

## Publication

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# LEGAL INTERNSHIP FRAMEWORK FOR STUDENTS

[The law of 4 June 2020 amending the Labour Code in order to introduce a legal frame for internships for students](#) was published in the Memorial on 5 June 2020. It distinguishes between mandatory internships provided by a Luxembourg or foreign educational establishment and practical internships with a view to acquiring professional experience.

According to article L. 152-2. of the Labour Code, the **internships provided for by a Luxembourg or foreign educational establishment** are those which are an integral part of the training in accordance with the programme of the Luxembourg or foreign educational establishment, excluding mandatory internships carried out as part of vocational training, educational or professional guidance or specific training with a view to access to a profession governed by legal or regulatory provisions (doctor, lawyer, etc.).

Compensation for these internships is optional when their duration is less than 4 weeks and corresponds to at least 30 per cent of the minimum social minimum wage for unskilled workers for internships lasting 4 weeks or more. Thus, the compensation of a student employed for a period less than 4 weeks is not mandatory and is therefore granted at the sole discretion of the company and in accordance with internal criteria established for this purpose.

However, the obligation to compensate may be waived if the educational establishment expressly provides for a prohibition of compensation in the internship agreement and it draws up and makes compliance with that prohibition a condition for recognition of the internship.

Article L. 152-4. of the Labour Code stipulates that the student concerned is obliged to submit the agreement to the Minister of Labour, Employment and Social and Solidarity Economy before the start of the internship for certification of compliance with these conditions.

This certificate is equivalent to an exemption from the obligation to pay compensation for the student's supervisor.

According to article L. 152-5. (1) of the Labour Code, **practical internships with a view to acquiring professional experience** are those which may be concluded between a student and a training supervisor.

This type of internship is therefore not approved by a Luxembourg or foreign educational establishment. It is nevertheless essential to specify that the student must be enrolled in a Luxembourg or foreign educational



establishment and follow a course of study on a regular basis.

If the person is no longer enrolled in a Luxembourg or foreign educational establishment, he or she must hold a Luxembourg secondary school leaving certificate or equivalent or have successfully completed a first cycle of higher education (i.e. hold a Bachelor's degree) in order to carry out a practical internship.

In this case, the full duration of the internship must be within 12 months of the end of the last school year for which the student obtained one of the abovementioned diplomas.

The duration of practical internships may not exceed six months over a period of 24 months with the same trainee supervisor.

Internships concluded pursuant to article L. 152-5. of the Labour Code and lasting no more than four weeks do not give rise to mandatory compensation, but internships lasting between 4 and 12 weeks inclusive are compensated at the rate of 40 per cent of the minimum social wage for unskilled workers, and internships concluded for a duration of more than 12 weeks up to and including 26 weeks are compensated at the rate of 75 per cent of the minimum social wage for unskilled workers.

For trainees who have successfully completed a first cycle of higher or university education, the reference wage is the social minimum wage for skilled employees.

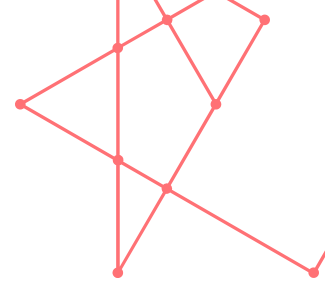
Another novelty of the law of 4 June 2020 is the fact that the number of practical internships in progress in the same company may not exceed 10 per cent of the workforce. In companies with fewer than ten employees, the maximum is set at one internship. It should be noted, however, that these limitations do not apply during the period from 1 July to 30 September inclusive and that they only concern internships with a view to acquiring professional experience so as not to reduce the chances of students who are obliged to do an internship as part of their studies.

It should be mentioned that any practical internship with a view to acquiring professional experience must be the subject of an internship agreement signed by the trainee and, if he is a minor, by his legal representative, and by the trainee's supervisor. This internship agreement must contain certain mandatory information provided for in article L. 152-7. of the Labour Code.

Article L. 152-10. (1) of the Labour Code expressly provides that both types of internships must be of an informational, guidance and vocational training nature and must not assign the student to tasks requiring performance comparable to that of an employee and must neither replace permanent jobs, nor replace an employee who is temporarily absent, nor be used to deal with temporary work overloads.

Another novelty introduced by the law in question is the fact that the trainee's supervisor must keep a register of internships which may be consulted at any time by the staff delegation and which must be made available to the Inspectorate for Labour and Mines (ITM) on request.

Even if the student is not hired as an employee, a certain level of protection is required. Article L. 152-13. of the Labour Code now provides that the provisions of the Labour Code governing working hours, weekly rest, public holidays, paid annual leave and safety at work will apply to them, regardless of the type of internship



In the case of a part-time internship agreement, the maximum duration of the internship is calculated in hours and the compensation provided for therein is pro rata.

It is also important to note that the provisions relating to internships for students do not affect the application of special legal or regulatory provisions existing in the field of apprenticeship. An apprentice thus continues to be subject to the rules governing the apprenticeship contract.

The law is applicable from 9 June 2020.

You will find [here](#) the report of the Commission on Labor, Employment and Social security as well as the text published in the memorial.

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