure compliance was less well developed. In some instances, the training was voluntary for staff working with academic internships:

[F]or academic staff there's a WIL (Work Integrated Learning) module, not mandatory, something that teaching staff can do to learn more about work-integrated learning that reminds them of some of these things they need to consider when looking at work-integrated learning.

Training was also playing 'catch up' to practice:

[We realized] we didn't have a guidance for staff and so that has been fairly recently, like in the last six months, developed so at least – it's really a checklist that kind of points to the various resources and processes and things like that.

In addition, it was acknowledged that university resources for staff were not utilized by all individuals working with academic internships and that training did not explicitly draw links to relevant regulation:

¹¹⁴ The Australian interviews conducted in this project suggested that awareness of, and development of processes to ensure compliance with, labour laws was more advanced than in the earlier study reported in 2021: Hewitt et al., *supra* n. 9.

If I went to an Internship Coordinator right now and I said, you know, 'How familiar are you with TEQSA's Work-Integrated Learning Guidance document?' I don't know if I wouldn't get a, 'What?' ... even though they're probably thinking around some of the things you would find in the TEQSA WIL Guidance for example, I don't know that they're actually aware of the driver behind that, the actual document.

In addition to developing internal processes and staff training to ensure regulatory compliance, interview participants identified the importance of working with internship hosts to ensure students would be appropriately treated in the workplace: 'Work need(s) to be done at the very beginning to eliminate the risk'. One of the ways this was often managed was through development of a contract between the university and host regarding the placement. These agreements covered: 'some fairly standard things, so they [the host] understand that the student is a student, that they have to provide a safe workplace, provide their contact details, all that sort of thing'. However, the interviewees did not suggest that tripartite contracts as required in France were widely used, and also commented on the time and expert resources required to create such contracts.

In summary, the pilot study data suggests Australian universities do not yet have effective processes to consistently ensure educational quality of academic internships. The authors question whether this is the fault of the regulatory regime broadly, which sets only vague targets which are (at best) periodically enforced, or of universities as regulatory actors specifically. This is exacerbated by deficiencies regarding regulation to ensure decent working conditions of academic interns. Australian academic interns are excluded from workplace protections by a variety of Australian employment laws. This means participants are often reliant on the university or host to undertake voluntary actions to ensure the academic internship offers a decent work experience.

While there have been some legislative changes (for example, the extension of the federal prohibition of sexual harassment to cover workers including academic interns, as discussed above) these issues broadly replicate those identified in the Australian study reported in 2021. That study concluded that many (although not all) Australian universities were committed to offering academic internships to their students, but the extent to which this institutional commitment was accompanied by effective internal strategies to ensure educational quality and workplace safety for participants varied widely. Policies ranged from 'detailed and comprehensive to non-existent',¹¹⁵ there was a perception that staff managing academic internships often lacked the training and resources to ensure quality, and that regulatory compliance was not a focus of institutional attention for many universities. At

¹¹⁵ Hewitt et al., *supra* n. 9, at 30.

the same time, many interviewees demonstrated that they were committed to delivering quality academic internships, albeit endeavouring to achieve this either without institutional assistance, or despite institutional obstacles.¹¹⁶

4.3 FINLAND

In line with the regulatory analysis above, the Finnish interviewees confirmed that there was little Finnish regulation regarding the content or structure of academic internships, and that the governance of academic internships was therefore largely intra-university and discipline-specific. Academic matters were a predominant focus in the design of academic internships: 'I think they are mainly focussed on the educational side of the experience'. However, limited university-wide processes for ensuring educational quality, with a lack of minimum standards for internship arrangements, were identified by interviewees. Instead, interviewees at one university indicated that while there was strong institutional support for academic internships, there was little governance applicable to them: 'the University-level strategy, the connection with working life is quite obvious and strong but it's on a very, very general level'. This left individual academics or discipline areas to design academic internships according to their own perceptions of context-specific best practice.

There was, however, a project underway to streamline and standardize internal processes regarding academic internships across one institution:

I am involved with the Faculty personnel to just try to coordinate that we have both the similar system inside the University so every Faculty doesn't have their own ways of working and doing things and so making it a bit similar inside the University.

As a part of that process there was systematic encouragement for creation of tripartite agreements between student, host and university. However, this was perceived as a means to ensure academic quality of placements, rather than to manage labour law issues:

[W]e try to encourage the Faculties and students to make this kind of internship agreement in every situation when the student is doing an internship period somewhere and, in that agreement, the participants are a student and someone from the employer's side and then someone from the Faculty. So that's kind of a way for us to make sure that the work could be for us as an internship so it's not cooking coffee or something like that but it's similar to University study.

In order to ensure agreements were consistent with the university approach, a university employee was the last to consider and sign off on agreements: '[i]t starts

¹¹⁶ *Ibid.*, at 30–41.

from the student and then goes to the employer and then goes to University which checks that everything is okay'. In many instances the incentive for the conclusion of an agreement was the provision of an internship subsidy by the university to the employer to subsidize the intern's salary:

[The] internship subsidy is available for some of the students but they have to apply before getting the internship position and it works like that the University pays the subsidy for the employer after the internship ... , so that covers some of the employment costs for the employer.

The internship subsidy was perceived to be an important incentive for employers to host academic interns, and to respond to equity issues, however there was insufficient funding to support all students. Where a subsidy had been secured, that was recognized to provide leverage for the university to conclude a contract with the student and host. However, such contracts did not explicitly address workplace issues except for remuneration. In addition, not all internships were covered by tripartite agreements: 'It's really typical that students have their own work contract with the employer and that's it'. This was explicitly stated to be the norm for academic internships, and interview participants explained that the university broadly operates on the presumption that academic internships are undertaken pursuant to a contract of employment, which meant that participants enjoyed labour law protection:

If you have a work contract, let's say with an organization in Finland, which is, I mean there aren't any official kind of internship contracts in Finland, you are either an employee or you are not an employee.

As a result, universities did not dedicate time or resources to consider the student's workplace rights, or compliance with labour regulation, as compliance was the responsibility of the employer:

When ... [the student participant] is employed then of course the employer will follow all the regulations regarding employment and that then opens another world but then the University doesn't have a say there but can rely on the fact that the labour law regulations are followed.

However, one participant acknowledged that this system was based on trust, and implied that this trust may not always be warranted: 'We are kind of trusting that if they are having a normal employment contract then those conditions are kind of met'. One interviewee said that students' post-internship reports sometimes highlighted the risk of having to rely on employers to do the 'right thing' by academic interns, and comply with relevant workplace laws:

[D]uring the internship the person did not tell anyone or didn't know who to turn to and it's not only sexual harassment but, for example, overtime work and this kind of issue that some students have actually been quite burnt-out after the three months internship.

In addition, there was explicit recognition among interviewees that there was an acknowledged and not addressed compliance gap because students were permitted to complete academic internships *not* governed by a contract of employment and not paid. Interviewees revealed that Finnish universities had made a specific decision that none of them would promote unpaid internships ('we don't promote unpaid internships in Finland'). Despite this agreement, there were inconsistent messages about the number of academic internships that were completed outside of contracts of employment, and the subsequent extent of the regulatory gap. One interviewee suggested unpaid internships were not common in Finland: 'You basically have to get paid. Unpaid internships in Finland are extremely extremely rare'. However, other interviewees suggested that unpaid internships were more common: 'There might be situations when students just find their own [unpaid] internship place'. There was an implication that universities did not want to address the legal consequences of unpaid placements: 'Unfortunately the students are not paid but that's something we don't accept actually and we don't want to hear of it but it happens'.

While interview participants broadly indicated that universities were aware of, but turning a blind eye to, the labour law implications of unpaid internships ('then the university kind of just puts their hands up and like "we're not responsible"') interview participants identified that specific measures were put in place to ensure that unpaid academic internship participants were covered by university insurance for the duration of their placement:

Those who are employed are one class and that's again the employment regulation which will be followed and there is no insurance by the University, but then those students who are not employed and just participating in the work experience period they are insured by the University against injuries

This explicit response to the issue of non-standard academic internship (those undertaken without a contract of employment) is interesting given the contrasting lack of engagement with the consequent vulnerability of participants without labour law protections.

There was also a sense that staff did not have access to formal training about internal or external requirements: 'Not any mandatory official training, no. Some individuals ... want to do more than is just required, and they check up on things, and they find information and so on'.

The interviews in Finland show that the universities are taking a semi-active role in guaranteeing quality traineeships. As there is no regulatory provision for *how* educational quality should be assured, universities have broad autonomy to

organize their academic internships. The pilot interviews suggested academic quality is a factor that is considered by individuals in this process, however there were no processes identified by which universities more broadly were seeking to ensure that academic internships constituted meaningful education. While the pilot study was not designed to identify issues in internships, this could potentially lead to inconsistent educational outcomes of academic internships.

While the interviewees confirmed that it was general practice to facilitate academic internships in Finland pursuant to an employment contract, they also demonstrated awareness of a category of unpaid interns who are working outside such a contract. Those interns may not receive the protections of labour law and therefore do not necessarily have decent working conditions. The pilot study suggests universities are aware of this issue, but currently avoiding addressing it. However, the extent of the problem cannot be explored in the current analysis, and further research is required on this topic.

One response would be to suggest that Finnish universities should take a clear position as to whether unpaid academic internships are allowed or not and respond accordingly. For example, allowing unpaid internships could be justified on the basis that an unpaid internship is a genuine and meaningful learning experience. However, for this to be the case more stringent processes to assure learning outcomes would be desirable.

In conclusion, regulating academic internships in Finland through the conclusion of employment contracts does not guarantee the quality of internships as an educational experience. Moreover, due to the fact that exemptions to the practice are allowed, it does not ensure that interns are covered by the labour laws providing for decent work conditions.

4.4 FRANCE

It was notable that the French interviewees were extremely knowledgeable about the specific legislation that applied to internships in that jurisdiction. Several of them explicitly identified the Education Code amended in 2014 and Ordinance of 2015. In addition, the interviewees were keen to state that all academic internships were undertaken pursuant to a tripartite *Conventions de Stage* ('[T]here is no internship without an agreement') and no students undertook informal internships outside this regime. Compliance with potential changes in regulation was ensured by the use of generic contracts, which were maintained at university level. As one interviewee stated: '[t]he model of the internship agreements is established by the legal services of the university, we just add our logos and an English translation that does not exist at the university level'. Another interviewee mentioned the process

for automatic generation of internship agreements, which ensured compliance: 'We have a business app that deals with internships ... the app automatically generates the internship agreements, which the students have signed at their structure and so on'. In addition, the process for completing agreements was structured so as to ensure that a representative of the University could check compliance:

Before going on the work experience, they [the student participant] meet with their academic advisor to sign the internship agreement. The academic advisor being the last to sign so he can check that everything is fine, particularly that the assigned mission corresponds to the student's course.

The interviewees indicated these systems were effective in ensuring broad regulatory compliance:

I think we are not immune to some small mistakes but in 90% of cases things are well done and according to the rules. Furthermore, each time there is a change, regarding hourly wages or anything else, we receive alerts issued by the [group] and it's hard to miss the information.

This interview response is consistent with other evidence indicating broad compliance for academic internships in France. For example, 52% of French respondents to the survey who completed a traineeship indicated they were paid (or offered payment),¹¹⁷ which is roughly equivalent to the number of placements that were more than two months in duration.¹¹⁸ However, one interviewee noted the challenges of ensuring that the internship agreement templates were consistent with changing regulation, especially where there may be ambiguity as to the legal requirements:

It's a document that is revised every year to match the regulation changes where we strongly rely on the Ministry of Higher Education and we strictly apply the articles issued by the Ministry. So we don't invent an internship contract: sometimes it would have been easier but we are forced to respect the Ministerial instructions since we provide a student in an external environment ... it is highly regulated and we don't invent anything.

Several interviewees noted that there was extensive training to ensure knowledge of, and compliance with, the regulations with regard to academic internships: '[T]hey are either trained by their manager or directly by the central services. So this regulation doesn't fly under the radar, because if it did, we'd be in big trouble'.

¹¹⁷ *Ibid.*, at 23.

¹¹⁸ The survey respondents indicated the duration of placements as follows: <one month: 25%; 1–3 months: 39%; 3–6 months 27%; >six months 9%. While not precise, this suggests approximately 52% of placements may have exceeded the three-month threshold for compensation. Flash Eurobarometer 523, *supra* n. 73, at 14.

This was explicitly acknowledged to be resource intensive for the institution, '[I]t costs a lot and a lot of staff are dedicated to this sole purpose'.

However, these processes were not always effective. One interviewee stated that inefficiencies in central services gave rise to the risk of non-compliance:

The [central department] is supposed to be the regulatory body for all this, they are supposed to decide if we ever have a hesitation about the internship since they are the ones who master the articles contained in the internship agreement, but they are not the ones who warn in case of modification of the rules at national level.

Another interviewee suggested that some host organizations did not fulfil their obligations pursuant to legislation and enshrined in the *Conventions de Stage*. In this situation, the university responded by terminating the host relationship: 'We had situations where we terminated the internship contracts with companies that didn't comply with the legislation'. In addition, it was acknowledged that the regulations only applied to students undertaking academic internships in France, and that those completing internships in other countries did not receive all the protections provided by the regulation. These conclusions that the French regulations were not always followed in practice is backed up by other data. In 2016 it was reported that some improper use of internships was still occurring in France, such as 'employers not offering appropriate pay or using interns as cheap sources of labour rather than offering them structured training and work experience'.¹¹⁹ In addition, despite the prohibition on placements longer than six months, 9% of French respondents to the 2023 Eurobarometer traineeship survey who had completed at least one traineeship reported that theirs had exceeded the six-month limit.¹²⁰

However, interviewees provided details of a variety of strategies to protect students from violation of the regulation, including vetting destination countries and insisting on insurance cover.

Finally, it is worth noting the approach articulated by many French interviewees was that protecting students was the most important priority in managing academic internships:

We start from the principle that the intern, before being an intern, is above all our student and that we are responsible for them, so necessarily the internship agreement is ours, with our rules and standards. This is not the contract that the company will ask for. The company will want to cover itself in relation to its activity but the student's activity is above all to be a student.

¹¹⁹ A. Broughton et al., *Precarious Employment in Europe, Part 1: Patterns, Trends and Policy Strategy* 51 (University of Amsterdam 2016).

¹²⁰ Flash Eurobarometer 523, *supra* n. 73, at 14.

As referred to above, the national regulation in France leaves little room for universities to ensure the quality of internships through internal rules. As expected, in practice the role of universities in quality assurance is limited to the enforcement of the existing regulation. The interviews conducted in France show suggest that national regulation concerning internships is taken seriously and the universities take steps to ensure that the regulation is complied with within the university and by the host organization. The pilot study data suggests universities are actively securing the compliance not only at the beginning, but also during, the academic internship. In contrast to Finland, universities are not 'outsourcing' the supervision of decent working conditions to the employers, but see it as integral to meaningful education. During the academic internship both the host and the university take an active role in ensuring the participant's well-being and learning, supported by clear rules, and broad awareness on the part of the university staff.

5 CONCLUSION

The analysis of the legislation of the three countries found that in Finland, academic internships are primarily regulated to ensure they provide decent work, with little regulatory attention paid to educational outcomes. In France, regulation is directed to both the workplace experience and educational outcomes of academic internships, both of which are necessary to achieve meaningful education. However, in Australia the national regulation is arguably inadequate (as a result of the exclusion of academic interns from many labour law protections, and vagueness and lack of effective enforcement of educational regulation) to ensure that academic interns have either decent work or a meaningful educational experience.¹²¹

As a result of these widely divergent regulatory regimes, the role of universities in each jurisdiction is also different. In France the role of universities is significantly directed by the national regulation which dictates a variety of workplace and educational standards regarding academic internships. This regulation ensures French universities consistently apply a variety of minimum standards to ensure all academic internships constitute meaningful education.

In contrast, both Australian and Finnish universities have a much more active role in ensuring quality academic internships. Australian universities have a significant autonomous role in guaranteeing quality internships in both a workplace and educational sense. They are required to develop internal processes to ensure

¹²¹ The authors are not suggesting all Australian students engaging in academic internships are exploited, exposed to workplace conditions inconsistent with the principles of decent work, or achieve unsatisfactory learning outcomes. Instead, we argue that the regulatory regime is not sufficiently robust to ensure quality outcomes across academic internships.

educational quality, with vague regulatory guidance and limited enforcement, and to ensure academic interns have a decent workplace experience in the absence of regulations extending workplace rights to interns or obligations to their hosts. In Finland, the regulatory presumption appears to be that academic interns will be protected by labour laws as employees. However, for this presumption to be effective, universities would need to either require such contracts or proactively intervene to ensure interns have decent workplace experiences where there is no contract of employment. At the same time, Finnish universities are autonomously responsible for ensuring the educational quality of academic internships, in the absence of broader regulation in this area.

However, our pilot study suggests that Finnish and Australian universities do not always fulfil these roles so as to guarantee the quality of academic internships. Only in France did our data suggest universities effectively enforce specific national regulations of internships, so as to ensure quality in both an educational and workplace sense. In contrast, in Finland and Australia our data suggests universities may not be consistently effective in ensuring academic internships constitute quality education. This is problematic, as in cases in which an internship does not have a clearly defined learning framework, they could potentially be required to do any work during the internship, and as a result be susceptible to exploitation. This risk could be minimized by extending labour law protections to academic interns, but in both Finland and Australia many protections are only extended to employees. Due to the fact that employee status is usually linked to remuneration, the existence of unpaid academic internships in both jurisdictions excludes some academic interns from this status.¹²² We note that there is an attempt to balance this in Australia through the implementation of educational regulations governing academic internships to ensure they constitute meaningful education, rather than decent work. However, this argument is undermined by the generic nature of the educational regulation and its less-than-rigorous external enforcement, in combination with the inadequate internal processes within universities revealed by the pilot study, confirming earlier research findings.

While unpaid internships are acknowledged to exist in Finland, many academic interns *are* employees with associated workplace rights. The pilot study data suggests that, by paying the employers subsidies for hosting interns, Finnish universities attempt to ensure that internships are undertaken pursuant

¹²² For an analysis of the employment status on academic interns in Australia see A. Hewitt & C. Cameron, *Employee or Student Learner? Managing the Risks of Providing Financial Support to Students Undertaking Work Experience*, 36(3) *Austl. J. Lab. L.* 262–288 (2023).

to a contract of employment. However, a percentage of academic internship positions are unpaid, and participants are therefore not employees. The pilot study demonstrates that Finnish universities are aware of the issues arising from this. However, instead of proactively forbidding non-employment internships, they turn a blind eye to these issues. This leaves a percentage of the student population in regulatory limbo, with neither the employer (as they do not have one) nor the university taking active responsibility for their working conditions. This ultimately undermines any suggestion that academic internships in Finland can broadly be assumed to offer participants an opportunity to engage in decent work.

Our comparative analysis suggests that there are significant issues with the regulatory approach for academic internships in Finland and Australia, certainly compared to the relatively strict regulation in France. In both Australia and Finland many of the labour law problems could be resolved by classifying academic interns as employees. Alternatively, in both jurisdictions legislative reform could extend workplace protections to 'participants in the workplace who are not employees'. This has been done in Australia in relation to workplace health and safety, and in the FWA provisions prohibiting bullying and sexual harassment, each of which cover the more broadly defined 'worker'. However, because academic internships include both working and educational components, this would be insufficient to ensure quality education. A solution to this regulatory problem might be to implement specific regulation for academic internships in these jurisdictions, similar to France, which explicitly excludes internships from the scope of labour laws but regulates learning as well as working conditions of the intern and leaves universities only the role of enforcers.

In addition to national reforms, international initiatives clarifying the educational content of academic internships and working conditions of interns would be welcome. The renewal of QFT and potential broadening of its scope to cover educational traineeships in the EU is a positive initiative, as is the anticipated development of guidelines concerning internships by the ILO, which would also extend to Australia.

However, until such national or international reform is enacted, the actions of universities in Finland and Australia will remain critical to ensuring quality academic internships. It is to be hoped that will be a high priority for each institution, even in the absence of a supportive regulatory framework.

6 APPENDIX

6.1 SUMMARY OF INTERVIEW QUESTIONS

<i>Theme</i>	<i>Sample Questions</i>
<i>Warm-up</i>	Does your university require or encourage students to undertake academic internships? Can you tell me (roughly) what proportion of your students undertake academic internships as a formal part of their studies (whether for course credit or otherwise)? What about informal i.e., extracurricular? Could you give me a brief summary of a typical academic internships for a student in your [area/school/discipline/program]?
<i>Academic internships: strategies, policies, procedures and practices</i>	[If there are academic internships policies/procedures] Can you tell us a bit more about how the policies and procedures were developed and who was involved in that? What (if anything) is done to ensure compliance with workplace laws (such as laws governing pay, working time, discrimination and harassment, or health and safety) when students undertake academic internships? Do you or your school/faculty link with other partners and/or external providers in delivering academic internships, including internationally?
<i>Risks of academic internships</i>	Are you aware of any student having been injured, sexually harassed or racially vilified while undertaking an academic internship? What about raising any other workplace (as opposed to educational) issues about their placement? Who is (or would be) responsible for such matters – in the workplace and/or in the university? Are there any special risks in relation to particular students (for example, international students, students with a disability) or particular locations of work experience (for example, overseas academic internships)?
<i>Conclusion</i>	Is there anything about academic internships or their regulation that you might not have considered before that has occurred to you during this interview?