

► Regulating work experience for young workers

Maria Luz Vega Ruiz

►► For the most part, legislation is failing youth.

Labour markets are undergoing considerable change. The evolving demographic, economic, sociological and legal elements as well as the incredible technological developments of the Fourth Industrial Revolution are rapidly creating disruptions, with some unexpected impacts.

Job creation seems to be positive generally, albeit at slightly below the rate of population growth. Total employment (including employees, contributing family workers, own-account workers and employers) continues to rise, accompanied by significant improvements in workers' education. Despite the recession triggered by the 2008–09 financial crisis, total employment in 2016 hit 3.2 billion jobs (nearly 1 billion more than in 1991). Yet, the employment-to-population ratio (ratio of employment to persons aged 15 and older) fell marginally between 1991 and 2016; women and young persons (aged 15–24) remain more likely to be unemployed than their male and adult counterparts, respectively. In 2018, there were more than 64 million unemployed youth worldwide, and 145 million young workers living in poverty.⁵⁶

In emerging economies and developing countries, changing population dynamics have led to a jump in the proportion of the young population entering the labour market, which is increasing urbanization and contributing to international migration. Informality is also a challenge for this particular age segment because formalization of employment opportunities has not progressed as predicted. There is tremendous opportunity, however, to leverage the potential of this sizeable youth cohort and accelerate economic growth. Yet, in many parts of the world, such as Northern Africa, youth unemployment hovers at an unprecedented level.

In some developed countries, the changes taking place derive from the 2008–09 financial crisis and are likely to decrease if economic recovery contin-

ues. Other changes are structural and thus more long-term in impact. This is a particular concern for the younger working-age population who have inherited a precarious labour market with more non-standard and low-paid work and who feel these changes more than prime-age and older people in terms of implications for their lives.

Younger cohorts are particularly at risk of having worse financial outcomes and fewer opportunities in their lives than their parents had due to the generational inequalities. The widespread youth unemployment may even lead to a socially excluded generation at great risk of poverty as well as increased social and economic inequalities.

These circumstances are creating considerable policy challenges around the world, making a fair and smooth transition from school to employment among young workers a massive concern in the current and future world of work. Many countries are exploring different measures to combat youth unemployment and to promote reforms that better facilitate the transition to work. These interventions include guarantees for youth, youth coaching and orientation centres. While they appear to be helping, they are not sufficient to enable employment for all youth who want it.

The persistence of youth unemployment is attributed to several factors, largely labour market regulations and the quality and pertinence of the education received (in 25 of 27 developed countries in 2010, for instance, the highest unemployment rate was among people with only a primary school education or less (ILO 2012)). As for regulations, legislation is often cited as hampering new employment because of its rigidity as well as the cost to put the laws and labour protections into practice.

Numerous arguments are used to demarcate legislation as the primary cause of youth unemployment. Some specialists argue that the high level of

⁵⁶ See www.ilo.org/global/topics/youth-employment/lang-en/index.htm.

employment protection regulations lead employers to exercise caution when hiring more than a minimum number of workers and especially young workers (because it is difficult to offer short-term contracts or the severance pay is high should they ever need to lay off workers, for example). While this is perceived as a classical argument nowadays, it has not been well substantiated by academic research.

Attitudes concerning labour laws and regulations are evolving in different directions. The emergence of temporary forms of work, such as internships, seasonal jobs (particularly in the gig economy) and short-term assignments, has introduced the perspective that these non-standard forms of employment are highly useful for the youth, but adequate regulations are lacking. For example, some youths look for part-time work while still engaged in tertiary education and there is no regulation supporting or framing this particular employment trend. Even though the rate is low for this type of employment in developed countries like France, Italy and Spain, nearly one third of students in the United States combine education and work, and there should be some degree of legislation covering it (Martin 2009).

Workers and specialists are questioning the legitimacy of some employment arrangements, such as unpaid internships, because the objective of allowing students or recent graduates to acquire work experience is not respected. Yet, in many countries, an internship seems to be the only viable alternative to job placement for young individuals.

Despite the different arguments raised against regulation, the demand for a highly skilled and flexible workforce adapted to changing market needs remains the core of the debate. Legislation should thus balance protection with flexibility.

Although most young people fare well as they move from childhood to adulthood, they still encounter challenges. Having good health, shelter, physical safety, positive personal relationships and economic security are all important elements to measure the level of youth well-being in a country. Legislation should respond to these needs as well as the requirements and wants of new generations of youth. For the most part, legislation is failing youth.⁵⁷

Young workers are actors in the labour market and this should be considered when preparing new

legislation so that it avoids reductionist views of protection or promotion (to integrate youth into the labour market).

How does legislation need to evolve with the times so that it creates a constructive environment in which all young people can shift through their many stages of youth and come out of it prepared for employment as well as the many uncertainties looming in the world of work?

How far have we come, how far behind are we?

The constitution of most countries defines the age of majority as coinciding with the beginning of active voting rights (ability to vote in elections) but differing sometimes from the age at which passive voting rights are granted (ability to stand in elections). A large proportion of these constitutions contains provisions dealing with special protection to be afforded by the State to minors and orphans that are often based on international human rights and children's rights instruments. While every country's constitution recognizes education as a basic human right, rarely does a constitution promote active youth participation in society (Article 45 in Colombia, for instance) or in the country's development (Article 56 in Paraguay, for example).

Labour law originated out of concerns for young people and the perceived need to regulate minors' and youths' participation in work. Eighteenth-century legislation, for instance, prevented minors from working excessive hours, operating unsafe machinery and working in dangerous occupations. In the nineteenth century, France introduced the concept of special protection for children, which enabled the progressive development of "minors' rights". Beginning in 1841, French law provided for the protection of children in their workplace. In 1881, French law included the right for children to be educated.

As of 1919, the international community, following the creation of the League of Nations (later to become the United Nations), began embracing the child protection concept. A Committee for Child Protection was established in 1924 and was followed by the first international treaty concerning children's rights: the Declaration of the Rights of the Child. This Declaration articulates that children

57 According to Article 56 of the Paraguay Constitution, "Conditions for the active participation of youth in the social, economic, political and cultural development should be promoted."

have the right to the means for their development; special help in times of need; priority for relief; economic freedom and protection from exploitation; and an upbringing that instils social consciousness and duty. Several international declarations and conventions⁵⁸ have ensued to declare the rights of the young population to education, care, assistance and protection.

The need to regulate young people's work circumstances continued gaining importance over time in terms of protecting their health and development and to consider the special needs of young workers (legal age). Overall, the associated labour laws for young workers that have evolved from eighteenth century Europe have been essentially protective.

The bulk of what is applicable to young people today is found in the ordinary laws and the procedural or substantive legal codes relating to civil, criminal and family circumstances and health and labour regulations, among others. But there is no general trend. Some countries, such as Croatia, Cyprus, Denmark, Hungary, Poland and Slovakia, do not even have regulation specific to youth workers.

In other regions, such as Latin America, and as result of the ratification of the Convention on the Rights of the Child, the majority of countries have adopted a code of laws for children and adolescents.

To what extent do current laws cater for young people at the national level? Not all countries have youth laws, and where they do exist, the content varies from one national context to another. Although most of them cover social conditions and the development of youth, the scope differs markedly. Some European countries contain targeted provisions, such as Iceland, where two youth-related laws were adopted: one on youth policies that refer to the establishment of youth organizations and parameters for government aid granted to them, and the other on youth activities. Estonia is drafting legislation that will define youth and its relationship with the State (describing participation in democracy, in policymaking or representation and organization).

Beyond the legal age and rules regarding wages, young workers are otherwise treated in the same way as older workers. Young people older than the school-leaving age but younger than 18 are entitled to the same employment rights as older workers (for example, not to be unfairly dismissed or dis-

criminated against). But they are accorded some additional protection on safety and health (persons younger than 21 may be prohibited in specific activities, for instance), work hours and rest hours.

To facilitate young workers' access to employment, several programmes and incentives began to be introduced in the 1980s that offered apprenticeships or training contracts that were time bound. The laws on first employment in place at the beginning of this century were extensively used in some countries and led to singular contractual situations (cost reduction, temporary arrangements, etc.).

Still, in this new panorama, these regulations and safeguards are proving insufficient to cover the new forms of work and new work arrangements, such as telework. Protection provisions, while necessary, need now to expand with provisions that consider the requirements of young workers (education and skills) and their needs of physical and professional development. And these legal maturations need to take place in a world in which values and living aspirations differ greatly from those of previous generations.

Contract arrangements for young workers: An uneven situation

Youth employment is regulated in labour laws, employment acts or in specific text related to contractual arrangements or training and qualification. Few constitutional texts cover it; the Italian Constitution, for instance, guarantees young workers equal remuneration for equal work (Article 37).

At a supranational level, only the European Union has adopted regulations. Article 32 of the European Union Charter requires, albeit vaguely, that young people "have working conditions appropriate to their age". Directive 94/33/EC requires Member States to issue regulations on working time, night work, breaks, rest periods and annual rest for young workers and to prohibit the employment of young people in specified harmful occupations. European labour laws and the European Union Charter of Fundamental Rights prohibit child labour and provide for the protection of young people at work. Article 32 of the Charter requires young workers to "be protected against economic exploitation",

58 Among many others, the Universal Declaration of Human Rights and the Declaration of the Rights of the Child (1959), which describes in ten principles children's rights (1948) and recognizes that "motherhood and childhood are entitled to special care and assistance.

as does Directive 94/33/EC (Article 1(3)). This raises many questions about employment and labour standards in Member States' regulation of young workers.

In the 1970s and 1980s, labour contractual arrangements for young workers became a normal element in legislation, often related to training or apprenticeship or as a form of promoting or enhancing the hiring of labour market entrants (vulnerable workers). In most countries, apprenticeship regulations targeted the establishment of a dual education system⁵⁹ (such as in Austria, Germany and Switzerland), considered at that time as the more effective strategy to encourage the hiring of young people with skills. The Republic of Korea also introduced this kind of dual system in 2016. Some countries, such as France, Paraguay and Spain, introduced contractual arrangements that target a specific segment, such as informal workers or workers with disabilities.

Some contractual arrangements are used in the same way in some regions and in the same period of time. This is the case in Europe, for example, where apprenticeships are typically regulated under an employment contract⁶⁰ with a limited (fixed-term) duration of two or three years on average and often with fixed-age limits. These contracts also combine school or institutional training and on-the-job practice. In many countries, such as Denmark and Spain, the contract law requires a written contract with a special template.

Even if apprentices generally have similar working conditions as regular workers (based on the equality of treatment principle), they often receive different remuneration partly due to the view that they are paying for their formal education, hence their learning is "charged" to their wages. In Denmark, apprentices receive between 50 per cent and 79 per cent of a regular worker's wage in the same workplace (O'Higgins 2017). In Spain, the remuneration for an internship contract should not be less than 60 per cent (in the first year) or 75 per cent (in the second year) of the wage provided for workers in

a similar or equivalent job. In Belgium, the average monthly minimum wage is applied but is prorated according to the age of the student (from 70 per cent at age 17 to 100 per cent at age 21). In Greece, when an apprenticeship is largely involving effective work, the apprentice remuneration rate is proportional to the national minimum wage for unskilled workers, starting at 50 per cent and rising to the full minimum wage.

In Slovakia, a system of dual education (introduced in 2015 through the Act on Vocational Education and Training⁶¹) does not consider an apprenticeship as an employment contract. Even though the law requires a formal arrangement between an employer and a student, the apprentice does not become an employee but remains a student of their school. According to the law, employers are responsible for the organization, quality and content of the practical education, and that student pays all expenses related to the financing of the practical education.⁶²

The German apprenticeship system is considered one of the more successful strategies in Europe.⁶³ It is the result of a close alliance between the federal Government, the federal states (the Länder) and enterprises. It consults with workers' and employers' associations (in the preparation of new training regulations or occupational profiles). The foundation of the system is the occupational concept: Apprentices are trained in a recognized training occupation according to nationally valid standards. The overall aim is to equip individuals with the abilities, knowledge and skills – referred to as "professional ability to act" – necessary for the exercise of a qualified vocational activity in a changing working environment. This approach aims to balance the interests of apprentices to gain a labour market-relevant qualification and of enterprises to cultivate a skilled labour force. The occupation also serves as a resource for social integration and personal identification.⁶⁴

Similar social partner involvement is fundamental in the Danish apprenticeship system. For instance,

59 A dual education system combines apprenticeships in a company and vocational education at a vocational school in one course.

60 This is the case in Denmark, Estonia, France, Germany, Ireland, Italy, the Netherlands and Spain, among others.

61 See www.zakonypreludi.sk/zz/2015-61.

62 See www.cedefop.europa.eu/en/publications-and-resources/data-visualisations/apprenticeship-schemes/country-fiches/slovakia#ftn6.

63 It is regulated by the Vocational Training Act of 1969, which was amended in 2005.

64 In 2017, the calculated share of the resident population starting an apprenticeship in the dual system in Germany was 52.9 per cent. In total, around 1.3 million persons were in an apprenticeship in 2017. Among the apprentices starting in 2017, 42.3 per cent had a general secondary education certificate, 24.7 per cent had a secondary education certificate and 29.2 per cent held a university entrance qualification. The share of persons with a university entrance qualification has steadily increased since 2009 (to 20.3 per cent). See www.apprenticeship-toolbox.eu/germany/apprenticeship-system-in-germany/143-apprenticeship-system-in-germany.

courses as well as participating employers must be approved by a joint employer-trade union committee.⁶⁵

In Spain, the Workers Chart (Estatuto de los Trabajadores)⁶⁶ established two training contracts, depending on the level of education: (i) the internship contract for workers who have obtained a vocational training degree or a tertiary education degree during the previous five years, or seven years for workers with disabilities; and (ii) the apprenticeship contract for workers older than 16 but younger than 25 who lack the qualifications required for the internship contract.

A similar two-contract scheme for youth is recognized in France, with an apprenticeship contract and a training-for-employment contract. The latter one is more flexible, allowing youth far from employment to have a tailor-made training that is more adapted to their needs.

Since mid-2014 in Belgium, the apprenticeship, or dual vocational training, has been regulated by different communities and not by the State, hence, there are slight differentiations in the regulations. In addition, national law stresses that working students older than 15 can be covered by a student occupation contract, which is a fixed-term contract subject to additional conditions and rules.

Several European countries recently initiated reforms in the area of youth employment. Italy, which has a long tradition of apprenticeship, often reforms its legal framework surrounding the apprenticeship contract. There are now three types of apprenticeship contracts that reflect participation in a formal education or training programme or on-the-job training. Even though the latest labour law reform⁶⁷ covers all apprenticeship types, the Government promotes the formal programmes in which young people can achieve a formal qualification, diploma or certificate at the upper-secondary (type 1), post-secondary (type 2) and tertiary (type 3) levels, which reflects a combination of instruction from an education or training institution and a company (Cedefop 2017).

Greece recently reformed its apprenticeship system.⁶⁸ As result, the apprenticeship contract is subject to labour law provisions. When training is the more dominant element, the apprentice may engage in on-the-job training without an employment contract and without having the right to any remuneration.

A May 2017 reform in the United Kingdom took place in the framework of the Government's plan to increase the quality and quantity of apprenticeships. The system is now based on "apprenticeship agreements", whereby there is essentially a normal employment relationship between an employer and apprentice. The law makes it clear that the apprenticeship agreement is a contract of service and not a contract of apprenticeship.⁶⁹

In Africa, youth employment contracts are not typically covered by regulations, but there are practices similar to how they are used in Europe in terms of the dual vocational system and limits on age and contract duration. A few countries have enacted regulations. In Morocco, for instance, the apprenticeship system,⁷⁰ which is open to persons older than 15, combines 80 per cent of work engagement with 10 per cent of training (the remaining 10 per cent can be either training or work) under an agreement with the public administration or a public organization. The duration cannot exceed two years, and a written contract is needed. According to the law, youth apprentices must receive a stipend, although it is lower than the minimum wage.

In South Africa, the employee status of apprentices varies across sectors and enterprises. Unemployed people can only enter an apprenticeship if an employer is willing to accept the application. The law distinguishes between "apprenticeship" and "learnership".⁷¹ Apprenticeships are limited to technical areas, while learnerships can be for any job. Apprenticeships (for youth at least 15 years old) combine on-the-job training and related classroom instruction in a programme that must be certified by the Institute for the Development of Learnerships and Learnership Assessment (O'Higgins 2017).⁷²

65 Act on Vocational Training (Lov om erhvervsuddannelsen), 2015.

66 Real Decreto Legislativo 2/2015, de 23 de octubre del Estatuto de los Trabajadores.

67 Legislative Decree 81/2015.

68 Law 4386/2016.

69 National Apprenticeship Service, United Kingdom.

70 Loi No. 12.00 on creation and organization of apprenticeship.

71 Apprenticeship is regulated in the Manpower Training Act, 1981.

72 See also www.labour.gov.za/DOL.

Apprenticeship contracts were only recently instituted in several countries in the Asia and Pacific region, such as Japan,⁷³ where the dual system combines instruction at an education and training institution with practical on-the-job training. The apprenticeship is considered an employment contract and can be part-time or a fixed term.

In China,⁷⁴ any work a student engages in cannot be considered as an employment relationship and thus is not eligible for benefits (Wanga 2010). But an employer can establish an informal agreement with an apprentice on a voluntary basis that covers their tasks and some remuneration (it is informal and not akin to a classical employment contract) (O'Higgins 2017). In Indonesia, as in China, apprentices are not treated as employees and therefore are not protected by the labour law.

In the Americas, regulations are quite extensive but heterogenous from country to country. In the United States, the apprenticeship is an employer-driven, learn-while-you-earn model that combines on-the-job training, provided by the employer, with job-related instruction in the education curricula tied to the attainment of national skills standards. In 2008, revised regulations shepherded in a flexible training strategy that can be customized to meet the needs of any business. The apprentice is now treated as an employee who receives a paycheck. Wages increase over time as apprentices advance in their knowledge, skills and abilities. The eligible starting age can be no younger than 16, although most programmes require individuals to be at least 18 years old. Every apprenticeship programme has a "sponsor" who is responsible for the overall supervision of the apprentices. After completing an apprenticeship programme, the apprentice earns a nationally recognized credential from the United States Department of Labor that is portable and stackable. This means that other employers in that industry will recognize its value and that the apprentice can build on its foundation to further their knowledge and education. The length of an apprenticeship depends on the complexity of the

occupation and the type of programme model the sponsor chooses. Apprenticeship programmes range in duration from one to six years.⁷⁵

In Latin America, the majority of countries have promulgated specific youth employment legislation that includes an apprenticeship contract and/or other modalities of contracts to promote young people into work (Nicaragua is the only exception, having nothing of this kind of regulation). The regulations, however, are quite diverse in scope and extension. Peru is the only country that does not consider apprenticeship as an employment arrangement (therefore, it is not covered by the labour laws), while Mexico established provisions to protect working people younger than 18.

In Bolivia, where the law does not define the minimum age, the apprenticeship contract obliges employers to train apprentices on the job. The contract is limited to two years and may or may not be remunerated.

Most of the Latin American countries define the apprenticeship contract, and some include an age limit: In Argentina, only workers aged 16–28 can be an apprentice; in Brazil it is workers aged 14–24, while in Costa Rica it is 15–25, in Panama it is 14–20 and in Venezuela it is 14–18. The Colombian law says apprentices must be at least 15 years old⁷⁶ and have completed primary school; the Chilean law says any worker younger than 21 can apprentice. Some laws include limits on duration: It is one year in Argentina and two years in Brazil (it can be longer for workers with disabilities⁷⁷), Chile and Panama. There are no limits in Guatemala and Venezuela, and the duration depends on the training.

Concerning wages, the law in Costa Rica provides that young employees (not only apprenticeships) be paid a percentage of the minimum wage (at 50 per cent, 75 per cent or 100 per cent, depending on how long they have been in the company). In Chile, Colombia⁷⁸ and Guatemala, employers are not obliged by the minimum wage rules when it comes to remuneration for apprenticeships.⁷⁹

73 The Youth Independence and Challenge Plan of 2004 was established at the Summit on Challenges and Strategies for Youth Independence, which involved four Cabinet ministries: the Ministry of Health, Labour and Welfare; the Cabinet Office; the Ministry of Economy, Trade and Industry; and the Ministry of Education, Culture, Sports, Science and Technology. The goal was to achieve a turnaround in the trend of increasing numbers of unemployed youth and part-time workers within three years.

74 Labour Law, 1995.

75 See www.dol.gov.

76 Article 35, Law 1098 /e 2006, Code of Minors and Adolescents.

77 Article 428, Consolidação das Leis do Trabalho.

78 Article 35, Law 1098/f de 2006 Minsor Code.

79 Articles 79 and 81, Labour Code versión of 28/4/ 2011.

The law on the apprenticeship contract in Paraguay provides for remuneration of at least 60 per cent of the minimum wage (adopted in 2013). But it also covers a second type of contract for youths aged 18–29⁸⁰ to promote their access to training and formal employment. This contract is designed particularly for vulnerable groups, such as youth with at least 33 per cent of a disability degree, youth in poverty and women with children or whose last job was as a domestic worker.

A variety of contracts are also specified in other countries. Uruguay has promoted youth employment⁸¹ since 2013 with four contractual arrangements: (i) The contract for first-work experience and (ii) the contract for labour practice for graduates, both of which offer young people their first opportunity to work. (iii) The protected work for youth targets unemployed people aged up to 30 years old living in socio-economically vulnerable households and (iv) the apprenticeship contract targets youths aged 15–29. Both contracts provide access to experience and skills, guaranteeing social protection and remuneration of at least 75 per cent of the minimum wage.

The law in El Salvador specifies an apprenticeship contract and a first-employment contract⁸² for young people aged 18–29 years who have no labour experience. The contract can be permanent or fixed term. Both the apprentices and the employees must be paid at least the minimum wage and must be covered by social security provisions.

Several countries have established a quota for apprentices in enterprises. In Brazil, Costa Rica and Honduras, the quota is defined as a percentage of the number of regular employees.⁸³ Apprentices cannot exceed 10 per cent of the total number employees with permanent contracts in Argentina or full-time workers in Chile. In Paraguay and Uruguay, the youth employment arrangements cannot surpass 20 per cent of the total employee contracts. Paraguay even requires that when an enterprise has two or more young people under an apprentice-type contract, half must be women.

Colombia,⁸⁴ India, Italy, South Africa, Turkey and Venezuela also enforce a quota for apprentices.

In some countries, enterprises hiring young people receive a government subsidy, such as Brazil, Turkey and Uruguay. In Morocco, apprenticeship programmes are tax free.⁸⁵

In France as well as in Spain, employers may enjoy social security exemptions when hiring young people, while in the United States, enterprises are allowed a tax reduction and social benefits.⁸⁶

Even with no quantitative data or impact evaluations available, it is difficult to see how youth employment legislation could be considered a burden for increasing the employment rates. Such legislation is not extensive or found in every country globally. Few countries offer similar rights to regular workers. There are no evident trends in most of the countries for regulating apprenticeships and even less a tendency in guaranteeing principles related to equality of treatment. Several studies have documented a low level of enforcement of youth-related labour laws and high statistical levels of non-compliance among labour inspectorate records.

Youth in regulations for occupational safety and health, working conditions and social protection

According to the European Agency for Safety and Health at Work, youth aged 18–24 are more likely to have a serious accident at work than older adults. They may lack experience and often lack both physical and psychological maturity. Thus, the European Directive 94/33/EC specifies the legal obligation of employers in relation to young workers in terms of protecting and monitoring their safety and health.⁸⁷ The directive insists that Member States must prohibit the employment of children (as defined by national law) and specify the work or jobs that must be prohibited for young people, such as work

80 Law No. 4.951/13, Youth Employment Insertion.

81 Law No. 19133 on regulation to promote youth employment.

82 Decree No. 57 of 2012, First Employment Law.

83 Enterprises with 20 employees or more must hire at least 5 per cent of apprentices.

84 Article 33, Ley No. 789 del 27 de Diciembre de 2002.

85 Loi 12.00 portant institution et organization de l'apprentissage.

86 See www.dol.gov.

87 This directive applies to people younger than 18 but older than 15. It considers young people as younger than 18 and children as younger than 15 or who are still in compulsory education full-time.

beyond their physical or psychological capacity; work involving exposure to dangerous agents or to radiation; and work with a risk to health from cold, heat, noise or vibration. Due to the directive, European countries' provisions on occupational safety and health and on working conditions that refer to youth are similar.

Belgium has special protection rules for employees aged 15–18 (work is prohibited for anyone younger than 15): Some activities are prohibited along with overtime and night work (with some exceptions). Hours of work cannot go beyond eight per day or 38 per week. In addition, the Code of Well-being at Work provides preventive measures for young people; employers are required to assess all risks at work for the safety and the physical or mental health and development of young people, taking into account that young people often have insufficient attention to safety, lack experience and that their development is sometimes not yet complete. Employers must also welcome and support young people, promote their adaptation and integration into the work environment and ensure that they can perform their work properly. A tutor accompanies youth in the workplace.

Denmark requires similar protections for workers younger than 18. Their working hours must not exceed the normal working hours for adults employed in the same sector, although they are subject to a maximum of eight hours in any 24-hour period and 40 hours in a week. Their rest period must be at least 12 consecutive hours during each period of 24 hours and of two consecutive 24-hour periods within each seven-day period. As far as possible, one of these 24-hour periods must be a Sunday. In addition, they cannot work between the hours of 8 p.m. and 6 a.m. Along with the sector-based collective agreements that apply, supplementary agreements on apprentices cover cooperation and how to deal with complaints; working hours; compulsory school attendance; school preparation and training evaluation; wages, including overtime pay; holidays and days off; illness and injury; and work clothing and tools to be provided by the employer (O'Higgins 2017).

In France, anyone younger than 16 is not allowed to work, with some exceptions, such as through an apprenticeship or during the holidays for people

aged 14 and older (in this case, labour inspection authorization is required). Some activities are prohibited for the youth as well as night work. Working hours of young people cannot exceed 35 hours per week and eight per day (seven hours if someone is younger than 16). Extra hours are allowed up to five hours per week in some exceptions. Apprentices are entitled to five weeks of holidays per year plus five working days to prepare for exams. They also benefit from the rights applicable to any employee regarding maternity leave, paternity leave or leave for family events.

In Spain, anyone younger than 16 is not allowed to work, except in entertainment and only then with labour authority authorization. Minors (younger than 16) are prohibited from night work, extra hours and some dangerous activities.⁸⁸ They are also protected with a workplace assessment that must look at any risk to their safety, health and development.⁸⁹ Apprentices' working time may not exceed 75 per cent of the normal working time during their first year and 85 per cent during the second and third years, and their wage cannot be lower than the minimum wage.

In Greece, workers aged 16–18 cannot work more than eight hours per day or 40 hours per week. Their wage cannot be below the minimum wage, except for persons aged 15–18 working as apprentices through an apprenticeship contract.

In Italy, the regulation of work conditions of all types of apprenticeship contracts is covered through inter-sector agreements or national collective labour agreements.

In Morocco, anyone younger than 15 is prohibited from working. Night work for anyone aged 15–16 is also prohibited, with some exceptions. Some work and activities are also forbidden because of the risks involved. Apprentices are not covered by social security, although the training institution should provide insurance coverage for the apprenticeship period (O'Higgins 2017).

In Colombia, the minimum age to work is 15. Adolescents aged 15–17 need a labour inspection authorization to work.⁹⁰ In Venezuela, the authorization of the labour inspector is not needed, but they need to be informed, as does the Council for the Protection of Children and Adolescents.⁹¹ In

88 Article 6, Workers Chart.

89 Article 27, Law 31/1995, Occupational Risks Prevention.

90 Article 35, Law 1098/e 2006, Minor Code.

91 Article 305, Employment Law.

Ecuador, teenagers aged 15 and older have the legal capacity to sign an employment contract without the need for any authorization.

In Argentina, apprentices cannot work more than 40 hours per week, including the hours of training. In Uruguay, young employees under the contractual modalities established in Law No. 19.133 are protected by social security and enjoy the rights and benefits included in the labour law, except in the case of the apprenticeship contract, in which the apprentice is covered by social security but does not enjoy other rights. Employees younger than 18 are prohibited from dangerous work in all cases.

In Paraguay, young people under one of the four types of contracts promoting youth employment must receive ten hours of training on their rights and discrimination at work. Young employees are covered by the social security benefit, except in the case of the vocational training and practice at work contracts, for which they are covered by a private health insurance scheme paid for by the employer.⁹²

In the Dominican Republic, apprentices cannot work more than 36 hours per week, and extra hours are prohibited.

Conditions of employment for Australian apprentices are the same as for other employees. This includes hours of work, overtime, holidays, sick leave, personal leave, superannuation and other penalty provisions. Awards and registered agreements can have specific entitlements or rules that apply to apprentices. Some of these, like whether they are paid to attend training and who pays for their training fees, are the same. Other entitlements, such as overtime pay and pay increases, are different per award. Australian apprentices are also covered by state or territory legislation, such as anti-discrimination laws and occupational safety and health laws in the workplace. The Government has issued a National Code of Good Practice for Australian apprenticeships to assist both parties entering into a training contract with a clear understanding of each other's obligations and expectations.⁹³

International regulations

There are limited international standards on youth that are binding on States. Probably the two most important pieces of international legislation are the Convention on the Rights of the Child, which protects children and young people up to age 18 and takes into account the vulnerabilities that particularly affect them because of their age, and the Universal Declaration of Human Rights, which established the rights to good health and information, including the promotion of sexual and reproductive healthcare for young people. While these instruments establish rights and protection for certain aspects of young people's lives, they are not youth-specific pieces of legislation.

A long list of international declarations, recommendations, resolutions and other documents has been elaborated on youth and youth-relevant themes. Even if these do not constitute legally binding legislation at the national level, they help establish standards and good practice in relation to youth policy development and implementation for countries. Their provisions can be transformed into programme objectives and interventions.

A prime example is the World Programme of Action on Youth, which is a set of targets or principles towards which governments have agreed to work in support of young people. The programme has no enforcement mechanism, and even the World Conference of Ministers Responsible for Youth, which adopted it, has not been sufficiently institutionalized for regular reviews of progress to take place.

At the regional level, some importance has been given to charters,⁹⁴ which provide a common basis for individual state implementation. They also provide advocacy tools to the non-governmental youth sector. The African Youth Charter and the European Charter on the Participation of Young People in Local and Regional Life are good examples. In addition, certain kinds of political declarations, while having no legislative implication or value, have had significant influence on the political will and awareness of youth policy-related issues and concerns. This is certainly the case of the European Youth Pact, which accelerated protection by the European Union countries in relation to young workers.

92 Law 4951/13, Youth Employment Insertion.

93 See www.australianapprenticeships.gov.au/sites/ausapps/files/publication-documents/national_code_of_good_practice_for_australian_apprenticeships.pdf.

94 These are agreements to which individual States commit, through a process of adoption and ratification, after which they are morally bound to implement the provisions.

Regional integration processes increase the chances for implementation and enforcement. The responsibility of the European Union and its regional partners (the Council of Europe, for example) for youth affairs has increased and become more accepted by Member States.⁹⁵ The youth employment guarantee part of the 2010 Youth Employment Package and the European Social Fund are primary resources to implement the different programmes and schemes.

In more focused labour aspects, international labour standards have improved young people's employment opportunities and working conditions.

Young people and ILO instruments

The Constitution of the International Labour Organization (ILO) cites the need to protect young people in its preamble, and several instruments have been adopted over the past 100 years of the Organization's history that endorse the important role of young workers in its scope.

Several ILO Conventions target young people or contain measures for their protection (ILO 2018):

- The Minimum Age Convention, 1973 (No. 138) establishes the minimum age for employment or work that, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of young persons at 18 years, albeit with some exceptions.
- The Worst Forms of Child Labour Convention, 1999 (No. 182) considers the worst forms of child labour, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. Those works are to be eliminated as a priority.
- The Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125) calls for the adoption of measures designed to safeguard the life and health of young persons employed or working in underground mines.
- The Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No.

78) and the Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124) require that there be pre-employment medical examinations for persons younger than 18 to check their fitness for the work in question, and they require that there be medical supervision until workers reach the age of 18. These requirements are extended to the age of 21 for occupations that involve high health risks. The Medical Examination of Young Persons Recommendation, 1946 (No. 79) recognizes that protection is still needed beyond the age of 18 because, in most cases, the adolescent stage of development does not end at age 18.

Other instruments also address the youth from a different perspective, such as the standards regulating safety and health:

- The Safety and Health in Agriculture Convention, 2001 (No. 184) contains a section on young workers and hazardous work and states in article 16 that the minimum age for assignment to work in agriculture is 18 (exceptions are permissible for persons aged 16–18 under strict conditions). The accompanying Recommendation (No. 192) provides for the adoption of health surveillance measures for young workers.
- The Construction Recommendation, 1988 (No. 175) requires a minimum age for drivers and operators of lifting appliances.
- The Asbestos Recommendation, 1986 (No. 172) gives special attention to the employment of persons younger than 18 in activities involving a risk.
- The Welfare Facilities Recommendation, 1956 (No. 102) states (article 16) that in undertakings in which any worker, especially women and young workers, have reasonable opportunity for sitting without detriment to their work, seats should be provided and maintained for their use.

The Human Resources Development Convention, 1975 (No. 142) establishes that Member States should develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training, closely linked with employment. Its article 4 specifies that Member States should gradually extend, adapt and harmonize their

⁹⁵ The treaties provide for the European Union and Member States to work towards this objective in a number of ways. Title IX of the Treaty on the Functioning of the European Union enables it to promote the coordination of employment policies by adopting yearly conclusions on the employment situations, making country-specific recommendations to Member States and drawing up an annual set of guidelines that Member States are required to take account of in creating their employment policies. The treaties also allow the European Union to adopt "incentive measures" designed to encourage cooperation and the sharing of good practice (Article 149).

vocational training systems to meet the needs for vocational training throughout the life of young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.

Even with no specific wording for youth, most ILO Conventions cover all workers, including the youth, and this is particularly important in the case of the standards that protect vulnerable cohorts, where young workers are especially affected.

During its 101st International Labour Conference in June 2012, the ILO adopted a resolution calling for immediate, targeted and renewed action to tackle the youth employment crisis. Although not mandatory, the resolution provides a portfolio of tried-and-tested measures; the ILO call for action on youth employment asks governments and social partners to foster pro-employment growth and decent job creation through macroeconomic policies, employability, labour market policies, youth entrepreneurship and rights to tackle the social consequences of the crisis, while ensuring financial and fiscal sustainability; to promote macroeconomic policies and fiscal incentives that support employment and stronger aggregate demand, improve access to finance and increase productive investment, taking account of different economic situations in countries; and to adopt fiscally sustainable and targeted measures, such as counter-cyclical policies and demand-side interventions, public employment programmes, employment guarantee schemes, labour-intensive infrastructure programmes, wage and training subsidies and other specific youth employment interventions. Such programmes should ensure equal treatment for young workers.

Youth are an integral element of the ILO Decent Work Agenda, and achieving the 2030 Agenda for Sustainable Development will be dependent upon policies that better gear youth for the near future, especially a changing world of work.

More balanced employment protection needed for young workers

The role of labour market policy, regulations and institutions varies considerably from country to country. But overall, more balanced employment protection for permanent and temporary workers and for all new standard forms of work is needed.

It will ensure that young people who lack work experience can prove their abilities and skills to then progressively transition to regular employment (OECD 2013). It will also encourage an equal treatment between permanent and temporary workers and help combat informal employment. This idea has led to multiple discussions at the national level on flexible contracts to be designed and offered to youth.

Discussions among social partners in some countries focus on the level and spread of income support provided to unemployed youth. While some governments consider shifting their support from direct financial assistance to funding apprenticeships, others are increasing their support by tying it back to stricter obligations of active search and training. Unfortunately, assessments are lacking that could point to good solutions; job-related legislation providing this type of incentive should be carefully reviewed.

Governments are progressively involving employers and trainers to create a holistic approach to address youth employment, including regulations on youth unemployment and providing intensive programmes on remedial education, work experience and adult mentoring (McKinsey 2013). A skills and occupational training policy should be a core element of any legislation.

The world continuously changes and creates new forms of challenges. Workers' skills do not always match with the jobs available now and even less so tomorrow. The rapidly evolving digital economy will change the employment map. The expanding population of young people will exacerbate youth unemployment and migration pressures.

What is the role of legislation in this context? Equal treatment and equal distribution of benefits is still a fair aspiration in a modern and democratic system. New regulations and policies should guarantee that all segments of a population receive the same benefits and enjoy the same rights. In this context, any reform of youth legislation should contemplate employment as a whole and define social needs as well as youth protection in a general way. Specific legislative measures should focus on facilitating the transition from school to the world of work and avoid treating youth workers as second-class workers. New laws should emphasize protecting contractual arrangements for all workers; evaluate and compensate work performed with equal criteria; and consider diversities, such as age.

The principle of equal remuneration for work of equal value should be considered “mutatis mutandis” for the work performed by young workers as well as their right to receive similar social and employment protections as older workers.

The future of work needs a more equalitarian and flexible society. The recent ILO report of the Global Commission for the Future of Work (ILO 2019) emphasizes “supporting people through transitions with the aim to expand their choices and provide security to cope with the change”. The report highlights that the transition from school to work is a pivotal moment for young people, but one in which many of them are left behind and which could “create long-term developmental and societal consequences”. Young people need strong support to become active members of society. Legislation is a tool of paramount importance for guaranteeing the generational transition and to ensure decent work.

For addressing the future of work, countries need to design and apply more and better policies and interventions to ensure the delivery of relevant skills and facilitate a successful transition into employment, both today and tomorrow. It is key to build on rigorous evidence and market sensing to inform

the design of effective interventions, and education and skills training curricula.

An enlarged social dialogue that includes youth representatives is a precondition to reducing the skills mismatch. It is also necessary to invest in lifelong learning and making the education system more adaptable and attuned to the needs of the labour market.

Several studies and institutions single out insecurity, the lack of social protection and precarious working conditions as the main problems facing young people in the current and future labour environment. To resolve these issues, it seems necessary to build adaptable and responsive social security, education and training systems, to promote lifelong learning and to ensure smooth school-to-work and work-to-work transitions as well as equal access to quality jobs for all young people.

To offer youth a bright future of work, young people’s personal development and evolution to autonomy need a nurturing policy environment to help build up their resilience and equip them with the necessary resources to participate in society, thereby contributing to the eradication of youth poverty. Only if we succeed with young people will we have the future of work we want.

References

- Cedefop (European Centre for the Development of Vocational Training). 2017. *Apprenticeship Review: Italy: Building Education and Training Opportunities Through Apprenticeships*. Luxembourg: Publications Office.
- Global Commission on the Future of Work. 2019. *Work for a Brighter Future*. Geneva: ILO. Available at: www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_662410.pdf.
- ILO (International Labour Office). 2011. *Key Indicators of the Labour Market*. Seventh edition. Available at: https://ilo.org/empelm/pubs/WCMS_114060/lang--en/index.htm.
- . 2017. *Inception Report for the Global Commission on the Future of Work*. Available at: www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_591502.pdf.
- . 2018. *Improving the Safety and Health of Young Workers*.
- Martin, G. 2009. "A Portrait of the Youth Labor Market in 13 Countries, 1980–2007." *Monthly Labor Review* 3 (21).
- McKinsey. 2013. *Education to Employment: Designing a System That Works*. London.
- O'Higgins, N. 2017. *Rising to the Youth Employment Challenge: New Evidence on Key Policy Issues*. Geneva: ILO.
- OECD (Organisation for Economic Co-operation and Development). 2013. *Action Plan for Youth*. Paris.
- Wanga, C.Y. 2010. *Apprenticeships in China: Experiences, Lessons and Challenges*. Paris: National Institute of Education Sciences, OECD.