



PAYROLL ALERT

Introduction of an Internship Regime for Interns and Students

The law of 4 June 2020 (Memorial A n° 476), which came into force on 9 June 2020, introduces a legal framework for the employment of interns and students. The new provisions regulate internships which are part of an educational institution's training program (compulsory) as well as practical internships with a view to acquire professional experience (voluntary).

Internships requested by an educational institution

The law covers internships in the framework of the teaching program of a Luxembourg or foreign establishment where the intern or student pursues his education; compulsory internships as part of a professional training program are excluded.

The new law requires the signature of an agreement between the trainee, the internship supervisor (i.e. the employer) and the educational establishment.

The trainee's compensation is not mandatory for internships of less than 4 weeks. For internships of 4 weeks or more, the base compensation is set at 30% of the minimum social wage for unskilled workers.

However, if the educational establishment expressly prohibits the compensation of the trainee as a condition of recognition of the internship, the 30% rule may be waived on condition to inform the Ministry of Labor, whose certificate then constitutes a valid exemption from compensation.

Practical internships with a view to acquire professional experience

The practical internships covered by the new law are those carried out to gain professional experience by two types of students. These are students enrolled in a Luxembourg or foreign educational institution and pursuing a cycle of education as well as persons holding a diploma of end of secondary studies or having successfully completed a first cycle of higher or university studies, provided in the latter case that the internship takes place within 12 months of the end of the last schooling registration.

The duration of practical internships with the same internship supervisor is limited to 6 months over a period of 24 months.

The trainee's compensation is not mandatory for internships of less than 4 weeks. For internships of 4 to 12 weeks, the basic compensation is set at 40% of the minimum social wage for unskilled workers. For internships of 12 to 26 weeks, the basic compensation is set at 75% of the minimum social wage for unskilled workers.

For people having successfully completed a first cycle of higher or university studies, the reference indemnity is the minimum social salary for qualified workers.

The possibility for companies to resort to practical internships is subject to an occupancy condition. Companies with less than 10 employees can only welcome one intern. Beyond this threshold, trainees cannot exceed 10% of the company's workforce. However, this occupancy condition does not apply for the period from 1 July to 30 September.



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Obligations of the internship supervisor and applicable general provisions

The law introduces a series of compulsory mentions which must appear in the internship agreement to be signed between the intern and the internship supervisor. These details include, among others, the activities given to the trainee, the start and end date of the internship, its weekly duration, the terms of authorized absences and termination of the internship agreement.

For both types of internships, the law recalls that internships are meant for information, guidance and training. Consequently, trainees cannot be used to replace an absent employee or to compensate for additional temporary work and the trainee cannot be expected to have the same productivity as an employee.

In addition, the intern must be assigned a tutor who will be responsible for answering his questions, integrating him into the company, advising him and, in the case of an internship longer than 4 weeks, providing him with a critical and detailed appraisal.

The internship supervisor must keep a register of trainees available to the staff delegation and the Labor Inspectorate.

Finally, the provisions of the Labor Code relating to working hours, safety at work, weekly rest, public holidays, annual leave and the general accident insurance regime are applicable to trainees.



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INTERESTED?

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