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New York's Unpaid Interns Can Now Sue for Sexual Harassment

By [Josh Eidelson](#) July 23, 2014

Unpaid interns in New York who are sexually harassed now have the right to sue, a protection previously enjoyed only by the unpaid interns of Oregon and Washington, D.C.

Everyone else is out of luck. Employment protections enshrined in Title VII of the 1964 Civil Rights Act, including the ban on sexual harassment, apply only to “employees,” and unpaid interns don’t count. “At least with respect to the federal law that we enforce, an unpaid intern would not be legally protected by our laws prohibiting sexual harassment,” a spokesperson for the U.S. Equal Employment Opportunity Commission [told ProPublica](#) last year. (Workers classified as independent contractors, a category that can range from taxi drivers to fashion models, are [excluded](#) too.) The same goes for many state and city employment protections, including—until this year—New York City’s and New York State’s.

New York’s [new bill](#), passed by the State Assembly and Senate last month and signed yesterday by Democratic Governor Andrew Cuomo, bans sexual harassment of unpaid interns and grants them the right to take their case to court. It [follows](#) a series of [protests](#) and [lawsuits](#) brought by interns challenging unpaid internships and bills passed protecting ([at least some](#)) interns in New York City, Washington, D.C., and the state of Oregon.

Supporters of the legislation, which made it through the assembly with unanimous support, point to the case of former Phoenix Satellite Television intern Lihuan Wang. She [alleged](#) that a bureau chief told her to come to his hotel room to talk about potentially getting hired full-time, then attempted to kiss her and “squeezed her buttocks.” After she walked out, Wang charged, the bureau chief’s expressed interest in hiring her as an employee evaporated.

A New York judge [quashed](#) Wang’s case on the grounds that “It is uncontested that Wang received no remuneration for her services” and thus wasn’t covered by the city’s Human Rights Law. His ruling echoed a 1997 case in which an appeals court [ruled](#) that an unpaid intern at a psychiatric hospital had no Civil Rights Act protection against a doctor who she said told her to take off clothes before meeting with him and called her “Miss Sexual Harassment.”

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