

Consolidated Response**Online Discussion Forum on Rights and Conditions of Young Workers****23 November – 6 December 2009****Introduction**

Between 23 November and 6 December 2009, APYouthNet hosted a facilitated discussion on the rights and conditions of young workers in the Asia-Pacific region. The forum was ably facilitated by Mr Arun Kumar, ILO ITC Workers Education Programme. The topic was chosen by APYouthNet members at the APYouthNet Visioning Workshop held in 2008 and was the last of three priority topics to be discussed in 2009, following youth enterprise and youth education and skills training.

For young people, entry into the labour market can be a time of great hope. Ideally, the transition from school to work is an opportunity to apply skills acquired in the education system to the real world, to take a step towards financial independence and to create a solid foundation for a self-determined future. But the reality of many young people's experiences in the world of work is not so rosy. For many young people, entry into the labour force is an uncertain time, perhaps prioritised over continued education by necessity rather than choice. Job opportunities may be scarce and unappealing, seemingly more a dead-end than a path to lifelong development. In short, many young people suffer from deficits in their rights and conditions at work.

It is difficult to generalise about the experiences of young people in a region as diverse as Asia-Pacific. The collection of data and good practices remains a work in progress. Young people work in a wide variety of conditions and industries, in low-, middle- and high-income countries. Young people face special challenges in the labour market (explored below), although in some situations it can be difficult to separate the rights and conditions of young workers from the rights and conditions of workers generally. For example, in economies that do not provide decent jobs in sufficient number, young and older workers alike may struggle to find decent work, regardless of youth-orientated employment policies. Likewise, in an economy or industrial sector with only weak labour market institutions, young people are likely to struggle to enforce their rights at work if their levels of awareness or empowerment are comparatively high.

The labour-market experiences of young people clearly differ from those of the labour force at large and youth-focused policies are important. Historically young people in Asia Pacific are 3-4 times more likely to be unemployed than older members of the labour force. Young people have been disproportionately affected by the financial and economic crisis. While general unemployment in the Asia-Pacific region is expected to rise from 4.7% in 2007 to 5.1% in 2009, youth unemployment is expected to rise at a greater rate – from 10.4% in 2007 to 11.6% in 2009. The increase is expected to be particularly dramatic in developed Asian economies and South-East Asia.

But unemployment is only part of the picture. Employment patterns among young people show that they often face precarious working arrangements, little or no social security coverage, low

wages, and occupational hazards. They are often over-represented in the informal economy. Evidence suggests young workers are more likely to be injured at work. Young people's participation in labour unions is typically low, yet many young people lack awareness of their rights at work and/or find that they are unable to enforce them.

This discussion forum provided the opportunity to explore the experiences of young people in the labour market, and subsequent policies and project interventions that have been deployed.

Summary of the E-Forum Discussion

The forum adopted a new format for APYouthNet, with multiple simultaneous threads. This format led to an open and wide-ranging debate.

Under the umbrella of the rights and conditions of young workers, a number of key themes emerged:

1. Experiences of youth in the labour force
2. Impact of the financial and economic crisis on youth employment
3. Role and impact of labour market flexibility on youth employment
4. Ways to promote decent work opportunities for youth
5. Youth organization and labour rights

In addition, significant space was devoted to the discussion of a sixth issue:

6. Future development and research activities of APYouthNet

Synthesis of the main points under each of these topics is provided below and the concluding analysis examines the interactions of these themes and future work.

Synthesis of the E-Forum Discussions

1. Experiences of young people in the labour force

Decent work deficits arise for youth for various reasons, which vary across countries and sectors. In some countries, youth are over-represented in the informal economy, which means they often work without social protection and typically beyond the reach of labour laws. In formal economies, young people are often engaged in intermittent, temporary or precarious work. Youth membership in labour unions is often proportionately low, and significant numbers of young people are unaware of their rights at work and/or struggle to enforce them. Youth may also face limited options for work, due to competition with more experienced workers and/or a lack of jobs within an economy generally

- Examples were cited from Thailand and Malaysia of employment for young people primarily in short-term contract or casual roles in service or sales industries. In some circumstances, young people were expected to work without proper meal breaks, work extra hours or overtime without compensation, or in conditions that did not comply with OSH norms. Refusing to work in such conditions led to the risk of losing the position or harassment/discrimination from senior personnel.
- For young people in the Pacific, available work is often unskilled, often agricultural. Some young people are able to take advantage of migrant work arrangements with Australian and New Zealand, but these numbers are relatively small.

- **Workplace safety:** Evidence was provided that in the United Kingdom young workers are more likely to suffer workplace injuries and fatalities. Similar evidence for Asia Pacific was rarely available, likely due to high large informal economies. It was suggested that APYouthNet could become a repository of such information.
- **Migration:** Migrant workers can suffer exploitation, a lack of rights or enforcement mechanisms, low (or unpaid) wages, risk of trafficking, lack of social support, little or no access to health care, etc. As those who most frequently migrate for work, young people are disproportionately affected by these issues. Participation in organised, government-supported programs like those from the Pacific to Australia and New Zealand may provide some level of protection but experience shows that it is no guarantee. The solution to youth labour migration challenges are tied up with approaches to labour migration generally. It was suggested that the ILO's existing work on trafficking and labour migration (for example, Convention 143 (1978) and the ILO's Multilateral Framework on Labour Migration (2006)) sets out feasible options, although they are yet to be universally adopted. It was further suggested that a fundamental change in mindset is required, whereby labour migration is treated as an economic and labour issue, rather than one of immigration, policing or homeland security.
- **HIV/AIDS:** Young people have high levels of participation in some industry sectors where HIV/AIDS is known to be prevalent in certain countries, such as call centres, IT, tourism, HRD, sales and marketing. Targeting HIV/AIDS prevention strategies by sector is an important step in reducing young people's exposure to the virus. HIV/AIDS information can effectively be mainstreamed into instruments targeted at young people, whether in the workplace or in training institutions. Partnership with the corporate sector is critical.

It was generally agreed that, particularly where unemployment is high, young people may be so concerned with obtaining work that they accept poor conditions. The links between youth employment and conditions in the labour market generally were thereby reinforced – without adequate employment generation and strong labour market institutions, young people's options for decent work are likely to be limited.

Although it was not anticipated that the forum could ever capture the full range of experiences of young people in the workplace, it was felt that the discussion would have benefitted from a wider range of inputs, particularly from young people themselves. Broadened participation and related collateral issues are dealt with in greater detail in the section on the Development of APYouthNet below.

2. Impact of the crisis

It was agreed that young workers are typically more affected by economic contractions, as they are more likely to be laid off than older counterparts and, with limited experience, they often struggle to compete successfully with more experienced workers in a tight labour market. The focus of the discussion was on the response of various governments to the crisis and the steps that had been taken to boost or maintain youth employment or training. A table of government responses on youth employment in response to the financial and economic crisis appear in Annex 1 (the table builds on existing work done by the ILO provided by Gianni Rosas, incorporating further examples provided by discussion participants).

3. Ways to promote decent work opportunities for youth

Much of the discussion was devoted to exploring ways in which the rights and conditions of young workers could be improved. The suggested measures fell into two broad categories – those directed at the labour market as a whole with flow-on effects for both young workers and workers generally; and those directed at young workers specifically.

<i>Market-wide measures</i>
Adequate rates of job creation
Strengthened labour market institutions
Ability to enforce rights
Adequate labour rights, include the right to associate and collective bargaining
Minimum social floor
<i>Youth-specific measures</i>
Training and education in general/soft skills, such as literacy, numeracy, foreign/business language, IT skills
Vocational education and training
Self-employment and entrepreneurship training
Career guidance
Rights awareness among youth
Opportunities for adolescent workers

It was recognised that a combination of the measures mentioned would be required in order to deal with the youth employment challenge and adequately promote the rights and conditions of young people at work. Policies and responses, particularly after the jobs crisis, would need to be multifaceted and in most circumstances more than one strategy put in place.

The importance of youth-specific measures has been recognised by ILO constituents. Examples of government measures are included in the Annex 1. Employers' groups have also begun providing skills for young people, for example, the Vietnam Chamber of Commerce and Industry (VCCI) (business clinics for young people) and the Cambodian Federation of Employers and Business Associations (CAMFEBA) (work experience placements, employability skills). Unions have taken steps to empower youth within labour movements and to improve labour representation in sectors in which young people are typically highly represented, such as casual employment.

- **Youth enterprise.** The role of youth enterprise and entrepreneurship programmes was discussed, particularly the issues of sustainability and impact.
 - Microenterprise is a well established type of development intervention, and many NGOs working with microfinance and entrepreneurship were said to have

suffered from a ‘bottleneck’ in bringing the products made by such enterprises to market, which was a critical blow to the businesses’ sustainability. Regrettably, many programmes suffered from a high failure rates of start-up enterprises. Further, the quality of resulting work was also often low, with long hours for poor compensation. As such, the extent to which of self-employment/entrepreneurship offered a solution for youth employment challenges was queried, particularly in areas where the economy is already sluggish and more established/experienced businesses fail. It was argued that whilst entrepreneurship/self-employment training undoubtedly has positive impacts in some circumstances, the scale on which such programmes might be successful should not be exaggerated. Such programmes should not distract from structural establishment of employment opportunities. Ultimately, it was suggested, social dialogue, commitment to workers’ rights and support from employers would have a greater impact on youth employment.

- In favour of enterprise programmes, it was argued that their purpose was not to provide a single solution to youth employment. Youth enterprise could successfully be used to fill gaps in the private market, provide bridging employment for young people in vulnerable circumstances, and provide an alternative to remaining idle or engaging in hazardous work. It was not a perfect solution, and not a solution suited to every young person, but its role is significant. In circumstances where the existing public and private sectors do not have the capacity to absorb workers – under any sort of contractual arrangements – it was considered crucial to support the development of viable alternatives.
- **Adolescent workers.** Adolescent workers present a dilemma for policy-makers. Particularly in countries with poor social safety nets and poor education systems, the gap between the legal age for work and the age of majority can pose difficulties. Specifically, adolescents who may be unable or unwilling to continue with education, may face regulatory impediments due to their age – such as access to social security and workers’ insurance, microfinance, licensing – that make it difficult for them to access work or to compete with older workers. Some skills training programmes, including ILO programmes, focus exclusively on 17- or 18-year-olds out of school, indirectly acknowledging that the employment prospects of even newly trained adolescents are diminished. The risk for those adolescents is that they may spend several years without education or training and without the opportunity to develop skills ‘on the job’, and be pushed into more hazardous work or the informal economy increases. The challenge for policy-makers is to assist families and individuals to strike the optimal balance between the pressure to enter the labour market early and the long-term return on remaining in education.
 - Pakistan was cited as an example, where adolescents did not have access to workers’ insurance; were often banned from working in the formal sector despite being of legal working age due to supply chain audits; could not access microfinance in order to go into self-employment; were not considered in workplace design, in terms of workplaces, tools and safety equipment. Mention was made of similar issues in India.

- The occupational health and safety of adolescent workers may not be considered – for example, in workplace design – despite evidence that young workers have higher rates of mortality and injury. Those impediments compound any other disadvantages that may exist in terms of the experience or maturity of young people, which make it difficult for them to compete with adults, particularly in an already overcrowded labour market.
- The measures taken to address adolescent work must be context-specific. Foremost, improving opportunities for adolescent workers must not detract from educational opportunities. Even if special efforts are made to promote youth employment and youth rights, the promotion of decent work conditions for the labour market as a whole must continue.

4. Labour market flexibility

These questions, about labour market flexibility, are interesting and difficult ones. Interesting because they touch at the very dilemmas that policy makers have to face, and difficult because although there can be many rhetorical answers, it is the "practicals" that will be most interesting to hear of.

- Nicolas Serrière, 23 November 2009.

It's about time that governments stopped thinking of labour standards as something that are good for workers only. In fact, freedom of association, right to collective bargaining and basic social security for all are in effect economic development policies – these three standards not only protect workers but help in sharing gains from growth, spread purchasing powers and in the process help to expand domestic market.

- Arun Kumar, 1 December 2009

The issue of whether, and to what extent, flexible labour market arrangements might improve the employment prospects of young people was discussed.

Some support was voiced for labour market flexibility as a driver of job growth for young people, in South Asia in particular. However, strong concerns were expressed about this view. Whilst a degree of labour market flexibility was acknowledged as a necessity in dynamic economies, it was considered that flexibility without suitable social security measures was unlikely to generate jobs that provide decent livelihoods and promote societal development. The facilitator indicated that evidence showed that deregulation had in fact led to lowered job security, lowered living standards and a reduction in workers' ability to enforce their rights. For youth, the impact of flexibility was rarely good, as evidenced by the types of precarious or informal jobs cited as typical for young people in middle- and high-income countries – casual sales- or service-based jobs, often with few career prospects.

This led to a discussion of the concept of 'flexicurity', a balance of labour market flexibility and social security measures usually associated with the Danish or Scandinavian models and presently the subject of debate in Europe. A review of the history and implementation of flexicurity suggested that a number of factors were required for such a policy to be successfully implemented:

- (i) Flexicurity would only succeed in an economy that is creating (formal) jobs. Whilst countries such as India, Nepal and Bangladesh could be said to create

employment, the jobs created were predominantly in the informal economy, often subsistence, and not capable of support a flexicurity system.

(ii) There must be sufficient capacity in the economy/state to support or guarantee the social security measures; for example, government capacity to make up shortfalls from employer and worker contributions.

(iii) Strong labour market institutions.

The flexicurity concept had subsequently entered the policy debate in Asia, for example in Viet Nam. However, it was felt that the policy context in Asian low- and middle-income countries was very different from Europe/Scandinavia, with higher levels of informal employment, lower government capacity to support social security programmes and weaker labour institutions. Particularly against the background of the present export and other global challenges, it would be difficult for those countries to find the resources to fund the security component of flexicurity, at least in the short to medium term.

Finally, it was noted that even in European policy discussions, youth employment was not a significant feature of the flexicurity debate and it was not clear how directly such policy changes would assist young workers.

5. Youth organisation and labour rights

[Increased awareness of labour rights among young people] is [...] a necessary but not sufficient condition to have young workers' rights enforced. The exercise of rights at work needs to be backed by effective labour market institutions that define (e.g. employment protection legislation), monitor (e.g. labour inspection services) and enforce (e.g. labour and civil courts in case of violation) labour rights. Again, it is important for young workers to know mandate, roles and functioning of these institutions in case they want to take action against violation of their rights and entitlements.

- Gianni Rosas, 5 December 2009

It was recognised that there are two complementary parts to the promotion of youth rights at work – the awareness of youth of their rights; and the ability to enforce them, through the prevailing industrial relations system. As Mr Rosas' quote indicates, youth awareness of rights is a necessary but not sufficient condition for their rights to be enforced. The promotion of youth rights can only occur against a background effective labour market institutions.

Focusing on the specific question of youth awareness however, it was suggested that today's youth are better positioned to organise, due to improved technology and increased awareness of the use of media. Acknowledging that youth membership and participation in labour unions is typically low, it was asked why young people were not better organised to fight as a union body. The following issues were canvassed:

- **Perceptions of labour unions.** Young people often do not perceive existing labour unions as accessible or relevant to them.
 - A quote from Indah Budiarti, PSI Asia and the Pacific was used to summarise this point: 'Trade unions are often perceived by them [young workers] in a negative light: too old-fashioned and bureaucratic, focused only on the traditional struggle for wages and working conditions.' Unions in developed countries have been described as 'male, pale and stale'. In Asian countries, labour unions are often

associated with existing power structures which may be unappealing to or inaccessible for young people.

- Despite initiatives to improve the situation (such as the creation of youth wings within labour unions; for example, the ITUC Youth Committee, see <http://www.ituc-csi.org/spip.php?rubrique94>) young people were not perceived as having decision-making power in unions. Labour union agendas were not often focused on youth employment issues per se.
- Capacity building for unions on youth employment is a significant part of ILO programming. For example, the ILO is presently developing a tool to raise awareness about workers' rights among young people, to be used in schools, trade unions and other settings and capacity building for unions on youth employment is part of the ILO-Japan Youth Employment project (Henrik Vistisen, 6 December 2009).
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- It is typically **challenging to organise workers, whether youth or otherwise, who are in precarious employment**. The conditions and entitlements of precarious employment discourage organisation and/or make it difficult to effectively organise. As youth are highly engaged in precarious employment, they are particularly affected by this issue.
- Young people may be **actively discouraged** from participating in the union movement. For example, in Malaysia, the *Universities and University Colleges Act 1971* – legislation that actively discouraged young people from being part of a political body – was cited as a basis for lowered youth participation in union movements.

The relationship between young workers and employers' groups was highlighted as an area for future discussion.

6. Growth of APYouthNet

If the discussion is of a more practical orientation, then the information gathered could also contribute to research and evidence based programming and policy advocacy.

I am not sure if this or previous APYN discussion forums could be used effectively as research material or advocacy materials and personally I think that is an opportunity missed.

- Shaun Kennedy, 6 December 2009.

Significant space was devoted to discussion of ways in which APYouthNet might develop further. Several of the suggestion made reflected ideas already contained with the APYouthNet roadmap, developed at the Visioning Workshop in November 2008. However, it is a positive development for APYouthNet to see those concepts voiced by active participants on the portal.

- APYouthNet had performed well in **linking parishioners from field offices and the regional office within the ILO**. That process may be further facilitated by the appointment of APYouthNet/youth employment focal points within country offices and improving linkages with existing ILO and YEN youth employment networks.

- The **marketing/positioning** of the portal should be adjusted in order to attract a wider range of participants to future discussion forums and activities, particularly young people, unions and employers.
- The portal could benefit from an **increased practical focus**. This applied to the discussion forums and to the site as an information repository. For example, it was suggested that the present discussion had focused too much on theory while the examination of practical examples was insufficient to form a proper basis for research or inquiry. That balance would need to shift further to the side of practical research if APYouthNet is to be a repository and incubator of policy advice, based on evidence and good practices. Advancing this issue was closely tied to the increased participation of social partners and youth.
- APYouthNet could become a repository for the **capture of national practices**. The development of guidelines for capturing national practices was a suggested future activity for the portal. A critical part of this exercise will be to better categorise and differentiate between country circumstances and experiences.
- **Relevance and accessibility of resources** found on the web site. Whilst improvements had been made during a recent upgrade to the organisation and availability of resources on the site, more could still be done to make APYouthNet an important repository of information on Asia Pacific youth employment.
- APYouthNet could become a repository of **youth-focused resources and services**, such as youth experiences in the labour market, personal marketing, job interview techniques, enterprise/entrepreneurship resources, etc. Reliant of the broadened participation, these could be collected young people, unions and employers.
- **Subregion-based discussions**, for example focusing on the Pacific, might encourage broader, more diverse participation and the airing of more concrete examples and solutions.

Concluding Analysis

Addressing deficits in the rights and conditions of young workers in the Asia Pacific remains a complex and multifaceted challenge. Many of the issues affecting young people are closely intertwined with broader employment, development and industrial relations issues. For example, young people will struggle to enforce their rights at work in circumstances where fundamental labour rights are not enforceable in the labour market generally. Likewise, decent work opportunities will be scarce for young people when they are scarce for everyone. And where work is scarce, workers and particularly young people are more likely to sacrifice conditions in order to secure employment. Accordingly, it is against a facilitating background of improvements in employment creation, labour relations and education, that the greatest improvements in the rights and conditions of young workers will be made. That said, youth-focused initiatives remain critical to address the specific challenges faced by young people in the labour market.

Discussion participants highlighted the economy-wide factors required to improve the rights and conditions of young workers, including adequate job creation, labour market institutions, labour

rights including collective bargaining and the right of association, and social protection. Criticism was made of 'neoliberal' economic policy and deregulation for the impact that such policies had on employment quality and worker conditions. At the same time, some participants stressed the importance of labour market flexibility in job creation. This is a long-running debate and it is clear that there is no clear agreement on the theoretical balance point.

Moving beyond the general level, many useful examples of issues, interventions and solutions were provided by various participants, as detailed above. The diversity of solutions – skills training, job counselling, rights awareness, union participation – is both a boon and a challenge. There are many tools available to address youth employment issues but the challenge remains of identifying what works best in particular circumstances.

In that vein, it was noted that it was difficult to use the content of this or previous discussion forums as the basis for future advocacy or policy design. This was described as a missed opportunity. Accordingly, significant attention was paid to ways in which APYouthNet might continue to develop as a community of practice, with a more systematised and practice-orientated approach. Even if not an adequate basis for evidence-based policy development, the discussion yielded useful bases for future activities in that direction. APYouthNet must better capture, manage and present data on youth employment and use such information as the basis for future discussions. It is hoped that by engaging in such an ongoing process, future discussions will move beyond the general to grappling with specific, practical solutions to youth employment deficits.

Discussion Statistics

Number of exchanges

- Week 1: 25
- Week 2: 54

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For more information and raw data from this discussion forum, please visit: <http://ap-youthnet.ilobkk.or.th/discussion-lists/forums/rights-and-conditions>