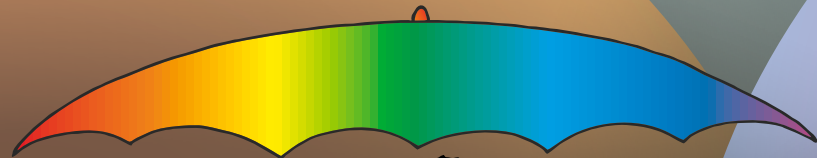


Rights@work for youth

Decent work for young people



International
Labour
Office



Rights@work for youth

Decent work for young people

Valli Corbanese and Gianni Rosas

**Youth Employment Programme
International Labour Office**

FACILITATOR'S GUIDE AND TOOLKIT

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Introduction

Across the globe, young women and men are making important contributions to society as productive workers, consumers and citizens. The Resolution of the International Labour Conference “*The youth employment crisis: A call for action*”, adopted in June 2012, called for ensuring that young people receive equal treatment and are afforded rights at work. It also requested governments to develop youth employment policies that take account of international labour standards. The Resolution also emphasized the need for increasing awareness about young workers’ rights, including through the integration of rights at work modules in the curricula of education and training institutions.¹

ABOUT THE INTERNATIONAL LABOUR ORGANIZATION (ILO)

The ILO is the specialized Agency of the United Nations responsible for establishing and overseeing international labour standards. It brings together representatives of governments, employers’ organizations and trade unions to develop labour standards and decent work policies. Led by its Director-General, the International Labour Office is the permanent Secretariat of the Organization that operates through a network of labour and employment specialists at its headquarters in Geneva and in more than 60 countries around the world.

The aim of this learning package is to support trade unions, employment services, education and training institutions, as well as youth organizations, in their initiatives aimed at raising young people’s awareness of their rights at work. The package consists of a guide for facilitators and toolkit that provide hands-on examples of recruitment practices and workplace situations. This material contains a number of individual and group activities, learning resources, a glossary and a summary of key international labour standards.

¹ International Labour Conference, ILO, *The youth employment crisis: A call for action*, Geneva, June 2012. Accessible at: http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_185950.pdf

The facilitators can design their own workshops by tailoring the information and tools contained in this guide to the country-specific context. Annexes 3 and 4 of this package offer a set of guidelines for facilitators to design, delivery and validation of training workshops.

This package was developed by taking account of the extensive multi-country and multi-regional experience gained by the International Labour Office through the implementation of several technical cooperation programmes in Asia and the Pacific, Central and Eastern Europe, Latin America and the Caribbean, North Africa and the Middle East. Many of these programmes tested and developed activities to promote rights at work for youth and the principles contained in international labour standards. They allowed young beneficiaries to gain knowledge and understanding of their rights and entitlements in the world of work.

The development of this package would have not been possible without the invaluable support of several ILO colleagues and the feedback of many young trade unionists that were involved in the pilot implementation of both the guide and the toolkit. We are grateful to Juliane Drews for her support on the collection of information and the review of material on rights at work, Mohammed Mwamadzingo of the ILO Bureau for Workers' Activities and Milagros Lazo Castro of the ILO Youth Employment Programme for the useful feedback on various drafts of this package, as well as to Karen Naets-Sekiguchi of the ILO Department of Communication and Public Information. Special thanks are due to Patrick Daru and Guillermo Dema for their feedback and support in the piloting of the training package.

Last but not least, we are most grateful to Brian Campbell – trainer of the Young Worker Awareness Programme of the Canadian Labour Congress, British Columbia Federation – for his useful feedback and for peer reviewing the content of this package.

How to use the Guide and Toolkit

Objective

The overall purpose of this training material is to provide a framework for facilitators to design learning sessions on rights at work. It seeks to help young workers identify their role in contributing to, promoting and maintaining fair and productive workplaces – a key objective for the development of their communities.

Usually, national labour laws define working conditions for young people as they enter the labour market. However, many young workers often lack knowledge of these laws and how they relate to their employment experiences. Accordingly, this learning package is intended to give them the information they need, so they can be better prepared to manage their first work experiences.

Target Audience

The activities in the Guide and Toolkit are designed for young people between the ages of 15 and 29 who are about to enter, or have recently entered, the labour market. No specific knowledge is required to attend the learning sessions. However, participants will need to have basic literacy and numeracy skills.

Facilitator's Profile

The Guide and Toolkit are intended to be reference tools, not only for the staff of labour market institutions in charge of employment promotion, but also for trade unions, employment service advisors, school teachers and trainers, young leaders and peers.

The facilitator should be familiar with the basic rights at work in force in the country and be willing to acquire additional information about labour laws. He/she needs to be creative and have good facilitation and training skills. This is particularly important when tailoring the learning resources to the needs of young participants. The key role of the facilitator is to provide information and “know-how” in order to familiarize young workers with their basic rights at work.

Structure and content

The Guide is organized around six sessions – totalling approximately 13 training hours. The sessions can be split up, lengthened or shortened to meet the objectives of the trainer/facilitator and his or her organization. Activities can be modified according to participants' learning styles, the availability of learning time and national laws and circumstances. Sessions can be organized as follows:

- ➊ Overview of labour market trends for young people, decent work and fundamental principles and rights at work;
- ➋ Key features of employment contracts;
- ➌ Social security systems;
- ➍ Conditions of work (e.g. wages, hours of work, leave);
- ➎ Occupational safety and health issues, the identification of hazards in the workplace and measures to minimize risks;
- ➏ Practical advice to young workers to help them manage conflict in the workplace and negotiate decent conditions of work.

Learning Strategy

This Guide focuses on improving young workers' knowledge of their rights at work. In addition, the activities offered herein can enhance a set of skills that help young people exercise their rights more effectively. More specifically, these activities help to:

- Collect, analyse and organize information (capacity to identify and present relevant information);
- Communicate (capacity to communicate effectively with others);
- Work in a team (capacity to interact with other people on a one-to-one basis and in groups, and to work as a member of a team);
- Solve problems (capacity to solve problems using critical thinking).

Activities

Each session identifies the learning objectives, individual and group activities and the approximate time needed for delivery. Facilitator's notes on both rights at work and the learning process are set out in the text.

The proposed activities are given as examples for the facilitator. Templates for individual and group exercises are appended to the Toolkit. As far as possible, facilitators should adapt the proposed examples and activities to respond to the national and local situation and, most importantly, to participants' learning needs and styles.

The facilitator should point out at the beginning of the workshop that the participants are in charge of their own learning and that most of the learning will occur through practical activities. The purpose of each activity should be explained, not only in terms of the information the participants will acquire, but also in terms of the skills that the activity aims to foster and their possible application to workplace situations.

The facilitator should conclude each group activity with a debriefing session where participants are given the opportunity to share their experiences and impressions. At the end of the workshop, a validation of the learning activity should be carried out to obtain participants' feedback with a view to improve the delivery of future learning events. A template of the validation questionnaire is included in Annex 6.

The learning sessions can be enriched through the presence of local experts in different areas of employment. Trade union representatives, human resources managers from local companies, labour inspectors and young workers themselves have valuable experience to share. Securing their input and participation can make the workshop more relevant and enjoyable.

Adaptation

In order to complement and adapt the learning activities presented in this guide, the facilitator should gather and organize information on the country's conditions of work (minimum working age, working hours, minimum wage and social security arrangements) as well as occupational health and safety rules. This information can be summarized on easy-to-read Rights@Work cards distributed during the workshops (an example of how to design these cards is provided in the Toolkit). In addition, the collection and distribution of examples of employment contracts and payslips will give participants a better understanding of their entitlements.

SOURCES OF INFORMATION FOR THE LEARNING SESSIONS

- International Labour Office (www.ilo.org)
Information on ILO Conventions can be found at:
<http://www.ilo.org/ilolex/english/convdisp1.htm>
The Key Indicators of the Labour Market is a comprehensive data base of country-level data on 18 key indicators of the labour market from 1980 to the latest available year. Accessible at:
http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm
The Database of Conditions of Work and Employment Laws provides a picture of the regulatory environment of working time, minimum wages and maternity protection in more than 100 countries around the world. Accessible at:
<http://www.ilo.org/dyn/travail/travmain.home>
The Global Database on policies for youth employment (YouthPOL) contains information on policy measures targeting youth, as well as those with an indirect impact on the employment of young people. Accessible at:
<http://www.ilo.org/youthpol>
- National labour ministry's regional or local office.
- Trade unions offices or local labour councils. For a list of International Trade Union Confederation affiliates, see:
http://www.ituc-csi.org/IMG/pdf/no_03_-_list_affiliates_-_010213.pdf
- National or local business organizations. For contacts of national affiliates of the International Organization of Employers, see:
<http://www.ioe-emp.org/ioe-members/>

The text of the guide refers to a number of Conventions of the International Labour Organization (ILO). A list of these Conventions, organized by subject, can be found in Annex 1, which also provides a short summary of the provisions explicitly stated in these Conventions. The core international labour standards can be summarized using coloured cards and posted on the wall (an example of how to prepare these cards is available in the Toolkit). If the country where the training activity is taking place has ratified any of the labour standards presented in Annex 1, the relevant text should be available in the national language. The facilitator can get copies of ILO

Conventions in the national language, either from the ministry in charge of labour and employment or from the trade unions. Some countries also post a version of the ILO Conventions in their national language(s), on the internet. Further information can be obtained directly from the ILO website (see box on the previous page).

The facilitator should also provide young workers with the contact address, telephone number, email and web addresses of institutions and organizations that can provide information on workers' rights and offer advice on how to ensure that rights are respected. These institutions include trade unions, employment services, labour inspectorates, equal opportunities commissions, labour dispute settlement bodies and occupational safety and health authorities. Finally, before presenting the workshop, it is suggested that the facilitator:

- ❶ Go through the guide and the toolkit to review the topics and activities proposed, identify which sections need to be adapted and prepare learning resources to be used during the workshop;
- ❷ Gather the required information on national labour legislation;
- ❸ Develop a plan for each session, highlighting the objectives, content, activities and learning resources (an example of a session plan is provided in Annex 5);
- ❹ Review the Glossary of Terms appended in Annex 2 to screen those that are most relevant for the learning workshop to be conducted.

During the workshop, the facilitator should note participants' comments and use them to prepare or adjust sessions and activities for future workshops.

Session

1

Young people and work

DECENT WORK



Learning objectives

By the end of this session participants will be able to:

- List the key features of their country's youth labour market;
- Identify fundamental principles and rights at work;
- Define "decent work".

Delivery time

120 minutes

Activities

- 1 Fair workplaces
- 2 Flexibility at work: what are the pros and cons?
- 3 Two Cs: Exploring labour market disadvantages
- 4 Say no to discrimination!
- 5 Decent work millionaire

Introduction

The beginning of this first session should be aimed at introducing participants to the overall objectives of the workshop and helping the facilitator “get a feel” for the audience. Examples of “ice-breaking” activities are provided in the Toolkit. Participants also need to be introduced to the learning sequence (the number and content of sessions and the expected learning outcomes) and to the strategy to be used during the workshop, i.e. “learning by doing.”

The core part of the session aims to discuss the main barriers faced by young workers in entering the labour market and introduces fundamental principles and rights at work, including the concept of decent work.

Throughout this session, the facilitator will support the activities with substantive information on the labour law in force in the country and core international labour standards of the ILO.

Facts on young workers

When entering the labour market for the first time, young people often face a number of difficulties (lack of work experience, education credentials not aligned to employer’s requirements, limited number of jobs available). Once employed, they typically have less tenure than older workers and are more likely to lose their job if the enterprise runs into trouble. Often they have to accept any job just to gain work experience and increase their chances of finding a better one later on. Unfortunately, this can sometimes force them into a choice of working for low wages under difficult conditions. Even when young workers are aware of their rights, they often fail to claim those rights for fear of being fired and/or being stigmatised as troublemakers.

The facilitator should initiate a discussion on youth employment by listing the different situations that can be encountered by new entrants in both the national and local labour markets. A non-exhaustive list of the information that needs to be collected is provided below and can be found in the quarterly and/or annual Labour Force Survey that is usually conducted by the national labour statistical institute or agency. If the country does not conduct such survey, the facilitators may refer to other statistical sources, such as the census data or the labour market information collected by the Public Employment Service.

- Proportion of youth (between 15 and 24 years of age, or according to the national definition) in the total population;²
- The estimated number of young people in school; employed and unemployed (compared to adults);
- Young people employed by economic sector (agriculture, industry and services) and occupation (managers, technicians, clerks, service workers and so on);
- Conditions of work (hours of work, part-time/full-time, permanent/temporary employment, wages);
- Estimated number of young people working in the informal economy.

Information on the number of young people working in the informal economy is often scarce, unavailable or simply non-existent. The facilitator should make an effort to find at least some estimates on informal employment and provide participants with examples of informal work (for instance, working in the evening in a pub, with no contract and no fixed hours of work). This information can also be used to identify the most disadvantaged groups of young workers in the labour market (see Session 3).

2 Some countries extend the definition of “youth” to the age of 29.

Activity 1.1. Fair workplaces

Young workers should be given the opportunity to reflect on what they already know about the labour market. Activity 1.1. is designed to promote discussion about fair treatment of workers and allow the facilitator to have a general idea of the young workers' knowledge on their rights. This can be done by asking them (in pairs or small groups) to answer – based on their previous work experience – the question “*What is a fair workplace?*” Those who have neither had a job nor looked for work can use the experience of a friend or a family member. A list of other questions that the facilitator can ask to participants is provided in the Toolkit (Session 1).

Rights@Work cards: Before conducting the activity, the facilitator should create a set of Rights@work cards summarizing the key labour provisions in force in the country. An example on how to prepare “Rights@Work Cards” is appended in the Toolkit (Session 1). These cards can be posted on the wall of the workshop room or on flip-charts as the learning activity progresses. This will allow participants to have all the rights at work discussed during the sessions at their fingertips. The information to be summarized follows the content of the guide (e.g. *minimum age for employment, hours of work, minimum wage, annual holiday*). This information can be found in the national labour law, in the occupational health and safety regulations and/or in Collective Agreement. The facilitator should also contact the trade unions, which may have information material (e.g. booklets, brochures and leaflets) on workers' rights.

Flexibility and the changing labour market

Over the past few years, employment and conditions of work have changed considerably. Labour markets have become increasingly flexible.³ This brings both advantages and disadvantages to employers and workers alike. On the one hand, labour market flexibility can enable enterprises to react faster to changing market requirements, while giving workers opportunities to better balance work with family and other responsibilities. On the other hand, flexibility may bring job insecurity.

A flexible labour market has several defining characteristics:

- **Flexible employment patterns** – Both in terms of flexible hours of work and a flexible use of skills in the workplace.
- **Ease and cost of hiring and firing workers** – In many countries, labour law reforms now make it easier to hire and fire workers. Although this allows enterprises to increase or decrease the number of employees according to production requirements, it can also mean less security for workers.
- **Switch to shorter-term employment contracts** – In many industries, workers are increasingly offered short-term and/or limited duration contracts instead of permanent or unlimited duration ones.
- **Greater flexibility in pay arrangements** – This means that part of the total pay package is linked to enterprise performance (productivity and/or company profits). In some industries, the pay package may also reflect the differences in regional demand and supply of labour.
- **Location flexibility** – Employers expect their workers to move within and across different regions as part of their career development.

³ The flexibility of a labour market might be defined as its ability to adapt and respond to change (see Rubery J, Grimshaw D, *The Organisation of Employment: An International Perspective*, Palgrave Macmillan, 2003).

The facilitator can use the list above and the terms and definitions related to flexibility listed in Box 1.1. to initiate a short discussion on the impact of changing labour markets on young workers. He/she can then introduce Activity 1.2., which covers the pros and cons of labour market flexibility.

BOX 1.1. FLEXIBILITY TERMS

Annual-hours contracts: A way for enterprises to reduce the amount spent on over time. People are employed for a fixed amount of hours per year, i.e. they are paid the same amount each month regardless of the number of hours worked. When production increases, employees work longer hours and when production decreases their hours are reduced.

Compressed hours and flexible working weeks: Involves compressing the working week so that the same hours are worked over fewer working days (four days instead of five, for instance), and workers can enjoy a longer period of rest. This can help recruitment and reduce overtime, but it can lead to fatigue if working days are too long.

Fixed-term contract: A contract of employment that starts and expires on specified dates.

Flexitime: Employees are free to vary their daily hours of work within a specific range, provided that they are on the premises during certain core hours (for instance from 10:00 a.m. until 4:00 p.m.). This enables workers to arrive later on some days, and to work later in the evenings while respecting an agreed average number of hours per day or week. It is mostly used for office staff below managerial levels.

Job sharing: A form of part-time work where two people share the same full-time job. There is often an agreement that if one is sick or on holiday, the other will do the other's share of the work as well.

Multi-skilling: Workers are trained to carry out a range of tasks. This increases flexibility within the workforce. If there is a need to increase the numbers of people working on particular processes, this can be easily done by moving other workers to these tasks.

Part-time work: Any work performed for fewer hours than defined by a national threshold, often around 35 hours a week. Part-time workers enjoy the same rights as full-time workers as regards pay and working conditions.

Temporary work: Workers are employed for a specific period of time only and may even include work performed on a month-to-month basis.

Activity 1.2. Flexibility at work: pros and cons?

This activity is designed to introduce participants to the key features of a flexible labour market, as well as its advantages and disadvantages, particularly for workers.

The facilitator should divide the participants into two groups, instructing each to discuss the pros and cons of each specific form of employment for both workers and employers. Participants should record their answers on two separate flip-charts (one for workers and one for employers) that are separated into “pros” and “cons” columns. The toolkit provides an example on how to design this activity for part-time and temporary work.⁴

Rights@work cards: Prior to the session, the facilitator should research the most common forms of flexible employment among young workers in the country (for instance part-time or temporary work) and prepare Rights@Work Cards that summarize the provisions of the Labour Code. An example of Rights@Work Card content for part-time work can also be extracted from Box 3 (Session 2).

At the end of the activity, the facilitator should mention the rules governing the forms of flexible employment discussed and post the relevant Rights@Work Cards on the wall or on a flip-chart. Additionally, he/she can introduce the concept of flexicurity as a response to the changing labour market needs. On the one hand, enterprises must adapt to technological advances and master new skills and production techniques in order to be in the forefront of these developments. On the other hand, workers need sufficient security to plan their lives and careers with support to make it through all these changes and stay in employment. This is where flexicurity comes into play.⁵

4 More examples and the presentation of different national practices can be found at <http://www.ilo.org/public/english/protection/condtrav/infosheets/index.htm>. These information sheets also list the advantages and disadvantages that these changes bring to employers and workers.

5 ILO, *Combining flexibility and security for decent work*, Committee on Employment and Social Policy, Governing Body, 306th Session, Geneva, November 2009, GB.306/ESP/3/1.

Informal employment

The term *informal economy* refers to all economic activities undertaken by workers and economic units that are – in law or in practice – not covered, or are insufficiently covered, by formal arrangements. Informal employment, therefore, includes:⁶

- Own-account workers and enterprises where:
(1) the size of the enterprise is below a specified level (expressed in terms of the number of workers engaged), (2) the enterprise is not registered according to national legislation and/or (3) employees are not registered (for social security contribution purposes);
- Workers who are otherwise in an employment relationship that is not subject to national labour legislation, income taxation, social protection or does not give workers certain entitlements (for example advance notice of dismissal, severance pay, paid annual or sick leave, and so on).

Workers in the informal economy often face poor workplace conditions and poverty. Some of the characteristic features of informal employment are low earnings, lack of protection, lay-offs without notice or compensation, unsafe working conditions and the absence of social security benefits such as pensions, sick pay and health insurance.

Because young people are typically more likely to be engaged in casual work, with weaker employee-employer relationships, the incidence of informal employment among young workers – and thus their inability to participate in social insurance schemes – tends to be higher than that of adults. In general young workers are over-represented in the informal economy.

Despite their greater exposure to risk and income insecurity, the vast majority of informal economy workers

⁶ Other categories of workers such as contributing family workers, own-account workers engaged in the production of goods for their household and members of informal cooperatives are also considered to be informally employed. See ILO, *Resolution on the measurement of employment in the informal sector*, adopted by the Fifteenth International Conference of Labour Statisticians (ICLS), Geneva, 1993, and *Guidelines concerning a statistical definition of informal employment*, adopted by the Seventeenth ICLS, Geneva, 2003.

are deprived of social security coverage. In developing countries, workers that are not in formal enterprises with an explicit contract are generally not covered by labour-based social insurance. This is the case for self-employed workers who often represent a large proportion of informal economy actors. The growing number of “dependant” workers where the employment relationship is unclear, ambiguous or hidden are another category excluded from social insurance coverage. In addition, some labour laws and social security legislation do not cover enterprises with a number of employees under a certain threshold, thereby leaving these workers unprotected by statutory social insurance. In other cases – even where the law exists – it is not applied, excluding de facto workers from their labour rights. This is the case for example for wage workers without contract in formal enterprise (undeclared workers), who represent a relatively high share of total informal employment in middle income countries.

The facilitator should prepare some examples of common forms of informal employment that can be found in the country where the workshop is being held – for instance, street vendors, home-based workers, and young workers engaged in unpaid family farming or on a casual basis in the construction, tourism and personal services industries. The national trade unions and the Labour Inspectorate can provide figures and information on the economic sectors more likely to employ workers informally to be used as a basis to develop realistic examples.

To conclude this session, the facilitator should recall that, although young people generally face more difficulties than adults in the labour market, there are some groups of young people who, due to their personal characteristics and circumstances, are more disadvantaged. Box 1.2., below, offers some examples of factors that may place certain young people at greater risk than others.⁷

7 OECD, *Social disadvantage and educational experiences*, OECD Social, Employment and Migration working papers, No 32, 2006

BOX 1.2. RISK FACTORS IN THE LABOUR MARKET

Risk factors in the labour market are normally grouped into external (general) factors and internal (individual) factors.

- **Household/family:** When household income is higher, young people are more likely to attend and complete school, gain higher qualifications and join the work-force. Women who become mothers when adult are more likely to raise children who get more and better education which, in turn, raises the children's employment prospects later on.
- **Education/school:** Low education levels are strongly associated with social disadvantage and poverty: many young people with low educational attainment come from families characterized by poverty and disadvantage. Education has been shown to significantly raise labour market earnings and employment probabilities and to impact significantly on health and a range of other outcomes.
- **Geography:** The condition of the economy in the region/area of residence influences the probability of finding employment, with young workers in urban areas usually experiencing higher earning and higher employment rates, compared to rural workers. However, certain countries experience the reverse situation, with unemployment rates much lower in rural areas due to the prevalence of survival agriculture, and with large urban areas more likely to expose young workers to unemployment, underemployment and marginalization.
- **Labour market:** Youth employment is particularly affected by the strength of the economy. Young people tend to experience more unemployment than other age groups in weak economies. Periods of long unemployment early in the working life are often harbingers of future unemployment and lower earnings. For some young people, engagement in temporary and casual work early in life is associated with increased vulnerability, whilst for others it represents a foot forward into the labour market.
- **Individual:** Behavioural problems and attention difficulties in school may predict later problems such as early school leaving and failure to gain qualifications. Health problems (such as HIV/AIDS) make it more difficult to be steadily employed, although it is not clear how much of this is due to discrimination and how much is due to actual physical limitation. Young persons with disabilities often have limited access to mainstream education and may, as a consequence, suffer lower employability. In addition, and depending on the type of impairment, young workers with disabilities may need workplace and/or equipment adaptation. If these costs are high, it may limit recruitment opportunities for these young workers. Teen pregnancy is strongly associated with early school leaving and lack of qualifications, while sex *per se* may or may not have an impact on employment prospects. Other risk factors might stem from an individual worker's identification with an ethnic or linguistic minority or his/her status as a migrant or refugee.

Activity 1.3. Two Cs: Exploring labour market disadvantages

If there is time available at the end of this session, the facilitator should organize a group activity aimed at encouraging participants to summarize what they have learned about the negative factors that have an impact on employment prospects for young workers.

Participants are divided into two teams. Each team is asked to create a detailed list of aspects associated with labour market disadvantage. These are: 1) *Challenges* (obstacles young people face, such as the inability to find formal jobs), and 2) *Characters* (the individual characteristics of young people associated with disadvantage). Two participants are appointed to act as referees: one will be responsible to time the various tasks and the other to act as “traffic warden”. Each team is provided with a flip-chart headed with one of the two “Cs”, and each team is asked to gather information from members of the other team. The teams have five minutes to plan how they are going to gather responses from other participants on the “C” assigned to them, five minutes to go around the room and interview members of the other team, to collect information on their team’s task, and five minutes to organize the information gathered on their flip-chart.

At the end of the teams’ presentations, the facilitator should discuss with participants common themes, differences, surprises and missing items and then draw linkages between the two flip-charts. An example of how to design this kind of group activity is provided in the Toolkit.

International Labour Standards

International labour standards -adopted by governments, employers and workers during the annual International Labour Conference– take the form of Conventions and Recommendations. International Labour Conventions are international treaties and subject to ratification by ILO member States. Recommendations are non-binding instruments that set out guidelines to help orient national policy and action.

Countries that ratify Conventions are expected to adapt national legislation according to the principles included in international labour standards. National labour law may go beyond the standards set by ratified ILO Conventions, but cannot legislate less. Accordingly, these standards establish minimum guidelines about how young people enter the work force, and their conditions of employment (e.g. minimum age of employment, pay, working time, night work and medical examinations, occupational safety and health, and labour inspection).⁸

Whether or not a country has ratified a particular ILO Convention, the standard provides guidance for the operation of national labour institutions and establishes good labour and employment practices. Thus, international labour standards have an impact on both national laws and practices that goes well beyond simply adapting legislation to the requirements of a ratified Convention. Usually, ratified Conventions are transposed into national law (they may be found in the constitution, labour law, social security code, and industry safety regulations).

⁸ ILO, *Rules of the Game: A brief introduction to International Labour Standards*, Geneva, revised edition 2009. Information on all ILO Conventions can be found at <http://www.ilo.org/ilolex/english/convdisp1.htm>.

BOX 1.3. FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

Eight Conventions in four areas have been identified as the cornerstone of the ILO's Declaration on Fundamental Principles and Rights at Work, adopted by its member States in 1998. The Declaration enshrines the commitment of governments, employer' and worker' organizations to respect and promote these principles and rights in the areas of freedom of association and effective recognition of the right to collective bargaining; elimination of all forms of forced labour; effective abolition of child labour; and elimination of employment discrimination. Unlike Conventions, the Declaration does not need to be ratified by individual countries, but instead applies automatically to all the member States of the ILO.

Rights@work cards: The facilitator should summarize these fundamental principles and rights at work on *Rights@Work Cards* to be posted on walls or on flip-charts. An example is provided in the Toolkit (Session 1).

For more information visit: <http://www.ilo.org/declaration/lang--en/index.htm>

The facilitator should emphasize the importance of the international labour standards and Fundamental Principles and Rights at Work. This can be done by initiating a discussion on discrimination – either while looking for a job, while employed or upon leaving a job. Discrimination is present when a worker, in spite of his/her ability to fulfil the requirements of the job, receives less favourable treatment because of his/her sex, age, race, ethnic origin, sexual orientation, disability or religion. Discrimination places a person in a situation of disadvantage compared to others, diminishing his/her access to employment and career opportunities, as well as to equality of treatment in the workplace. Different treatment does not necessarily indicate a violation of labour standards. For instance, differences based on the actual requirements of a job are not considered discrimination. Being a man or a woman, for instance, may be a legitimate requirement for certain jobs in the performing arts or elsewhere. Differences in remuneration that reflect the level of education attained or prior work experience are also legitimate. This discussion can be complemented by Activity 1.4.

Activity 1.4. Say no to discrimination!

To raise awareness of discriminatory practices and show young workers how to identify discriminatory practices, the facilitator may ask participants – grouped in pairs – to review a number of real-life situations to determine whether discrimination is present and, if so, for what reasons. During the activity, the facilitator should encourage participants to mention any additional examples of discrimination in recruitment and/or employment that they are aware of or have experienced. This activity may be used as a stand-alone exercise or be merged with the activity *Decent Work Millionaire*.

To conclude the activity, the facilitator should provide information on the institutions that are responsible for enforcing equality legislation (for example, the labour inspectorate, the civil rights or equal opportunities commission).

Rights@Work cards: Facilitators should prepare *Rights@Work Cards* listing the forms of discrimination that are prohibited by national legislation and post them in the wall or flip-chart at the end of the activity.

Decent Work

The youth employment challenge is a growing concern worldwide. Young people are on average three times more likely to be unemployed than adults. In general, in developing countries, the majority of young workers are unemployed or poor as they earn less than the equivalent of US\$2 a day. Young workers are also disproportionately represented in low-paid work (e.g. work that pays less than two-thirds of the median wage).

The youth labour force participation rate has been decreasing in the last years, mainly due to raising shares of youth attending education. In many countries, though, discouragement also plays a role: many young people stop searching for a job simply because they have lost all hope. In some countries of Europe and Latin America many young people are neither in education nor in employment or training (NEETS). This group of young people mostly

includes school dropouts, as well as young people from poor and dysfunctional families and socio-economic backgrounds that diminish their chances of employment and integration.

Compared to adults, young workers are more likely to have only temporary contracts, which may hinder their access to benefits accorded to employees with longer periods of contribution, such as unemployment benefits. When a young person is exposed to prolonged periods of temporary contracts, their contributory position and their capacity to plan for the future is reduced (Social Security (Minimum Standard) Convention, 1952 (No. 102) and Maintenance of Social Security Rights Convention, 1983 (No. 157). Fixed-term contracts also increase the pressure on employees to prove themselves to be above average in order to have their contracts renewed.

To counteract these practices, the ILO promotes the concept of *Decent Work* as opportunities for people to obtain productive work in conditions of freedom, equity, security and dignity. Decent work includes opportunities for productive work that delivers a fair income, security in the workplace and social protection, better prospects for personal development and social integration, freedom for people to express their concerns, to organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all.⁹

9 See: <http://www.ilo.org/decentwork>

BOX 1.4. DECENT WORK FOR ALL

Work is central to people's well-being. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, relies on decent work. Decent work sums up people's aspirations in their working lives.

The Decent Work concept was formulated by the ILO's constituents – governments and employers and workers – as a means of identifying the Organization's major priorities. It is based on the understanding that work is a source of personal dignity, family stability and peace in the community, democracies that deliver for people, and economic growth that expands opportunities for productive jobs and enterprise development. Putting the Decent Work Agenda into practice means the implementation of the ILO's four strategic objectives, with gender equality as a cross cutting objective:

Promoting jobs – an economy that generates opportunities for investment, entrepreneurship, skills development, job creation and sustainable livelihoods.

Guaranteeing rights at work – to obtain recognition and respect for the rights of workers. All workers, and particularly disadvantaged or poor workers, need representation, participation, and laws that uphold their interests.

Extending social protection – to promote both inclusion and productivity by ensuring that women and men enjoy working conditions that are safe, allow adequate free time and rest, take into account family and social values, provide for adequate compensation in case of lost or reduced income and permit access to adequate healthcare.

Promoting social dialogue – Involving strong and independent workers' and employers' organizations is central to increasing productivity, avoiding disputes at work, and building cohesive societies.

In order to give young people the opportunity to become familiar with the concept of decent work from a practical perspective, the facilitator can introduce Activity 1.5.

Activity 1.5. Decent Work Millionaire

This activity asks participants – in teams of three or four – to consider a number of work practices and to decide whether these can be considered decent or not.

Participants will be divided in teams. Each team will be given an equal amount of money and asked to select a spokesperson who will respond to the questions posed by the facilitator. As questions are posed, teams win or lose a specified amount for each right or wrong answer. The first team to make one million currency units wins the game. A list of questions is available in the Toolkit.

To decide whether the work practice is decent or not, participants are asked to draw on their prior or current work experiences, such as an internship, summer or regular jobs, or on the experience of friends, acquaintances or family members.

To better adjust the activity to national circumstances, the facilitator should research the most common decent work deficits that affect young workers in the country and adjust the situations to be proposed to participants accordingly. This activity may also be used in Sessions 2 and 4 when discussing conditions of work. The decent work examples may also be expanded by drawing on the “*Say no to discrimination*” activity.

Topics for review and group discussion

- What are the broader implications of Decent Work when it comes to economic development and social progress? For instance, how can the advancement of decent work in a community or country advance living standards and business conditions? What specific elements of the Decent Work agenda do you think apply especially to young workers like yourselves?
- What are the four key areas addressed by the ILO's Declaration on Fundamental Principles and Rights at Work? Why do you think these areas are emphasized by the international community? Which of the areas do you think are most relevant to young people, and why?
- Of the international labour standards we have discussed today, are there any that you think are not being applied as they should be (here or in any other region of the world)?
- What do you think are the best arguments in favour of more flexibility in the labour market? What is the best argument for reducing flexibility? Do you think that young workers are more vulnerable to any downsides of increasing flexibility than the rest of the working-age population? And is that a bad thing? Do you think there are ways to adjust flexibility schemes so that employers get the benefits they are seeking while workers are adequately protected?
- In addition to the negative impact on workers, how does discrimination affect society as a whole? What impacts do you think it has on the economy and the social framework of your country? What benefits do you think your community (or country) would see if discrimination could be sharply reduced or eliminated? (Alternatively, what benefits have we seen as discrimination has been reduced?) Do you think there can be conflicts in providing a fair workplace for young people while maintaining fairness for older workers? If so, how might they arise? And how can they be addressed?

Session

2

Employment contract



Learning objectives

By the end of this session participants will be able to:

- Define employment relationship;
- List rights and obligations of employees and employers;
- Identify the minimum requirements of an employment contract.

Delivery time

120 minutes

Activities

- 1 Search-and-rescue mission: Better conditions of work
- 2 Understanding an employment contract: What I would like to know about the job
- 3 Wanted: Rights.... but not without responsibilities
- 4 You have more rights than you think

Introduction

This session is aimed at providing a snapshot of the rights and duties of employees and employers in an employment relationship. Participants are also introduced to the questions to be asked when negotiating the terms and conditions of a job, and methods to deal with illegitimate demands. The final part of the session focuses on the key features of the employment contract and the different forms it may take.

Employment relationship

The employment relationship is the legal link between employers and employees. It exists when a person performs work or services under certain conditions in return for remuneration. It is through the employment relationship that reciprocal rights and obligations are created between the employee and the employer. It has been, and continues to be, the main vehicle through which workers gain access to the rights and benefits associated with employment in the areas of labour law and social security. In order to familiarize participants with the different types of employment relationship they may be engaged in, and the rights and responsibilities these entail, the facilitator should clarify terms such as “employee”, “own-account worker”, “self-employed”, “contributing family worker” and “apprentice”. The definition of these terms can normally be found in the National Labour Code.

Employer: Employers are those who engage one or more people to work for them on a continuous basis as “employee(s)”. Their own remuneration is usually dependent on the profits made from the sale of goods and services produced by the enterprise. The employer is responsible for paying the relevant taxes and social security contributions calculated on the remuneration of the employee, and also sets the guidelines according to which the employee must perform the tasks assigned (generally called a job description).

Own-account worker (or self-employed worker):

The term “own-account worker” describes anyone who earns his/her living through business, contract or freelance activity. The remuneration of own-account workers is dependent upon the profits derived from the goods and services produced. Own-account workers make the operational decisions affecting their business alone or with their partners. They do not normally engage employees on a continuous basis.

Contributing family workers: Contributing family workers are people who work for a member of the family or a relative (generally living in the same household). They usually receive no remuneration. Workers can also be regarded as contributing family workers when they do not live in the same household, but work without pay in an economic activity operated by a family member or a relative.

Employee (full time and part time): Employees are those workers who hold a “paid employment job” (they are also called wage employees or wage workers). They are paid for their work in the form of wages and salaries. The salary paid to employees – contrary to that of own-account workers and employers – does not depend on the day-to-day revenue of the enterprise. Employees may work full time (normally 8 hours per day, 40 hours per week) or part time – that is, for a number of hours that is lower than the hours established for full-time work. Working part time does not mean that the employee has fewer rights than a full-time worker. To avoid misconceptions about part-time work and part-time workers’ rights, the facilitator may call participants’ attention to the part-time *Rights @Work Card* developed for the activity “*Flexibility at work: pros and cons*”. Box 2.1. below provides a summary of the rights that are generally afforded to part-time workers.

BOX 2.1. RIGHTS AT WORK OF PART-TIME WORKERS

Part-time workers are those whose normal hours are less than those of comparable full-time workers. This means that they have the same type of employment relationship and are engaged in the same or a similar type of work or occupation as other workers in the enterprise.

Part-time workers have the same rights as full-time workers with regard to:

- the right to organise and to bargain collectively;
- occupational health and safety;
- discrimination in employment and occupation.

They are also entitled to conditions equivalent to those of full-time workers in the fields of:

- social security;
- maternity protection;
- termination of employment;
- paid annual leave, public holidays, and sick leave.

The entitlements may be determined in proportion to the hours of work or earnings, as compared to full-time workers.

Apprentices, trainees and interns: Apprentices, trainees and interns are those workers who hold explicit or implicit contracts of paid employment which specify that all or part of their remuneration should be in the form of training for a trade or profession. Their rights and responsibilities are different from those of workers, as the scope of these forms of work is learning and training for a job. Apprentices work primarily to gain knowledge and acquire skills. Therefore they are not allowed to use any equipment or machinery for which they have not (yet) been trained to use and are not allowed to carry out certain tasks without supervision. Apprentices and trainees usually have the right to have a mentor/instructor with whom they learn. If the apprenticeship or traineeship also includes classroom-based lessons, there are special provisions for balancing school and work time by restricting working hours on school days. Internship refers to the practice whereby students spend a period

of time in an enterprise to learn about the job that interests them and to observe different job-related tasks. Interns may also do some practical work, but under the responsibility of the school/educational institution that organized the internship.

BOX 2.2. AGENCY WORKERS

If a young worker is getting work through an agency, he/she may be:

- treated as an employee of the agency, or
- self-employed, or
- employed by the organization he/she works for.

Each country has its own specific rules on the status of agency workers (employees or self-employed) and their tax and national insurance payment. The facilitator should research how this form of employment operates at national level and advise young workers in this situation who to contact if they have any queries.

Rights@work cards: The rules governing these forms of work differ from country to country, and they are particularly relevant to young workers since they are the ones who tend to fill these positions. The facilitator may wish to prepare *Rights@Work Cards* with the relevant definitions taken from the Labour Code in question and encourage participants to discuss the differences between the types of work young people may do.

International labour standards for employment relationships

The body of laws and national rules governing the employer-employee relationship, including individual employment contracts, the right to organize and negotiate collective bargaining agreements, protection from discrimination, wages, hours of work and health and safety, constitutes the *Labour Law* of a country. As already mentioned, the Conventions of the ILO establish a minimum floor of entitlements for workers. If a country ratifies a Convention, its provisions need to be translated into the national labour law. The national labour law may go beyond the standards set by the ratified ILO Conventions, but it cannot grant less.

In addition to the provisions of the labour law, in many countries the terms of workplace relationships are established in *Collective Bargaining Agreements* that are based on negotiations (collective bargaining) carried out between one or more employers (or an organization of employers) on the one hand, and workers' (represented by one or more trade unions) on the other (see Box 2.3). These agreements bind the signatories and those workers on whose behalf the agreement is concluded.

BOX 2.3. EMPLOYERS' AND WORKERS' ORGANIZATIONS

Employers' organizations are institutions set up to organize and advance the collective interests of employers. They are crucial to ensuring that the working environment is conducive to competitive and sustainable enterprises that can contribute to economic and social development. Employers' organizations are a critical component of any social dialogue process, which can help to guarantee that national, social and economic objectives are properly and effectively formulated and enjoy the support of the business community they represent.

Trade unions are organizations based on membership of workers in various trades, occupations and professions, whose major focus is the representation of their members in the workplace and in the wider society. Trade unions seek to advance workers' interest through the process of rule-making and collective bargaining.

For more information on ILO's activities for employers' and workers' organizations visit: <http://www.ilo.org/actemp> and <http://www.ilo.org/actrav>

Collective bargaining agreements can specify working conditions that go beyond the labour law. This means that working conditions in certain economic sectors and/or industry may be better than the standards established by the labour law. Collective agreements also address the rights and responsibilities of the parties thus ensuring harmonious and productive industries and workplaces.

BOX 2.4. FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

The freedoms to associate and to bargain collectively are part of the fundamental principles and rights at work of the ILO mentioned in Session 1 (Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Collective bargaining is a voluntary process through which employers and workers discuss and negotiate their relations, in particular terms and conditions of work. Collective bargaining has the advantage that it settles issues through dialogue and consensus rather than through conflict and confrontation. It promotes peaceful, inclusive and democratic participation of representative workers' and employers' organizations. The right of workers and employers to establish their independent organizations is the basic prerequisite for collective bargaining and social dialogue. Enhancing the inclusiveness of collective bargaining and collective agreements is a key means for reducing inequality and extending labour protection.

Collective bargaining can only function effectively if it is conducted freely and in good faith by all parties. This implies:

- Making efforts to reach an agreement;
- Carrying out genuine and constructive negotiations;
- Avoiding unjustified delays;
- Respecting the agreements concluded and applying them in good faith, and;
- Giving sufficient time for the parties to discuss and settle collective disputes.

For more information on the right of workers to collective bargain visit: http://www.ilo.org/empent/areas/business-helpdesk/WCMS_DOC_ENT_HLP_CB_EN/lang--en/index.htm

The facilitator should emphasize the importance of collective bargaining as a fundamental right and key means through which employers and workers can establish fair wages and working conditions. The facilitator should research some examples of industries where collective bargaining has granted workers better working conditions and terms of employment. This kind of research can be used to develop an activity (or assignment) where participants are asked to find out whether, in the area of work they have chosen, there are collective bargaining agreements granting better employment and working conditions compared to the labour standards set at national level (Activity 2.1.).

Activity 2.1. Search-and-rescue mission: Better conditions of work

This exercise may be organized as a group activity or as an assignment. If the exercise is organized as a *classroom-based activity*, the facilitator should find copies of collective agreements recently concluded in various industries (national and branch-level trade unions can help in this regard). If these are not easily available, the facilitator can write short articles (such as those that might appear in a newspaper) about the negotiations between enterprises and workers on conditions of work (examples are provided in the Toolkit). The participants' task is to "search" for those industries, or branches of industries, where negotiation/collective bargaining agreements between the social partners provided better conditions of work than those granted by the labour law.

If the activity is organized as an outside assignment, participants are provided with the names of contacts in national/branch-level trade unions, and are required to search for information on the collective agreements that apply to the economic sector, industry or occupation in which they have chosen to work (or in which they are already working). The conditions of work for which participants have to "search and rescue" are those on wages, hours of work, overtime pay, rest periods and paid annual leave.

Rights@work cards: The facilitator should prepare in advance *Rights@Work Cards* summarizing the basic provisions of the labour law on minimum wage, hours of work, overtime pay, annual leave and rest periods.

Being aware of, and understanding, the basic labour standards that govern the relationship between workers and employers allows recognizing whether an employer's request (either during the recruitment process or on the job) is legitimate or not. In many cases, what the employer can and cannot ask for is easy to spot (such as making the recruitment of a young woman conditional on her promise not to get pregnant, or requiring a young worker to work all shifts falling on a Sunday as a condition for getting the job).

Rights and responsibilities

In other cases, it is more difficult. For instance, can the employer deduct money spent for purchasing a work uniform from the worker's wages? Or can the employer avoid paying overtime by compensating workers with paid days off instead? The facilitator needs to provide participants with some suggestions on how and where to find the information they need (for instance by contacting the trade unions or the public employment service) when they have doubts about the legitimacy of what they are asked to do at work. To review the rights and responsibilities of employers and workers, the facilitator can propose the following activities:

Activity 2.2. **Wanted: Rights....** **But not without** **responsibilities**

In this activity, participants are divided into three groups, each with its own set of coloured cards (red, yellow and blue). On each set of cards the facilitator will have written examples of the rights and responsibilities of both employers and workers, for example, "Receive instructions on job tasks" (more examples are provided in the Toolkit). Participants need to decide whether what is written in each card expresses a right or a responsibility and whether this is an employer's or worker's right/responsibility. Based on this, the team will place the card in the appropriate slot (right or responsibility) of the flip-charts labelled "employer", and "worker".

Activity 2.3. **You have more** **rights than you think**

This activity asks participants – divided into three groups – to discuss the case assigned to them, propose a possible solution, and prepare key points for negotiating with the employer. The toolkit offers an example of cases that may be considered. However, the facilitator needs to check the suggested answers to the cases proposed with the provision of the national labour law. At the end of the activity, the teams are asked to present their case to other participants and to respond to questions and/or give counter-arguments. After each group presentation, the facilitator may also ask other participants what they would do in a similar situation.

Contract of employment

An employment contract exists when an employee and an employer agree to the terms and conditions of employment. Such contracts of employment do not necessarily need to be in writing, unless the national labour law requires it. However, the employee and employer may have not explicitly agreed on a contract *per se*, but the nature of their relationship is such that the existence of an employment contract is implied. The national labour law typically specifies when the key features of the employment relationship need to be put in writing and have to be signed by both the employer and the employee. In cases where a written contract does exist, an employee should always ask for, and keep, a copy, as this might help avoiding disagreements on terms and conditions of work.

Generally speaking, the employment contract should contain, at a minimum, the following:

- Employer's name and address;
- Employee's name;
- Employee's job title and job description;
- Place of work (or note that the employee is expected to work at different places);
- Pay (amount, composition and terms of payment);
- Hours of work;
- Starting date of the contract (and date of expiry for fixed-term contracts);
- Holiday entitlement, including how many days off workers are entitled to and what their holiday pay will be, if any;
- How much warning (notice) workers are entitled to if they are dismissed and how much warning they must give the employer if they want to leave the job.

The employment contract may also contain special provisions, especially if they differ from those

envisaged by the basic labour standards in force in the country. Such provisions might affect annual leave, sick pay, paid national holidays and weekly rest, overtime pay, notice period in case of termination, pensions and health insurance entitlements. If the written contract does not specify these terms and conditions, this is because the provisions contained in the labour law and/or collective bargaining agreements automatically apply.

An employment contract gives both employers and workers certain rights and obligations. These rights and obligations are called contractual terms. The rights that workers have under their contracts of employment are in addition to the rights they have under the law. When there are terms negotiated between the employer and the employee that diverge from the labour law, these should be stated in the written employment contract. In any case, the terms and conditions of work cannot be lower than those granted by the labour law or collective agreement. For instance, the employer cannot grant less days of annual leave than those established in the labour law.

In order to better explain the basic requirements of an employment contract – and to clarify the rights and responsibilities that go with it – the facilitator should collect different examples of employment contracts available in various industries/economic sectors to be used during the workshop. Each country has its own standards and clauses for employment contracts, governed by the provisions of the labour law.¹⁰ It is also useful for learners to see an example of the job description that usually accompanies the contract to better understand the relationship between the worker and the employer.

¹⁰ If it is not possible to collect such examples, a model contract following the requirements of the United Kingdom can be created at <http://www.businesslink.gov.uk/bdotg/action/stmtEmpLanding?r.l2=1074428798&r.l1=1073858787&r.s=sm&topicId=1075225309>

Activity 2.4. (A)
Mind the small print!
Understanding an employment contract

This activity aims to familiarize participants with the terms and condition normally included in an employment contract. Participants should be given the opportunity to read a real example of an employment contract used in the country to understand what should be included and how it is set out. Activity 2.4.(A) *“Mind the small print!”* in the toolkit provides an example to be used for training purposes, if a real sample is not available. Participants are asked – in pairs or small groups – to go through the sample employment contract and to identify its key terms and conditions.

Activity 2.4. (B)
What I would like to know about this job...

The facilitator may also wish to develop another activity by giving the participants the occasion to practice ways to obtain information during a job interview. For instance, the facilitator may ask participants to formulate questions they would ask a prospective employer about wages, hours of work and pay deductions (an example is provided in the Toolkit). Based on the questions formulated by participants, the facilitator should list on a flip-chart the relevant terms and conditions of the contract. These terms and conditions can then be checked with those contained in the sample employment contract provided in the Toolkit (Activity 2.4. (A) *“Mind the small print! Understanding an employment contract”*). The questions participants are likely to come up with include:

- Hours of work, days off and holiday time (What hours will I be working? Which days of the week do I get off? What about holiday time?);
- Pay (How much will I be paid? How and when will I be paid? What deductions will be made from my pay and for what?);
- Tasks of the job (What are my duties? To whom should I report?).

While processing the results of the exercise, the facilitator should remind participants that an employment contract does not need to list all the terms and conditions that apply to the employment

relationship. For example, issues such as the probation period, dismissal and severance pay, are usually mentioned in the provisions of the labour code and the collective agreement.

Rights@work cards: The facilitator can summarize the terms and conditions not explicitly governed by the employment contract in *Rights@Work Cards*. Box 2.5. below provides an example of this.

BOX 2.5 SPECIAL CLAUSES AND TERMS

Probation period: During this trial period, both the employer and the employee have the right to end the employment contract without complying with the notice period. Usually, the probation periods do not exceed three months and no reason needs to be given for dismissal during this period. During the probation period, workers may not have the same rights as regular employees. For example, they may not take paid annual leave.

Period of notice and dismissal: Both employers and employees, when wishing to end an employment relationship, have to observe a period of notice. The notice period may vary according to the length of service. Employees have the right to have a written statement naming the reasons for dismissal (normally within two weeks). Many countries also require redundancy payments, when enterprises have to dismiss workers due to loss of production or restructuring. Redundancy payments are lump sums that vary from worker to worker depending on length of service and average salary.

Changes in the terms of the contract: The worker must be informed (often in writing) when changes are made to the terms and conditions of the employment contract. Often, such changes only come into effect when the worker agrees to them.

In theory, an employer can only change a term in the contract with the agreement of the employee (e.g. change the type of work performed by the employee, change the place of work, reduce the salary, and so on). In practice, the employee may be faced with the choice of accepting the change or losing his/her job. However, he/she may be able to take some action against the employer if he/she disagrees with the change. Taking action against an employer over a change in the contract may mean that the worker could lose his/her job. The facilitator should be prepared to

Termination of contract

advice participants what to do in such cases and who to contact if they have any queries.

Some of the expressions commonly used to describe situations when employment is terminated include: "let go," "discharged," "dismissed," "fired" and "permanently laid off". In most cases, employment is terminated if the employer¹¹:

- dismisses the employee;
- refuses to continue or is unable to continue employing someone (even when it's due to the employer's bankruptcy or insolvency);
- **constructively dismisses** an employee and the employee resigns in response within a reasonable period of time;
- lays an employee off for a period longer than a **temporary layoff**.

Usually, if an employer wants to end someone's employment contract, he/she must provide the employee with written termination notice or termination pay instead of the notice. A termination pay is a lump sum payment at least equal to the regular wages for a regular work week that the worker would otherwise have earned during the notice period to which he/she was entitled.

In some cases an employer cannot terminate an employee's contract even if he/she is prepared to give proper written notice or termination pay. For example, an employer cannot end someone's employment, or penalize them in any other way, if the reason for the termination of employment is based on the employee asking questions about social insurance contributions or joining a trade union, or taking a pregnancy, parental, family medical or emergency leave.

11 Text based on Government of Ontario, *My employment standards at work*. Available at: <http://www.labour.gov.on.ca/english/es/>

According to Articles 4 and 5 of the Termination of Employment Convention, 1952 (No. 158), the employer must provide valid reasons and justification for termination of employment, as well as a reasonable period of notice or compensation in lieu thereof.

Rights@work: The facilitator should prepare in advance *Rights@work Cards* summarizing the basic provisions of the labour law on termination notice and pay.

Topics for review and group discussion

- If you were excited about being offered a job, but then had concerns about specific provisions in the contract, how would you handle it? What measures, if any, would you take to address the situation? Is there a point at which “just having a job” outweighs all other concerns?
- What would you do if you realized that your employer was not honouring specific provisions of your employment contract?
- What basic guarantees do you feel an intern should have in terms of his/her relationship with the employer? Should they be paid in some way for the work they do? Should they have certain rights at the workplace? Or should they be satisfied with the work experience they are getting? And what kind of impact could their presence have on other employees in the enterprise?
- Discuss the differences that individual workers might see in negotiating their employment terms and conditions through the collective bargaining process, as opposed to negotiating those terms as an individual.
- What are some of the issues and concerns that might arise for workers who are contributing members of a family business? How might they be addressed?

Session

3

Social security



Learning objectives

By the end of this session participants will be able to:

- List the main features of the national social security system;
- Recognize the most common forms of informal employment at national level;
- Identify factors that influence labour market outcomes for young workers.

Delivery time

120 minutes

Activities

- 1 Developing life scenarios: Hoping for the best, preparing for the future

Introduction

This session of the workshop is aimed at familiarizing young workers with the main features of the national social security system. It introduces participants to the rationale for social security schemes as well as the range of benefits to which workers are entitled. As social security schemes vary widely from country to country, the facilitator needs to research national provisions to prepare *Rights@Work Cards* that summarize key features of the system, the contingencies covered, eligibility criteria and the levels of benefits. The most reliable sources of information in this area are the national social security institute and the trade unions. The final part of the session discusses the most common forms of informal employment among young workers and highlights those factors likely to put certain groups of young workers at a disadvantage in the labour market.

Key features of social security systems

Only 20 per cent of the world's population has adequate social security coverage and more than half lack any coverage at all. Social security is the protection that a society provides to individuals and households to ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner. It is broadly defined as a system of contribution-based health, pension and unemployment protection, together with tax-financed social benefits. National social security systems may include various elements, as shown in Box 3.1.

BOX 3.1. MAIN ELEMENTS OF SOCIAL SECURITY SYSTEMS

Social insurance systems differ from country to country. Most systems, however: i) are financed by the contributions of workers and employers (either in equal share or with employers contributing more than workers and some time with the participation of the State); ii) require compulsory participation; iii) require that contributions be paid into special funds, from which benefits are paid; iv) guarantee benefits on the basis of contributions made, irrespective of the income or wealth of the individual beneficiary; v) ensure that contribution and benefits rates are related to what the person is or has been earning.

In *social assistance* schemes, taxes – either local or national – are used to finance benefits that are paid when specific conditions are met by an individual or a family. Generally, the beneficiary's income is taken into account to decide the final amount of benefit to be paid. Many countries that have social insurance schemes also have social assistance schemes for those who fall outside the scope of social insurance, or whose social insurance benefits are insufficient to meet basic needs.

Benefits from general revenues: In some countries, benefits are paid – irrespective of the income or wealth of individuals – from the general revenues of the State to all residents, or to persons who have been in employment for a minimum period of time. These benefits often include pensions for elderly people, for widows or orphans and for invalids. Medical care is also provided without the need for individuals to contribute themselves, as the cost is covered, wholly or partially, by public funds.

Family benefits: There are many countries that provide some form of social security cover in recognition of the special needs associated with raising a family. In some countries, payments are made through the tax structure. Other countries provide special benefits to those who are raising children, either through a pension or by supplementing wages.

National Provident Funds are compulsory savings schemes where accumulated contributions (savings) are paid out to members – with interest – usually in cases of retirement, invalidity, or death. In provident fund schemes, individual contributions are deducted from the workers' wages, and these are usually matched by a similar (or greater) contribution by the employers. The combined contribution is placed into an account in the name of the worker.

Source: ILO, *Social security principles*, ILO, Geneva, 1998

Social insurance relies on membership. Individual members contribute to the insurance scheme that allocates benefits to the member (or his/her family), when circumstances such as illness, retirement or

death occur. In social assistance programmes, on the other hand, the right to benefits hinges on being a member of a community. The community provides – through national taxes – the funds that are then disbursed, in the form of benefits, to individuals or families in need.

In some countries, social security schemes are limited in their coverage, i.e. they include only certain types of workers. One of the many reasons for this is the administrative complexity of most insurance schemes. Where individuals and employers contribute to a social security system, details of employment records, wages and contributions paid need to be up-to-date so that, when a claim is made all necessary information is available and accurate (especially for benefits such as old-age and invalidity pensions that may be paid over several decades).

For salaried and wage workers, the main attraction of social insurance schemes is their value: although workers pay a part of their wage to the scheme, the amount is matched, at least, by the amount paid by the employer (the State may also add a supplement). Own-account workers, on the other hand, have to meet the cost of the full contribution themselves. Generally, countries use one of two approaches to collect contributions and pay out relevant benefits. The first method is to base the benefit levels on a proportion of the wage earned (earnings-related benefits). The second is to base them on the cost of subsistence (flat rate benefits).

The facilitator should emphasize the importance for young workers to make sure that the employer pays the social insurance contributions. One way to do this is by checking their payslips. Employers are legally obliged to supply workers with a payslip with every payment of wages. This payslip should show the gross wage and the nature and amount of each deduction including employer and employee contributions to social insurance (Session 4).

Social security in the Decent Work Agenda

Social security is a core component of the ILO's Decent Work Agenda. The ILO actively promotes policies and provides assistance to countries to help extend adequate levels of social security to all members of society.

A landmark in international social security was the adoption by the International Labour Conference of the ILO of the Social Security Convention, 1952 (No. 102). This brought together in one comprehensive document the policies to which member States were prepared to subscribe, and defined the range of benefits which form the core of social security. It laid down minimum requirements as to coverage of the population and the content and level of benefits, and covered the protection of the rights of contributors and beneficiaries and ancillary matters of administration. Convention No. 102 maintains its authority as setting important basic standards, even though, in the meantime, the ILO has moved on to a series of more detailed Conventions and Recommendations on specific branches of social security such as: Maternity Protection Convention (Revised), 1952 (No. 95), Equality of Treatment (Social Security) Convention, 1962 (No. 118) (concerning equality of treatment of nationals and non-nationals), Employment Injury Benefits Convention, 1964 (No. 121), Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), Medical Care and Sickness Benefits Convention, 1969 (No. 130), among others.

In a globalizing world, where people are increasingly exposed to global economic risks, there is growing consciousness of the fact that a broad-based national social protection policy can provide a strong buffer against many of the negative social effects of crises. For these reasons, in 2012, the International Labour Conference adopted an important new instrument, the Social Protection Floors Recommendations, 2012 (No. 202). This new Recommendation provides guidance to member States in building comprehensive social security systems and extending social security coverage by prioritizing the establishment of national floors of social protection accessible to all. The new Recommendation complements

the existing Conventions and Recommendations. In particular, it assists member States in covering the unprotected, the poor and the most vulnerable people. It thereby aims at ensuring that all members of society enjoy at least a basic level of social security throughout their lives.

At this point of the session the facilitator should introduce the range of benefits to which the national security system subscribes (type, eligibility criteria, and amount of contributions and benefits). The facilitator may wish to organize this information into a hand out for participants. An example, based on international labour standards, can be found in Box 3.2.

BOX 3.2. SOCIAL SECURITY BENEFITS

- *Medical care:* These benefits usually cover preventive health care, doctor's care (general practitioners and specialists) and hospital services. Sometimes they also include dental care and medical rehabilitation. Often, a minimum period of employment and of contribution is required before medical care benefits can be provided. Some countries require a co-payment for medical services and have a maximum duration for benefits. Social Security (Minimum Standards) Convention, 1952 (No. 102), Medical Care and Sickness Benefits Convention, 1969 (No. 130)).
- *Sickness benefit:* Beneficiaries need to prove that they are suffering from an illness or disease which prevents them from working. This criterion is usually fulfilled by a medical certificate. In many systems, the employer is required to continue to pay wages (or a percentage of the wage) for a certain period of time after the onset of the illness and during the absence from work. Convention No. 102 envisages that sickness benefits should be at least 45 per cent of the reference wage, while Convention No. 130 envisages 60 per cent of the reference wage.
- *Maternity benefit:* This benefit is provided either by the social insurance system or by other public funds. The amount varies from country to country (the international standard envisages a benefit of at least two-thirds of previous earnings). The benefits include medical care and hospitalization when necessary. At least 14 weeks of maternity leave (with a minimum of six weeks after the birth) should be the norm. The mother should also be guaranteed reinstatement in her job after her return to work, and daily breaks to nurse the baby during working hours (Convention No. 102 and Maternity Protection Convention, 2000 (No. 183)).

- *Unemployment benefit* is paid to those who, through no fault of their own, have become unemployed and who, as a result, have lost their income. This benefit is usually paid for a relatively short time, depending on the period of contributions paid. A minimum number of months of work is usually required for entitlement. Unemployment benefits normally cover only salaried employees in regular paid work. The amount of the benefit may depend on the wage level the worker was receiving while employed, or be expressed as a percentage of the reference wage. Convention No. 102 envisages a minimum of 45 per cent of the reference wage, while the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) prescribes at least 50 per cent of the reference wage in the initial period of unemployment. The unemployment benefit is generally conditional on registration with the Public Employment Service (PES) and active job search.
- *Employment injury benefit*: The levels and duration of compensation for employment injury and occupational disease vary from country to country. Convention No. 102 envisages at least 50 per cent of the reference wage, while Convention No. 121 prescribes 60 per cent of the reference wage in case of incapacity to work or invalidity. Generally, five elements are included in this benefit: 1) medical care and hospital treatment; 2) benefits in respect of temporary incapacity; 3) a lump sum for permanent and total incapacity; 4) a percentage lump sum (or grant) for a permanent, but partial incapacity; and 5) a lump sum if the insured person dies (paid to members of the family). What constitutes a “work accident” or “occupational disease” is usually defined by national law.
- *Invalidity benefit*: This benefit is paid to insured persons who are incapacitated and unable to work. Countries often specify a minimum contribution period to become entitled to this benefit. Convention No. 102 prescribes payments equal to at least 40 per cent of the reference wage, while Convention No. 128 envisages at least 50 per cent of the reference wage, with rates being revised periodically.
- *Old-age benefits*: These benefits aim at preventing the impoverishment of old people. Workers contribute to an insurance or pension fund, or the State sets aside funds to secure income for the elderly. Many countries have a maximum working age (normally 65 years of age). Often, the amount of the benefit depends on the duration of employment and the amount of contributions paid. Convention No. 102 envisages payments equal to 40 per cent of the reference wage with adjustments based on the cost of living, while Convention No. 128 prescribes a payment of 45 per cent of the reference wage, with periodic revision of rates.

Source: ILO; *Social security principles*, ILO, Geneva, 1998; ILO, *Rules of the Game. A brief introduction to international labour standards*, ILO, Geneva, 2009.

Activity 3.1.
Life scenario:
Hoping for the best,
preparing for the
future

After reviewing the key features of the national social security system, the facilitator can prepare an activity to emphasize the importance for young workers to participating in such a scheme (Activity 3.1.).

Young people generally have limited experience of life and work and, therefore, of the consequences they may have to face if they are injured and unable to work. Many young workers, in fact, may prefer to have the whole amount of their wage at their disposition, rather than relinquish a small sum to insure against something that, in their minds, may never occur (such as illness or disability). To help young workers explore chance occurrences in life and work and make decisions in this context, the facilitator can use a group activity that asks participants to develop various scenarios to help a young worker make an informed decision about contributing to the national social security scheme.

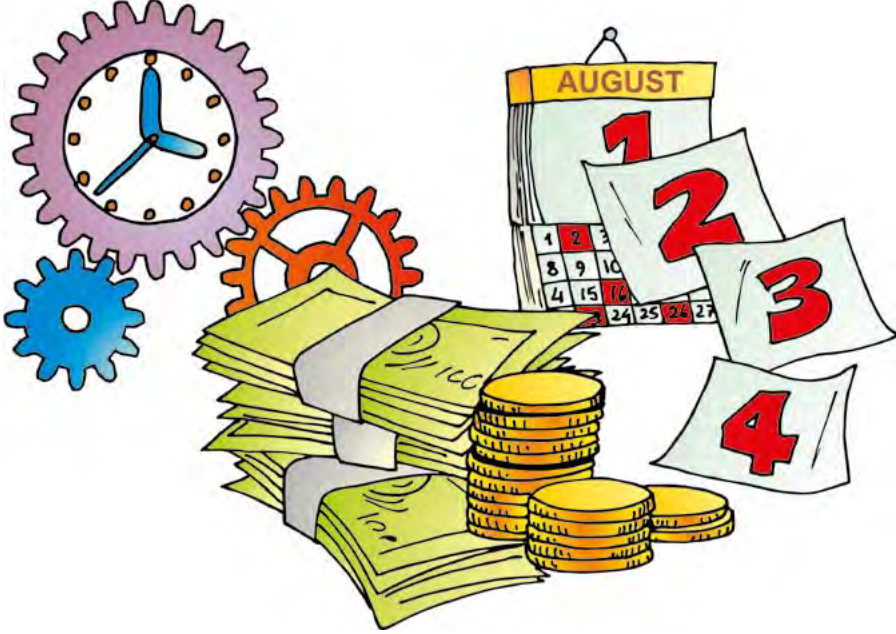
The participants, divided into two teams, are asked to read a story about a young worker, and then develop two scenarios – one in which all goes well and one in which all goes wrong. They should then explore the advantages and disadvantages of participating in the insurance system, referring to each of the two scenarios. At the end, each team is asked to give their opinion. They should keep in mind that all deductions made from a worker's wages (see Session 4 for some examples) need to be as near as possible to the national reality.

An example on how facilitators can design this group activity is provided in the Toolkit. At the end of this activity, the facilitator should remind participants that life events can rarely be predicted and real-life experiences are likely to fall somewhere in between the best and worst case scenarios.

Topics for review and group discussion

- What are the general characteristics of the social security framework in your country? Do you think the framework itself is adequate to provide basic social protection for workers? What is the level of participation amongst the workforce? Can you suggest any improvements that could be made to render social security better and more effective?
- In what ways does social security contribute to economic and social progress in the country?
- What social insurance issues do you think are the most important for young workers, and why?
- What are some of the characteristics of the informal economy in your country? How might informal economy workers be able to move towards formal employment, and therefore have better access to social security?
- Do you have any plans as to how you will live, once you have retired? How much money do you think it will take and where do you expect that money to come from? What measures do you anticipate taking to ensure that you are able to live in a decent manner after retirement?

Session 4 Conditions of work: hours of work, wages and leave



Learning objectives

By the end of this session participants will be able to:

- List national rules on working time, leave and pay;
- Identify the minimum requirements of a payslip;
- Explain typical wage deductions.

Delivery time

120 minutes

Activities

- 1 At work: Flash the labour standards!
- 2 There isn't much left at the end of the month: My pay slip
- 3 Speed advising
- 4 Chief, just one last question ... Negotiating working time and pay.

Introduction

This session of the workshop focuses on hours of work, wages and leave. It aims to consolidate and expand participants' knowledge of relevant national labour standards. It also provides examples on how to negotiate these terms and conditions of work with employers. This session should be built on the basis of labour standards in force in the country where the workshop is being held. The facilitator should prepare relevant *Rights@Work Cards* that will help remind participants of the minimum protections guaranteed by the national labour law. Relevant international labour standards are also referred to in the text. The facilitator should remind participants that if their government has ratified the relevant ILO Convention, then this ratification establishes the minimum entitlements for workers in their country.

Hours of work

Often young people who start working find themselves in an unfamiliar situation where work dominates their everyday life and takes up most of their time. Besides the difficulties associated with the change of lifestyle caused by the transition from school to work, young people – particularly those still in their teens – generally require additional protection due to the fact that they have not reached full adulthood. To accommodate these needs, many countries adopt special regulations on conditions of work for young people. Normally, this includes lower maximum working hours (daily and weekly), together with a prohibition to take on night work and certain other special provisions that allow young people to combine education and work.

The regulation of working time is one of the oldest concerns of labour legislation. The very first ILO Convention, adopted in 1919 – Hours of Work (Industry) Convention, 1919 (No. 1) – limited hours of work and provided for adequate rest periods for workers. Today, ILO standards on working time provide the framework for regulated hours of work, daily and weekly rest periods, and annual holidays (Weekly

Rest (Industry) Convention, 1921 (No. 14), Holidays with Pay Convention (Revised), 1970 (No. 132), Night Work Convention, 1990 (No. 171). These instruments ensure high productivity while safeguarding workers' physical and mental health. Standards on part-time work – such as the Part-time Work Convention, 1994 (No. 175) – have become increasingly important instruments for addressing such issues as job creation and promoting equality between men and women. The facilitator should remind participants the basic provisions of the labour law on hours of work, overtime work, night work, part-time work, annual leave and rest periods, already mentioned in Session 2. An example is provided in the Toolkit.

BOX 4.1. DECENT WORKING TIME

The enhancement of working time is an important step in the ILO's quest for decent work. Working time issues need to be tackled on multiple levels in order to close the different types of “gaps” between workers' actual and preferred hours of work, as well as to advance the competitiveness of enterprises. These situations include those workers who are working “excessively” long hours on a regular basis; those workers who are working part-time and would prefer to work more hours to raise their earnings; and finally those workers whose primary concern is not the number of hours they are working, but rather the arrangement of those hours, such as those working at night, at weekends, and on irregular or rotating shift schedules. Taking steps to address these situations and thus promote decent work can benefit businesses in a number of different ways, such as through increased productivity; reduced rates of absenteeism and staff turnover; and improved employee attitudes and morale, which in turn can translate into a better “bottom line”.

The ILO's Conditions of Work and Employment Programme (TRAVAIL) has identified five significant dimensions of decent work in the area of working time, or “decent working time”. These five dimensions are as follows:

- Working time arrangements should promote health and safety: regular long working hours not only negatively affect the health and safety of workers but also decrease the productivity of enterprises.
- Be “family-friendly”: working time benefits workers and their families as well as the society as a whole.

BOX 4.1. DECENT WORKING TIME (CONTINUED)

- Promote gender equality: working time policies must enable women to be on an equal footing with men in employment and allow both partners to combine paid work, family responsibilities, and lifelong learning.
- Advance the productivity and competitiveness of enterprises: there is longstanding evidence that links reductions in working hours to increased productivity; and
- Facilitate worker choice and influence over their hours of work: workers appreciate flexibility in handling their working hours, and consider it as an important means to improve work-life balance.

Decent working time can be mutually beneficial for workers and employers as it creates win-win situations. This happens because it not only allows workers to balance their personal lives with paid work, but also increases enterprise competitiveness.

Source: ILO, *Decent working time. New trends, new issues*, ILO, Geneva, 2006.

The number of weekly working hours, and the way those hours are organised, can significantly affect the quality of work and life. Work may affect one's health, especially when the hours are long, irregular or carried out at night or on weekends. Young people who had difficulties in finding a job may feel they should exceed standard working hours, even if this is not required, to prove their willingness and capability to do the job. They may also fear losing their job, if they do not spend additional time at work.

The facilitator should point out to participants the possible long-term consequences of working excessive hours. For instance, studies show that working hours in excess of 48 hours per week is an important occupational stressor, which significantly increases the risk of mental health problems, and that working more than 60 hours per week may increase the risk of cardiovascular disease. Employees working irregular hours often report difficulties with sleeping and concentration; and working at night may increase the risk of health disorders.

Conditions of work: hours of work, wages and leave

Activity 4.1.

At work: Flash the labour standards!

This is a brainstorming exercise aimed at getting participants to think about, and discuss, hours of work, overtime, night work and rest periods. It builds on the *Rights@Work Cards* that summarize the minimum standards in these areas and with flip-charts that list the pros and cons for workers and employers. After the facilitator has introduced the relevant national standard on the *Rights@Work Cards*, one of the participants lists on the flip chart the answers provided by participants on the advantages and disadvantages for both workers and employers. Activity 4.1. in the toolkit provides some examples of pros and cons for shift and night work, which the facilitator can use to guide the discussion. Examples of *Rights@Work Cards* based on international labour standards are provided in the Toolkit (Session 4).

Wages

The salary may well be the most important element when deciding to take up a job. It is, therefore, especially important for young people to understand how their pay is calculated, which deductions are made and for what purpose, as well as to understand the minimum requirements set by national labour law.

Wages are considered as remuneration, expressed in monetary terms, paid by an employer to an employed person for work done or services rendered. They are either fixed through mutual agreement between the worker and the employer or by national law. Wages have to be paid regularly, and deductions are permitted only to the extent prescribed by national law or by collective bargaining agreements. Many countries have a *minimum wage* which, at national level, sets a minimum amount of remuneration for workers and is aimed at covering their minimum needs, and those of their dependants, in relation to the country's economic and social conditions. Neither a collective bargaining agreement nor an agreement between the employer and the worker can reduce the minimum wage.

International labour standards related to wages address the questions of regular payment of wages, fixing of minimum wage levels, and the settlement of unpaid wages in case of employer insolvency. The Convention No. 131 requires ratifying states to establish mechanisms for fixing a minimum wage that are capable of determining and periodically reviewing and adjusting it. The objective of Convention No. 95 is to guarantee the payment of wages in full and in a timely manner and applies to all persons to whom wages are paid or payable (Art. 2(1)). The Protection of Wages Recommendation, 1949 (No. 85) contains specific protections related to payment periodicity for work done on a piece-work basis. ILO standards on wages can help ensure that wages remain equitable in time of economic change.

The facilitator should remind participants the basic provisions of the labour law in the country on minimum wage. Some countries have two different scales of the minimum wage: one that applies to adult workers and one that applies to young people. If the country of the workshop applies a sub-minimum wage for young workers, the facilitator may wish to discuss with participants the advantages and disadvantages of such a practice. For instance, some argue that a lower minimum wage would provide an incentive for enterprises to recruit more young workers; others maintain that the application of a unique minimum wage could provide an incentive for young people to leave school early to get a job.¹²

The Convention No. 1 guarantees workers an extra compensation for overtime work (minimally the basic hourly wage plus all additional benefits workers are entitled to). Furthermore, Conventions No. 14, 52, 106 and 132 envisage that young workers should be entitled to compensation if they have to work during national and officially recognized religious holidays.

¹² A list of arguments for and against a sub-minimum wage for young workers can be found in: Trade Union Congress, *A better way to work, Unit 2: Rights and Responsibilities at Work*, Warwick, 2006, p. 25 Available at: http://www.tuc.org.uk/extras/ABWTW_06_UNIT_2.pdf

Reading a payslip

The facilitator should inform young workers about what the national labour law says on overtime pay and payment for working on a public holiday.

All employees are entitled to an individual written payslip, at or before the time they are paid. The payslip must show:

- gross pay (pay before any tax or national insurance has been taken off);
- the amounts of deductions, for example tax and national insurance, and what the deductions are for; and
- the total amount of take-home pay after deductions.

By law, an employer is only entitled to make certain deductions from an employee's pay. In most cases, an employer can only lawfully make a deduction from an employee's pay if the deduction is:¹³

- required to be made by law. For example, employers are required to deduct tax and national insurance from their employee's pay by law; or
- allowed for by the employee's contract. This means that there must be a specific clause in the contract which allows for that particular deduction to be made. The deduction can then only be made lawfully if the employee is given a written copy of that term in the contract before any deduction is made under it. This would cover deductions such as union dues or payments to a pension scheme; or
- the deduction has been agreed to in writing by the employee before it is deducted.

The facilitator should explain young workers how to read a payslip. He/she should explain each of the deductions an employer can make, according to national law, and provide tips and suggestions on how to check whether the employer is paying all the dues

¹³ Text based on Government of Ontario, *My employment standards at work*. Available at: <http://www.labour.gov.on.ca/english/es/>

(taxes and social security contributions). The facilitator needs to research how this information can be obtained (for instance, certain social security systems give users the possibility to check their status through the Internet; in other instances the person needs to contact the social security agency himself/herself to find out his/her contributory status). Activity 4.2. can be used for this purpose.

Activity 4.2.
There isn't much
left at the end of the
month: My pay slip

Reading a payslip might not be the most appealing part of a job, but being able to do so will help participants understand why the money they receive in their pay checks is less than the gross amount that was agreed upon. The deductions made from workers' wages vary in kind and percentage in accordance with the national social security scheme in force (see Session 3). In order to familiarize participants with payslips, the facilitator should obtain a copy of a payslip from the participants' country (ensuring the employee's name and any identification numbers are included) and explain participants the concepts of gross wage, deductions and net pay (take-home pay). Should this not be possible, a model payslip is included in the Toolkit.

Activity 4.3.
Speedy advising and
Activity 4.4.
Chief, just one
last question...
Negotiating working
time and pay

To conclude the session, the facilitator should organize a role playing exercise aimed at practicing the knowledge acquired on hours of work, wages and annual leave. The Toolkit offers two role-playing examples. In the first activity (Activity 4.3. *Speed advising*) participants are divided into two equal groups. One group comprises young workers who are having problems in their job, and the other comprises "counsellors" who provide advice on how to solve these problems. Each participant in the group of young workers picks up a card summarizing a real-life situation (an example is provided in the Toolkit). The situation is reported to one of the counsellors who, in 2-3 minutes, should provide advice on how to sort out the problem. Every 3-5 minutes, the facilitator will swap the counsellors, so that the young worker gets to report

his/her problem to at least two different counsellors. The facilitator may run the activity twice so that participants play both the role of worker and of counsellor.

As a debriefing, the facilitator should go through the problems that were discussed with the counsellors and ask the young workers to share the advice they received. They young workers should also indicate what advice they considered to be the best. The final activity of the session (Activity 4.3. *Chief, just one last question... Negotiating working time and pay*) simulates a negotiation on salary and working time. Participants are divided into two groups: employers and workers. Each group is provided with its own role-cards and instructions. The first task for each group is to decide on the negotiation strategy to be used. Once this is settled, each group nominates a spokesperson who will be responsible for negotiating with the other party's representative. The facilitator should allow the parties to negotiate for approximately 15 minutes. At the end of the role-play, the facilitator should initiate a discussion with participants on the strategy used, whether it was effective and what they would change if they were asked to re-play the roles.

Leave

There are a many types of leave to which workers may be entitled. A number of ILO Conventions and Recommendations cover employee's rights with respect these types of leave.

Annual leave: is the period during which workers take time away from their work while continuing to receive an income and to be entitled to social protection. Workers can take a specified number of working days or weeks of leave, with the aim of allowing them the opportunity for extended rest and recreation. Convention No. 132 entitles workers to a right to take three weeks' paid leave each year. Those who have been employed with an employer for less than one year, but longer than six months, are to have a right to a proportional period of paid leave. In addition, the Convention specifies that it should

be possible for an employee to take two weeks of the annual leave in one block without interruption. The Convention also provides that the timing of the leave period should in principle be determined by the employer, in consultation with the employee or his or her representatives.

Sick leave: The concept of paid sick leave consists of two components:

- Leave from work due to sickness; and
- Cash benefits that replace the wage during the time of leave due to sickness.

This concept is reflected in the definition of paid sick leave as compensated working days lost due to sickness of workers. Paid sick leave is intended to protect the worker's status and income during the period of illness or injury through health and financial protection. The key rationale for paid sick leave is that work should not threaten health and ill health should not lead to loss of income and work. Paid sick leave allows workers to:

- Access promptly medical care and the opportunity to follow treatment;
- Recuperate more quickly;
- Reduce the health impact on day-to-day functioning;
- Prevent more serious illnesses from developing;
- Reduce the spreading of diseases to the workplace and community.

Therefore, paid sick leave aims at improving health outcomes and productivity due to faster recoveries. It also addresses income security and avoids sickness-induced financial hardship. By providing continued job and income security, it is a prerequisite for accessing health care services and a tool against discrimination at the work place.

Maternity leave: The mother's right to a period of rest in relation to childbirth is a crucial means of protecting the health of the mother and her child. Convention No. 183 extends the period of leave from 12 weeks as foreseen in the earlier Conventions to a minimum of 14 weeks, six of which must be taken following the confinement. Recommendation No. 191 suggests that this period be at least 18 weeks. The Convention also establishes a right to additional leave in case of illness, complications or risks of complication arising out of pregnancy. An essential part of maternity leave is the right to return to the same work, or one with the same pay, upon return from the leave (Articles 4 and 5). Convention No. 183, like its predecessors, provides for a compulsory leave of six weeks after the birth of the child, during which the mother must not be allowed to work. This is intended to protect the woman from being pressured to return to work when it could be detrimental to her health and that of her child.

Public holidays: Workers are entitled to paid holidays during national and officially recognised public holidays. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of Convention No. 132. During such holiday period, workers shall receive at least their normal or average remuneration.

Paternity leave: Some countries provide specifically for paternity leave by granting new fathers a short period of leave around the time of childbirth. No international standards exist concerning paternity leave, but it is becoming increasingly common in national law and in enterprise practice. The growing frequency of this leave, particularly in collective bargaining agreements, may be an indicator of the increasing importance attached to the presence of the father around the time of childbirth. The duration of paternity leave ranges between two to 15 days and it is usually paid. In a number of countries, there is no

specific paternity leave, but there is a more general emergency leave or family leave which can be used by new fathers.

Parental leave: refers to a relatively long-term leave available to either parent to allow them to take care of an infant or young child over a period of time usually following the maternity or paternity leave period. As provided in the Recommendation on Workers with Family Responsibilities, 1981 (No. 165), both the mother and the father should have a right to take parental leave. The dispositions concerning parental leave are highly variable. The EU Directive on Parental Leave (96/34/EC) stipulates that it should be available to both parents of children under 8 years old as an individual entitlement. The duration of parental leave should be a minimum of three months, and workers must have the right to return to work to the same or a similar job.

Topics for review and group discussion

- What do you think might be some of the effects on employees who have to work excessive or highly irregular working hours? What kind of impact could these situations have on health, home and family life? And what impact could these situations have on the workplace as a whole in terms of safety, quality and efficiency?
- What kind of job are you aiming for, and what would you consider to be an appropriate starting, take-home salary that would include all necessary deductions?
- Do you know what the minimum wage is in your country? Do you think it is enough to live on? Do you or anyone else you know work for the minimum wage? Do you feel it meets basic needs?
- What do you feel are the most important elements of a work arrangement – beyond the wage that is received? Rank them in order of importance and provide your reasoning.

Session

5

Occupational safety and health



Learning objectives

By the end of this session participants will be able to:

- List employers' and workers' rights and responsibilities with respect to safe workplace practices;
- Identify health and safety risks at work and suggest measures to minimize them.

Delivery time

120 minutes

Activities

- 1 Hunt the hazard!
- 2 Safety pyramid.

Introduction

This session is divided into three parts. The first part aims at familiarizing participants with the rights and responsibilities of workers and employers on safety and health in the workplace. The second part introduces definitions of health hazards and risks and defines methods to identify them. The last part focuses on the measures that can be taken to minimize risks in the workplace.

In lieu of the group activities presented in this session, the facilitator can organise a workplace visit. In the context of occupational safety and health, it would give participants the opportunity to identify hazards as well as the measures taken to control them on-site. If possible, participants should be allowed to interview both workers and employers on the measures undertaken to improve the safety and health in the enterprise. A workplace visit needs to be planned in advance and participants need to be briefed prior to the visit. Ideally, they should be organised in small groups to 'inspect' different areas of the workplace. Back in class, using different colours, participants may map hazards on a drawing of the floor plan (for example, red for safety hazards, green for chemical hazards, blue for other health hazards, and so on). The floor plans also need to indicate the safety measures that are already in place to minimize risks. The teams should complete their findings by adding any diseases and injuries that might result from the identified hazards.

Safety and Health: Rights and responsibilities in the workplace

Young workers are especially at risk of suffering from occupational injuries. This may occur because they are trying too hard and/or work too fast to make a good impression. Often they are unaware of the dangers posed by the equipment they are working with or are unfamiliar with the workplace. An eagerness to show that they can do the job may increase the probability of injuries. As new recruits, they do not want to "make trouble" and may hesitate to report unsafe working conditions. Additionally, young workers who are not

fully aware of their rights or are not yet confident enough in their job might follow the instructions of their supervisor even when they have doubts that they are capable of carrying out the assigned task. Finally, many young people start in the labour market with jobs that are of short duration, including seasonal employment. For this reason, some enterprises may be reluctant in investing in OSH training for young workers.

Many occupational accidents can be avoided when workers are aware of the risks and know how to eliminate or minimize them. They should know that they are also responsible for protecting themselves and keeping the workplace safe. A person who does not clean up spilled liquids and causes a fellow worker to slip, or a person who thinks it is possible to carry out a certain task alone and sustains injuries as a result, are just two examples of this.

BOX 5.1. OCCUPATIONAL HEALTH AND SAFETY (OSH) IN THE WORLD TODAY

The International Labour Office (ILO) estimates that, globally, 2.3 million people die annually from work-related accidents and diseases. And occupationally-related deaths appear to be on the rise. Moreover, each year there are an estimated 270 million non-fatal work-related accidents (each resulting in at least three days' absence from work) as well as 160 million new cases of work-related diseases.

Occupational safety and health is a concern to governments, employers, workers and their families. While some industries are inherently more hazardous than others, groups such as migrants or other marginalized workers, are often more at risk of experiencing work-related accidents and ill health, since poverty frequently forces them into unsafe occupations.

Accidents and diseases at work often have several contributory causes; organizational, physical and human factors can all play a part. Some industries entail a wide range of risks. For example, in mining, workers may operate fast-moving equipment in poorly lit environments, they may often be exposed to hazardous dusts and fumes and may face risks of explosion or fire.

BOX 5.1. OCCUPATIONAL HEALTH AND SAFETY (OSH) IN THE WORLD TODAY (CONT.)

Work-related accidents and ill health place heavy human and economic burdens on workers and their families as well as on enterprises and on society as a whole. The global economic costs of work-related accidents and diseases amount to the equivalent of four per cent of the world's gross domestic product – more than 20 times that pledged for official development assistance. Conversely, there is clear evidence that healthy workforces both enhance business productivity and benefit enterprises and national economies by reducing the number of accidents and diseases and lowering the number of insurance and compensation claims.

Source: ILO, *My life... My work... My safe work. Managing risk in the work environment*, ILO, Geneva 2008.

The facilitator should encourage participants to think of the responsibilities they have in minimizing any safety and health hazards at their own places of work. The responsibility for healthy and safe workplaces belongs to everyone in the workplace, to the degree that each person has the authority and ability to do so. Employers have the greatest control over the workplace and have legal responsibility for health and safety. However, in many enterprises the employers are not aware of every single risk in the workplace. They rely on individual workers to identify risks and propose measures to eliminate or minimize them effectively.

The responsibilities of employers and workers should be seen as complementary and mutually reinforcing in the common task of promoting occupational safety and health to the greatest extent possible within the constraints of national conditions and practice. The facilitator should summarize employers' and workers' responsibilities in ensuring health and safety in the workplace.¹⁴ Some examples are provided in Box 5.2.

¹⁴ Table adapted from Ministry of Advanced Education, Employment and Labour, *Ready for Work, III Safety Works: Occupational Health and Safety for Young Workers*, Saskatchewan, 2005, p 51.

BOX 5.2. RESPONSIBILITIES OF EMPLOYERS AND WORKERS

Employers	Workers
<ul style="list-style-type: none">• Providing a safe and healthy workplace.• Providing the information and training needed to protect the health and safety of workers.• Arranging for the regular inspection of the workplace, tools and equipment to ensure safety.• Ensuring that tools, machinery and equipment are properly maintained.• Promptly correcting unsafe conditions and activities reported by supervisors or workers.• Knowing and complying with health and safety requirements.	<ul style="list-style-type: none">• Taking responsible care to protect their health and safety and that of other workers.• Cooperating with employers on occupational safety and health (OSH) issues.• Using safe work procedures, safeguards and personal protective equipment (PPE).• Reporting hazards (such as unsafe situations and activities) immediately.• Participating in health and safety training.• Knowing and complying with health and safety requirements.

These responsibilities are reflected in three basic workers' rights:¹⁵

- 1 **The right to be informed** about workplace hazards and how to deal with them. Since employers have the responsibility to provide a safe and healthy workplace, they have to inform and train workers on how to deal with hazards. Training for new workers needs to include: safety procedures and practices that are specific to the industry or type of work; information about any hazards in the workplace and the procedures developed to minimize risks; use of labels and signs to identify hazardous materials and the precautions to be taken when working with these; procedures in the event of fire or other emergencies; identification of prohibited or

¹⁵ Table adapted from Ministry of Advanced Education, Employment and Labour, *Ready for Work, III Safety Works: Occupational Health and Safety for Young Workers*, Saskatchewan, 2005, p 56-100.

restricted areas; personal protective equipment; and procedures for reporting hazards and accidents.

- 2 **The right to participate** in health and safety activities in the workplace. This includes the right of workers to join occupational health committees established to provide advice on the improvement of health and safety in the workplace. These committees may be mandatory under certain conditions (for instance in enterprises with a minimum number of workers).
- 3 **The right to refuse** work that is unusually dangerous to themselves or others. “Unusually dangerous” work means that which is not normal for the job and could lead to a situation for which the worker is not properly trained, equipped or experienced. The worker who refuses to carry out work that she/he considers unusually dangerous needs to inform the supervisor of the refusal and accordingly be protected from discriminatory action (such as unjustified dismissal).

Workers, as well as employers must guarantee that these rights are protected and must strive to establish and maintain decent working conditions and a decent environment. This means specifically that:

- Work should take place in a safe and healthy working environment;
- Conditions of work should be consistent with workers’ well-being and human dignity;
- Work should offer real possibilities for personal achievement, self-fulfilment and service to society.

The preamble of the ILO Constitution specifically provides that “the protection of the worker against sickness, disease and injury arising out of employment” is a fundamental element of social justice and has been reaffirmed ever since. The ILO has adopted more than 40 standards specifically dealing

with occupational safety and health, as well as over 40 Codes of Practice. Nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues. The *Occupational Safety and Health Convention*, 1981 (No. 155) and its 2002 *Protocol and the Promotional Framework for Occupational Safety and Health Convention*, 2006 (No. 187) were identified as the three key instruments in the area of occupational safety and health. Furthermore, in 2003 the ILO adopted a global strategy to improve occupational safety and health which included the introduction of a preventive safety and health culture, the promotion and development of relevant instruments, and technical assistance.

Rights@work cards: The facilitator can prepare *Rights@work Cards* with the relevant information taken from the Labour Code in question.

Identifying risks in the workplace

When thinking about risks in the workplace, many people immediately imagine especially dangerous occupations like mining or construction. Few people think about the dangers that are present in occupations like office work or service sector jobs. It is, therefore, necessary to raise participants' awareness to the fact that occupational hazards can exist in *any* workplace. "Hazard" is defined as any activity, situation or substance that can cause harm, either physically or mentally. Hazards can be divided into two broad categories: health hazards and safety hazards. Box 5.3. below provides a definition of these terms.¹⁶

¹⁶ Text based on Ministry of Advanced Education, Employment and Labour, *Ready for Work, III Safety Works: Occupational Health and Safety for Young Workers*, Saskatchewan, 2005, p 69.

BOX 5.3. HEALTH AND SAFETY HAZARDS

Health hazards	Safety hazards
<p>Generally, health hazards cause occupational illnesses such as noise-induced hearing loss, respiratory problems caused by exposure to chemical substances or repetitive strain injuries. A health hazard may cause long-term or chronic problems. Someone with an occupational illness may not recognise the symptoms immediately. For example, hearing loss is often difficult to detect until it is advanced. There are five types of hazards that can cause occupational illnesses:</p> <ul style="list-style-type: none"> • Chemical hazards: gases, vapours, liquids, or dust that can harm a worker's body. Examples: cleaning products, battery acid or pesticides. • Biological hazards: living organisms that can cause diseases such as influenza, hepatitis or tuberculosis. Examples: bacteria, viruses or insects. In the workplace, a person can be exposed to biological hazards through contact with used needles, sick persons, animals, etc. • Physical agents: energy sources that are strong enough to harm the body. Examples: heat, light, vibration, noise or radiation. • Ergonomic hazards: furniture, fixtures, equipment of poor design, or movements. Examples: dim/blinking lights, repetitive movements, inappropriate seats. 	<p>Safety hazards can cause immediate accidents and injuries that can include burns, cuts, broken bones, back injuries or even death. Some of the main safety hazards include:</p> <ul style="list-style-type: none"> • Slipping/tripping on electrical cords across floors or spilled liquids; • Fire or explosive hazards caused by flammable material or explosive chemicals; • Moving parts of machinery, tools or equipment; blades; • Overhead work, such as that done on scaffolds or ladders; • Pressure systems, such as steam boilers or pipes; • Driving, riding or working near vehicles, such as forklift trucks and lorries. • Lifting heavy loads and other manual/handling operations; • Materials falling from overhead, or as a result of rolling or shifting; • Violence from other workers/staff/customers/public; • Working alone or in isolated places.

It is the employer's responsibility to train new workers on hazards or risks. As new workers, young people might not feel comfortable asking a lot of questions. But if they do not ask the questions and the employer does not train them to work safely, they will never be aware of the hazards and will be more likely to have an accident. The facilitator should make clear to participants that if they do not know or understand something, they should **always** ask for explanations or more information.¹⁷

Activity 5.1. Hunt the hazard!

This activity is geared to building participants' ability to identify safety and health hazards. Divided into groups of four or five people, each team is asked to identify the hazards in the workplaces shown in the photos provided in the Toolkit (fast-food kitchen, grocery store, office and petrol station) and list related occupational illnesses and injuries that may occur in each workplace. If time is limited, the facilitator may merge this activity with the *Safety Pyramid* exercise that follows. In this case, the facilitator may display one or two pictures only, then ask participants to identify the hazard, together with ways to control it. If the training workshop is organized for young people who are still in school, the facilitator can organize a *Classroom Hazard Hunt*. This activity is geared to help participants understand that classrooms, much like workplaces, can have their own kinds of hazards that should be identified and reported. Participants are asked, in small groups, to observe their classroom (floors, walls, lighting, ventilation, noise, temperature) and list possible hazards. During this activity the facilitator will help participants categorize hazards by type (chemical, biological, physical, ergonomic and so on) and to stress that some hazards may have an immediate impact (safety hazard) as well as long-term consequences (health hazard).

¹⁷ Text based on Ministry of Advanced Education, Employment and Labour, *Ready for Work, III Safety Works: Occupational Health and Safety for Young Workers*, Saskatchewan, 2005, p 69.

Controlling hazards in the workplace

During the group activity on hazard hunting, the facilitator will have the opportunity to discuss the means and methods that can be used to minimize risks in the workplace. These include:

- 1 **Remove the hazard:** The best measure is to remove the hazard from the workplace altogether, or to keep it isolated. For instance, put guards around sources of a spill, install slip-resistant flooring, and use physical safeguards to protect users from moving parts of equipment and blades. In this way, the workplace becomes safer and the responsibility does not fall exclusively on individual workers.
- 2 **Improve work policies and procedures:** This method applies when it is not possible to completely eliminate the hazard or keep it isolated. Good safety policies can reduce the workers' exposure to dangerous equipment or liquids. For instance, put up "caution" signs and clean up spills immediately.
- 3 **Use protective clothing and equipment:** Even when uncomfortable and cumbersome, workers must use them if required. PPE does not eliminate the hazard itself and, therefore, is the least effective hazard control mechanism. An example is wearing slip-resistant shoes, or a rigid helmet to protect the head.

Every worker has the right to know about workplace hazards and how to deal with them. Box 5.4. lists some questions that may serve as a guide for participants to discuss health and safety issues with their employer.

BOX 5.4. QUESTIONS TO ASK YOUR EMPLOYER ON OHS

1. When will I receive job safety training and orientation?
2. What are the hazards or risks I should be aware of?
3. Who do I talk to if I have questions about how to carry out a task safely?
4. If I notice something wrong, to whom should I report?
5. What health and safety procedures do I need to follow?
6. What safety equipment do I need to do the job?
7. Will I receive training on the use of personal protective equipment (PPE)?
8. What should I do in case of an emergency? Who do I need to inform if I get hurt?
9. Where do I find fire extinguishers, first aid kits, and emergency assistance?
10. What are my responsibilities regarding health and safety?

If, after reporting a hazard, the worker still doesn't feel safe, he/she should talk to the employer and ask for a full explanation so that all his/her questions are answered. Workers can also contact the worker member of the Health and Safety Committee (which usually exist in workplaces where there are 20 or more workers other than a construction project) or the worker Health and Safety Representative (where there are six – 19 workers). Also, some companies have a health and safety department (many large companies do), workers can contact one of their health and safety professionals. It is part of their job to answer questions and give advice. The facilitator should provide young workers with a list of the persons they can contact, if necessary.

Activity 5.2. Safety pyramid

This activity aims at strengthening participants' ability to manage hazards in the workplace. The activity is built on a pyramid drawn on a flip-chart and divided into three parts. Each part lists one of the three methods for managing hazards (remove the hazard, improve work policies and procedures, wear protective equipment), each of which is worth a certain number of points. Participants are divided into small groups

of 3-4 persons. One person in the team will act as writer and another as runner. Each team has its own set of coloured cards, so that points can be awarded to each team at the end of the exercise. The teams have three minutes to read the story-board that accompanies each picture, then write their solution to preventing each accident from re-occurrence on their cards, and send the runner to post their card on the corresponding part of the pyramid. The facilitator can organise as many rounds as there are pictures/storyboards or decide a winning score.

He/she should guide the activity by offering alternatives – if available – to the answers provided by participants.

Topics for review and group discussion

- Identify ways in which both employers' and workers' interests are similar with regard to maintaining a safe and healthy workplace. What are the key areas in which they can collaborate to achieve health and safety goals? What can the employer do to ensure that the workers participate fully? What are the workers' responsibilities?
- How best can young workers come to understand the critical importance of having a safe and healthy workplace? What particular concerns and interests do they have that might offer a clear connection to health and safety goals at the workplace?
- Name some specific health and safety hazards which might not be readily apparent, but could cause serious health problems later in a worker's life. Name some ways that workers and employers can use to become better informed about the effects of these hazards and the need to address them.
- What are the main economic and societal benefits of successfully addressing health and safety concerns at the workplace?

Session 6 Exercising rights at work



Learning objectives

By the end of this session participants will be able to:

- Apply strategies to address problems caused by unfair workplace practices;
- Manage disputes with employers.

Delivery time

180 minutes

Activities

- 1 Managing conflict in the workplace: So you're upset...
- 2 What's your style?
- 3 ...and we haven't heard the last of it!

Introduction

Knowing about rights at work is important, but that, in itself, is not sufficient to ensure that these rights are respected. This final session of the training workshop focuses on strategies to help young people manage conflict in the workplaces and protect their rights. Negotiation skills and the ability to raise issues constructively are at the centre of these strategies, as well as the ability to identify those persons, organizations and institutions that can help when addressing a dispute in the workplace.

At this stage of the workshop, it is recommended that the facilitator invite a trade union or workers' representative to share some real-life experiences with the participants and discuss their fears and hesitations in raising difficult issues with employers. It is especially important to point out that, on an individual basis, it might be complicated to become an advocate of workplace fairness, but by joining a trade union and/or workers' council the voice of the worker is taken more seriously and is better heard.

Raising issues constructively¹⁸

For many new employees in an enterprise, it is difficult to find a balance between fulfilling expectations, proving themselves to be valuable employees and claiming their rights at work. Young recruits might find it difficult to exercise their rights, especially if they feel pressured not to cause trouble or to give a negative impression.

Anger is usually the first reaction of workers who know, or feel, their rights have been violated. The first impulse may be to confront the supervisor/employer. However, although anger is a natural reaction, it is important to step back and channel it in a constructive way.

When a problem occurs in the workplace, the first step should be to **determine one's own rights and responsibilities**. Getting in touch with the workers' council, trade union or a mediation/conciliation body may be a useful way to find out about rights and responsibilities in a given situation. There are always

¹⁸ Adapted from Ministry of Advanced Education, Employment and Labour, *Ready for Work, VIII Fairness works: Labour standards for young workers*, Saskatchewan, 2008.

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consequences when one gives in to anger, such as losing credibility with colleagues. Also, most employers will not tolerate a worker who uses aggression to address workplace problems. Here are some general rules for managing anger in the workplace in a constructive manner:

- *Recognize and admit the anger.* Anger is a natural human feeling. Denying or rejecting anger, feeling guilty or apologetic for being angry or re-living the incident over and over is just counter-productive and energy-draining.
- *Try to understand the other person's perspective and/or what she/he intended.* It is important for all parties not to jump to conclusions about the other person's intentions and to try to see the issue from another point of view as well as getting all the facts.
- *Decide what to do with the anger.* Consider the risks and benefits of expressing anger directly to the other party, or indirectly (for example to a friend), or not expressing it at all. The decision to act immediately, later or not at all will depend on what power the object of the worker's anger has over his or her job security and how important the relationship is to the worker. In coming to a decision, the young worker needs to think about how reasonable the other person is. For example, is she/he likely to make his/her life miserable if she/he feels offended, hurt, or threatened by what the worker says? Is it better to talk directly to the person involved, or perhaps blow off steam in another way?
- *Express the anger directly, if appropriate.* Timing may be a significant factor. It is important to wait until there is enough time to discuss the problem in private and without interruption. The manner in which the discussion is started and handled may also determine its success.
- *Express the anger indirectly when it is inappropriate to express it directly.* If expressing the anger directly is inappropriate, participants should try some indirect

way. This may include talking privately to a trusted person or blowing off steam elsewhere.

The second step for workers to address their concerns about labour standards should be to **discuss the issue with the employer and ask him/her for an early resolution**. Workers should start by talking to their employer about any unfair or unsafe working conditions. It is important to emphasize that most employers want the opportunity to address any problems before external intervention. There are many factors that could affect the outcome of the discussion(s) with the employer. For example, employers may not be aware of the law, or they may not know how the law specifically affects the particular situation. If possible, it is important that both employee and employer take the time to 'discuss' the matter and seek advice and information, as needed. Some employers may be open to discussing working conditions and/or receiving information or suggestions, while others may not. However, the discussion could result in actions that the worker may see as unfair, disciplinary or retributive. The manner in which the employee initiates the discussion can decide its outcome, so a good way to start the discussion would be to ask, at the outset, for information or clarification on the issue at hand.

If workers decide it is impossible to approach the employers or if their attempts have been unsuccessful, they may want to seek the assistance of labour authorities (**early resolution**). If the labour law has been disregarded, these institutions can, with the worker's consent, call the employer on the worker's behalf to discuss the issue. It is important to note that most employers tend to respond quickly to complaints made about working conditions in their workplaces.

If this doesn't work, a third step would be to **make a formal complaint to the appropriate institutions** (this may be the Ministry of Labour or the Labour Dispute Council or a mediation entity). In some cases, workers may opt not to pursue their complaint

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immediately. For instance, they may decide **to wait and file a complaint once they have left the workplace**. However, any worker who wants to file a complaint should know that there are specific time limits within which complaints can be filed. Also, in some countries, labour authorities will accept and investigate anonymous or third-party complaints (**anonymous tips**) where there is specific evidence to suggest non-compliance with the labour law.

Each country has its own system of labour dispute resolution. The facilitator should research the mechanisms in force in the country to provide suggestions (see Box 6.1.).

BOX 6.1. MECHANISM TO SETTLE LABOUR DISPUTES

Conflict is inevitable in employment relations. The ideal situation is for parties to negotiate voluntarily without third-party intervention. Where negotiations fail, there are usually mechanisms that can be used by the aggrieved parties. ILO Recommendation No. 130 (Examination of Grievances Recommendation, 1967) guarantees workers the right to lodge grievances where the employer's actions are contrary to either relevant legislation, the employment contract or the collective agreements. Convention No. 154 (Collective Bargaining Convention, 1981) provides that bodies and procedures for the settlement of labour disputes should be effective and their method of operation should be autonomous, accessible, informal, expeditious and consensual.

In the context of labour disputes resolution, "alternative disputes resolution" (ADR) mechanisms are increasingly being used. This term describes a wide variety of mechanisms from facilitated settlement negotiations, in which the parties are encouraged to negotiate directly, to arbitration systems or mini-trials that look very much like a courtroom procedure. ADR systems are generally categorized into negotiation, conciliation/mediation, or arbitration systems. Negotiation encourages and facilitates direct negotiation between parties in a dispute, without the intervention of a third party. Mediation and conciliation systems are very similar, but they include a third party between the disputants, either to mediate a specific dispute or to reconcile their relationship. Mediators and conciliators may simply facilitate communication, or may help structure a settlement, but they do not have the authority to decide on a settlement. Arbitration systems authorize a third party to decide how a dispute should be resolved.

Source: ILO, *Collective bargaining and labour disputes resolution*, ILO Issue paper No. 30, Geneva, 2008.



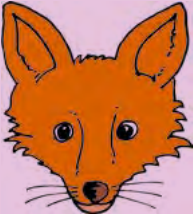

Activity 6.1.
Managing conflict
in the workplace:
So you're upset ...


This activity is designed to help participants identify and practice strategies for dealing with workplace problems and the anger that may result from unfair treatment. Participants are divided into two teams, each with its own case. Each team is required to read the dialogue between employee and employer, identify the problem, determine the rights and responsibilities of both parties and decide what the worker should say and do. The teams' answers are then shared and discussed in a wrap-up session. At the end of the activity the facilitator should distribute a handout that provides examples of things to say and to do for each of the steps. A sample of this handout is provided in the toolkit.

Knowing
your conflict
management
style

There are a number of strategies for handling conflict with a supervisor, employer or colleague. A significant factor in determining the best conflict-management strategy is the worker's individual approach to conflict. Some workers find conflict difficult and will try to avoid it. Others may be determined to win at all costs. There are greater probabilities to successfully addressing conflict if workers/employers are aware of their own (and each other's) personal style. When deciding upon a conflict-management approach, workers need to weigh the importance of both their goals and their relationship with the employer/supervisor/colleague. If achieving goals is more important than relationships, the strategies will need to focus on reaching the goals. On the other hand, if the relationship is important, the strategy will need to be geared toward preserving the relationship. Generally, there are five personal conflict management styles:

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STYLE	IMPORTANCE OF GOALS	IMPORTANCE OF RELATIONSHIP	STRATEGY
<div>Teddy Bear</div> 	Unimportant	Very Important	<div>Soothing</div> <p>These people consider that achieving their goal is not important, while preserving the relationship is. They will often let the other person have their own way in order to maintain the relationship.</p>
<div>Turtle</div> 	Unimportant	Unimportant	<div>Withdrawing</div> <p>These people often consider both the goal and the relationship as unimportant. They will often avoid the issue entirely by just walking away.</p>
<div>Fox</div> 	Moderately Important	Moderately Important	<div>Compromising</div> <p>These people consider both the goal and the relationship as moderately important. These persons will often give up part of the goal and part of the relationship to reach agreement.</p>
<div>Shark</div> 	Very Important	Unimportant	<div>Forcing</div> <p>These people usually engage in total win/lose negotiating, as they consider the goal to be very important and the relationship as unimportant. They will try to force or persuade others to meet their own needs.</p>

Owl 	Very Important	Very Important	Problem Solving/Negotiating These people consider both the goal and the relationship very important. They look for solutions that allow both parties to fully achieve their goals while still maintaining a good relationship.
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Adapted from Ministry of Advanced Education, Employment and Labour, *Ready for Work, VIII Fairness works: Labour standards for young workers*, Saskatchewan, 2008.

The facilitator should encourage young workers to find out their conflict management style. This will help them to more effective in handling conflicts in their workplaces.

Activity 6.2. What's your style?

The aim of this activity is to help participants become familiar with different conflict management strategies. They are divided into two groups, with a case study. Team members are asked to read through the case, then rank each of five given conflict-management strategies from best (1) to worst (5). They will then discuss their choice with the other members of the team. At the end, the teams will review the suggested strategies, determine the advantages and disadvantages of each and record the results on a "Pros and Cons" chart. The facilitator should emphasize that there is no "right" answer to these case studies. Any, all or a combination of the strategies presented could be used to successfully manage the problem at hand. During this activity, the facilitator should discuss various strategies for facing up to different situations:

- In relationships, it is almost always better to deal with the conflict rather than withdraw from it. Forcing, persuading, threatening or manipulating others into giving in, may cause them to seek redress at a later point.
- Workers must consider whether or not the

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relationship is important to them. They cannot always be certain they will not have to deal with the person at a later date.

- It is important for workers not to give up any goals they really wish to achieve. Giving up a goal may lead to frustration and anger, which could surface again at a later point in time.
- Not all problems or conflicts can be addressed or solved immediately. Some may require a long-term strategy that unfolds over a period of time. If there is time, problem-solving negotiations are often the best choice for addressing problems constructively.
- Not all problems or conflicts can be solved. Accept that the problem may not go away. The relationship may need to be ended. It is possible that, at some point, the person may feel that quitting, being transferred to a different team or department or moving on to a new job may be a more feasible option.

Improving working conditions

Ensuring fairness in the workplace and decent work requires the involvement of governments, employers' organizations and trade unions. Governments, as legislative bodies, set the framework for ensuring decent working conditions through the labour law. Employers' organizations and trade unions represent and protect the interests of their members. Often they have different views, but both organizations have an interest in ensuring decent work. Working conditions and productivity are interdependent: employees are more likely to be productive if they are treated fairly and are safe at their workplace. To resolve any conflict, workers and employers will sometimes need to negotiate their way to a solution. Activity 6.3. allows young workers to practice their negotiation skills.

Activity 6.3. ...and we haven't heard the last of it!

This activity is designed as a multi-layered role-play, based on a campaign for a living wage (as opposed to a national minimum wage) that occurred in London's Docklands in the 1990s. The role-play addresses the issues of low-paid work, inequality, workers' representation, the benefits of

group campaigns to defend one's rights. The facilitator may wish to prepare a role play that is based on national circumstances. For this, media coverage of a recent discussion between employers' and workers' organizations regarding wages, hours of work, collective bargaining and occupational safety and health may be used for designing the scenario and the roles. This activity should engage participants on a specific issue, while placing them in unfamiliar roles, to encourage them to communicate with other groups more effectively.

In order to prepare well for this session the facilitator should arrange tables and chairs for the groups in such a way that allows participants to see the sign indicating the role that each team has to play. The participants are divided into teams, each playing a different role. Teams have 10 minutes to prepare their negotiating strategy. Each team has one minute to briefly introduce itself and make a short statement of intent to other players. The role-playing starts with the writing of a message as indicated on the role-card of each team. Once a team receives a message from another, they are free to send as many replies as they wish. They might also simulate bilateral meetings with other teams. The role-playing at this stage will take on a life on its own with groups sending/receiving messages and reacting to other groups' statements and actions. If necessary, the facilitator can call for a "final action/message" to conclude the activity. The debriefing session that follows should encourage participants to respond to the following questions.

- ❶ To whom did you decide to write and why? Were their responses satisfactory?
- ❷ Did you manage to achieve what you wanted?
- ❸ What is most likely to happen to the workers in the situation that developed during the role play?
- ❹ Reflecting on the actions taken by the various players, what could your team have done differently?

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Topics for review and group discussion

- How would you describe your personal style? What methods can be used to determine or evaluate the personal style of others, as well as to decide how to approach someone in a conflict or disagreement?
- What are some well-known incidents or situations from history where individuals or nations entered into conflict after preceding attempts to work out a resolution to their differences failed? Why did these attempts fail? And what else, if anything, could have been done to avoid the conflict?
- As a worker, what are your options for dealing with an employer who shows no willingness to compromise or understand your side of the story?
- Are there cases where two sides in a dispute can “agree to disagree” and then move on in a positive manner from there? How might that happen? Construct a scenario in which a positive result could be achieved without a complete settlement of differences.

Closing the workshop

At the end of the workshop, the facilitator should give participants some time to organize the information provided, to ask any additional questions and ensure that they have all the contacts they may need. A good end-of-workshop activity would be a question-and-answer session, with representatives of a trade union on:

- trade union membership and prevailing conditions of work in national industries;
- terms of the National Collective Agreement;
- how the trade union can help young workers with grievance procedures and other employment-related issues.

At the end of the workshop, the facilitator should ask participants to evaluate their learning experience. The sample questionnaire in Annex 6 offers a model that can be adapted by the facilitator. The results of this exercise will help the facilitator improve future workshops and other learning events.

TOOLKIT



Toolkit

1

Young people and work

Icebreakers

An ice-breaker is an activity that helps the members of a newly-formed group getting to know each other and put them at ease before a group exercise. It can also help participants overcome shyness at speaking before a group of people they do not know. Below there are a number of amusing activities, that have been successfully used by other facilitators in a variety of group settings. The facilitator can adapt them to suit each group using some of the suggestions outlined below:

Interviews: Ask participants to pair off. Each person then interviews his or her partner for a set time. When the group reconvenes, each person introduces their interviewee to the rest of the group.

Circle introduction: Have the participants stand in a circle. They have two minutes to find out as much as possible about the person on their left and some interesting facts about him/her. Each person will introduce the person on their left to the whole group.

Ball toss: Participants and the facilitator form a circle and toss a soft ball around the circle. Participants state their names as they catch the ball. When they catch the ball, they should be able to call out the name of the person who tossed it to them.

The little known fact: Ask participants to share their name and what they do for a living, as well as one little known fact about themselves. This “little known fact” becomes a humanizing element that can help break down differences between members of the group during subsequent interaction.

Two truths and a lie: Ask each person in turn to confide two true statements, and one false, about themselves. The rest of the group has to guess which one is false.

Coloured cards and Rights@Work Cards

Prior to running the first set of activities, the facilitator should create a set of Rights@Work Cards summarizing the key labour standards in force in the country on the minimum age for employment, hours of work, minimum wage, annual holidays, sick leave, equal pay, dismissal and so on. To do this, he/she should check the following:

- ① The minimum employment age in force in the country.
- ② The occupations for which a higher minimum age is required.
- ③ The maximum hours of work allowed per week, including overtime.
- ④ The minimum wage in force and the categories of workers that are exempted.
- ⑤ The rate of overtime pay in the Labour Code and/or National Collective Agreement.

Example of Rights@Work Card



In addition to this, the facilitator should summarize, in coloured cards, the core international labour standards that are referenced in the Facilitator's Guide. All of these cards can be used by the facilitator in support of the activities in this and other sessions.

Example of coloured cards describing international labour standards

Freedom of association and the right to collective bargaining

These labour standards envisage the right of all workers and employers to form and join organizations of their own choosing, to protect themselves against anti-union discrimination and promote collective bargaining. Freedom of association standards provide that workers shall enjoy adequate protection against acts of anti-union discrimination, including requirements that a worker not join a union or relinquish trade union membership for employment, or dismissal of a worker because of union membership or participation in union activities. The right to organize and form employers' and workers' organizations is the prerequisite for sound collective bargaining and social dialogue. Collective bargaining practices ensure that employers and workers have an equal voice in negotiations and that the outcome will be fair and equitable.

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Right to Organise and Collective Bargaining Convention, 1949, (No. 98)

Elimination of all forms of forced or compulsory labour

These standards prohibit the use of any form of forced or compulsory labour as a means of political coercion or education, punishment for the expression of political views, labour discipline, penalisation for participation in strikes and discrimination. Exceptions are provided for work required by compulsory military service, by normal civic obligations, as a consequence of a conviction in a court of law (under certain conditions), in cases of emergency, and for minor communal services performed by the members of a community.

Forced Labour Convention, 1930 (No. 29)
Abolition of Forced Labour Convention, 1957 (No. 105)

Minimum working age and prohibition of child labour

The minimum age standard stipulates that the general minimum age for admission to employment or work is 15 years old (13 for light work) and the minimum age for hazardous work is 18 years old (16 under certain strict conditions). There are specific provisions for the immediate elimination of the worst forms of child labour, including practices similar to slavery, such as the sale and trafficking of children; debt bondage and forced labour; the recruitment of children for prostitution, pornography, armed conflict or drug trafficking; and work that is harmful to their health, safety and morals.

Minimum Age Convention, 1973 (No. 138)

Worst Forms of Child Labour Convention, 1999 (No. 182)

Elimination of discrimination (employment and occupation)

This standard prohibits discrimination in access to employment, training and other conditions of employment on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin. The objective is to promote equality of opportunity and treatment, and equal pay and benefits for work of equal value.

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation)

Convention, 1958 (No. 111)

Young people and work

Activity 1.1. Fair workplaces¹

Working in pairs or small groups, each participant has 10 minutes to answer the following five questions.

- ① At what age did you (or one of your friends) enter paid work? _____
- ② What was the job title? _____
- ③ How many hours did you (or your friend) work per week? _____
- ④ How much were you (or your friend) paid? _____
- ⑤ If you (or your friend) worked overtime, how much did you (or your friend) earn in overtime pay? _____

Activity 1.2. Flexibility at work: What are the pros and cons?²

Divide participants into two groups. Each team will be provided with two flip-chart pages marked “WORKERS” and “EMPLOYERS”. Each flip-chart is divided into two columns labelled “Pros” and “Cons”. Teams have 10 minutes to discuss the advantages and disadvantages of the following forms of flexible employment for both workers and employers and to record their answers on the flip-charts.

Example 1

PART-TIME WORK

Part-time work is all work performed for fewer hours than full-time employment, which is normally 40 hours per week. Usually, a part-time worker is someone who works less than 35 hours per week.

¹⁹ Adapted from Ministry of Advanced Education, Employment and Labour, *Ready for Work, VIII Fairness works: Labour standards for young workers*, Saskatchewan, 2008.

²⁰ List adapted from Trade Union Congress, *A better way to work*, Unit 5: The Future of Work, Warwick, 2006, p. 18f. Available at: http://www.tuc.org.uk/extras/ABWTW_06_UNIT_5.pdf

EMPLOYERS

Pros	Cons
<ul style="list-style-type: none"> • Better ability to respond to production changes • More flexible work-planning • Lower taxes and social security contributions <p>.....</p> <p>.....</p>	<ul style="list-style-type: none"> • Higher taxes and social contributions when more part-time workers are used to cover the same hours as full-time workers • Higher costs incurred to coordinate the work of the extra employees <p>.....</p> <p>.....</p>

WORKERS

Pros	Cons
<ul style="list-style-type: none"> • More free time and better balance of work, family and leisure • Entry point into the labour market for young workers. • More workers employed (number) <p>.....</p> <p>.....</p>	<ul style="list-style-type: none"> • Lower wages due to shorter hours of work • Lower social security benefits and reduced career opportunities • More intense work (in cases where a full-time workload has to be carried out part-time) • Probability of irregular working hours <p>.....</p> <p>.....</p>

Example 2

TEMPORARY WORK

Temporary work is defined as employment for a limited period of time only (it can range from 1 to 12 months or more). Usually, a temporary contract can only be renewed for a limited number of times for the same person. Temporary workers are sometimes employed on fixed term contracts. These are fixed for a specific, limited amount of time, set in advance. The employment ends when the contract expires, and no notice need be given by the employer.

EMPLOYERS	
Pros	Cons
<ul style="list-style-type: none">• Encourages greater flexibility, as the number of workers needed varies in accordance with production demands (recruiting when demand is expanding, not renewing temporary contracts during a downturn).• More flexible work planning, as temporary workers may provide cover for permanent staff on holiday, maternity or sick leave.• Opens the door to the recruitment of specialists to carry out specific projects.• Can be used as a screening tool to select workers for permanent contracts. <p>.....</p> <p>.....</p>	<ul style="list-style-type: none">• Higher costs for coordinating work.• No savings on taxes or social security contributions.• Temporary workers may lack the motivation and commitment of permanent workers.• Increased training costs for temporary employees. <p>.....</p> <p>.....</p>

WORKERS	
Pros	Cons
<ul style="list-style-type: none">• Entry point into the labour market for young people.• More workers employed.• Potential for trying different jobs before choosing a career path. <p>.....</p> <p>.....</p>	<ul style="list-style-type: none">• Less security in terms of tenure and wages.• Unemployment spells between jobs can be long.• Lower career opportunities.• Need to learn different tasks.• Little or no access to those benefits that require a minimum period of continuous employment.• Often need to work harder to show that one is able to perform the job.• Possibly irregular working hours. <p>.....</p> <p>.....</p>

Activity 1.3. Two Cs: Exploring labour market disadvantages

Participants will be divided into two groups. Two participants will act as referees and one as timekeeper. One group is assigned a flip-chart labelled *Challenges* and the other group a flip chart labelled *Characters*, as shown in the example below.

- “Challenges” are certain labour market outcomes. For example, work in the formal economy; discrimination, low-paid work.
- “Characters” refer to the individual characteristics that make some young workers more at risk than others of experiencing specific labour market outcomes. For example, young workers with disabilities often face discrimination at work; minority-language workers are often perceived as not having the necessary skills and are paid lower wages and so on.

Each team has five minutes to plan how to gather responses from the other participants on the “C” that is assigned to them. The teams should use this time to formulate the questions to ask, decide who will interview whom, and how to record questions. At the end of the five minutes (as decided by the time-keeper), the team members will have another five minutes to go round the room and interview the members of the other team to collect information. Traffic is regulated by the referee. Finally, each team will have five minutes to place the information gathered on their flip-chart. The two teams will agree, at the end of the activity, which “Character” faces the most “Challenges”.

Young people and work

Example

CHALLENGES	CHARACTERS
• Work in the informal economy.	A. Migrant workers
• Discrimination based on health status, low employment, high inactivity.	B. Workers with HIV/AIDS
• Low paid jobs, without social protection.	C. Workers with low skill levels
• Discrimination based on family responsibilities and on gender. Barriers to taking up full-time work.	D. Single mothers
• Hazardous and unsafe work.	E. Workers with disabilities

Activity 1.4. Say no to discrimination!²¹

Ana's story:

In pairs, participants have 15 minutes to read the stories of four young workers. For each situation they have to decide whether discrimination is present, and if so, on what grounds.

Ana applied for a summer job at a large department store. The store said that it was not hiring anyone for summer positions. A few weeks later, Ana, who is of Roma origin, noticed that one of her school friends was working at the store. Her friend said that she was hired a few days earlier to help with the busy summer months.

Possible grounds: Race/ethnicity. Ana was discriminated against if the store did not hire her because she is of Roma origin.

²¹ Examples adapted from United States Equal Employment Opportunity Commission, *Youth @ Work Your Rights*. Available at: <http://youth.eeoc.gov/rights.html>.

Maria's story:

Maria applied for a job with a local company that routinely hired high school students to work on construction crews. The manager, however, tells Maria that there is no vacancy available in construction, but there is a secretarial position open at the company's headquarters. Maria applies and gets the job. After few weeks, she hears the manager tell a co-worker that he did her a favour employing her as a secretary, since working in construction is a man's job.

Possible grounds: Sex/gender. Maria was discriminated against if the manager did not hire her for a crew position because she is a woman.

Abel's story:

Abel has just started working part-time at a popular clothing store. He is one of 50 telephone operators responsible for taking phone-in orders. All the operators work at small work stations in one large room. Employees are not assigned a specific workstation; they choose their own workstations on a first-come first-served basis. Abel is in a wheelchair and has difficulty moving up and down the narrow aisles. Even though he arrives 30 minutes early every day, he cannot always find an available workstation near the entrance before his scheduled shift. Abel tells his manager about his problem and asks to be assigned to a workstation close to the door. The manager tells Abel that the company does not give special treatment to anyone and suggests coming to work earlier.

Possible grounds: Disability. The clothing store discriminated against Abel when it refused his request for a reasonable workplace change that he needed because of his disability.

Cho's story:

The new manager of a software firm believes that she can boost sales by hiring a mature graphic designer, despite the fact that Cho, the company's in-house designer, who is 23, has attracted many new clients during his 6-month stint with the firm. The new manager does not renew the limited duration contract that Cho had and replaces him with Cheyenne, a 40-year-old marketing expert.

Possible grounds: Age. The manager discriminated against Cho if the reason for the non-renewal of his contract is age. If, however, the job description for the position was changed and included longer work experience requirements – which Cho does not have – there is no discrimination.

Activity 1.5. Decent work millionaire

Participants will be divided into two teams. Each team will be asked to select a spokesperson who will respond to the question posed by the facilitator. Teams have 15 seconds to respond. If the answer is correct, the team wins 200,000 Currency Units (CU). If the answer is wrong the team loses 200,000 CU. Each team starts with a bonus of 300,000 CU. The first team to accumulate one million wins.

QUESTION	ANSWER
1. Marko is a janitor who normally works 15 hours overtime every week. He does not get overtime pay, but he gets an extra paid day off every three weeks.	<p>NOT DECENT</p> <p>Generally, the Labour Code specifies how many overtime hours per week/month an employee can work and the methods used to calculate overtime pay. The same section also states the exceptions to the general rule (for instance managers are not usually entitled to overtime pay) and whether overtime can be compensated by additional (paid) time off.</p> <p>Reference: ILO Conventions No. 1, No. 30, and No. 153</p>
2. Dimah has been working part time in a shoe factory for the last year, but she was told that she is not entitled to maternity leave.	<p>NOT DECENT</p> <p>Part-time workers have the same entitlements of full-time workers.</p> <p>Reference: ILO Convention No. 175</p>

QUESTION	ANSWER
3. Tamara is a student who works in a restaurant in the evenings. She is paid 20 percent less than the minimum wage because the bar is owned by her uncle.	<p>NOT DECENT</p> <p>The Labour Code specifies the categories of workers that are excluded from the provisions of the minimum wage. These categories generally include farm workers and casual babysitters, but not relatives of the employer.</p> <p>Reference: ILO Convention No. 131</p>
4. James works in a software company where he gets a one-hour unpaid meal break.	<p>DECENT</p> <p>The length of unpaid meal breaks during a working day is specified in the Labour Code or in the Collective Agreement. Unpaid meal breaks normally range from 30 minutes to one hour.</p>
5. Erika is a 16-year-old student who works in a convenience store after school hours. She is paid the minimum wage.	<p>DECENT</p> <p>Normally young people over 15 years of age can be employed in light work, provided that it does not jeopardize school attendance.</p> <p>Reference: ILO Convention No. 138</p>
6. Sam, who is 18 years old, has found work on a construction crew. His employer tells him that he has to pay for his protective equipment (boots and helmet).	<p>NOT DECENT</p> <p>The employer is obliged to provide and maintain protective equipment.</p> <p>Reference: ILO Convention No. 167</p>
7. Alexander, 17, found a job in a diamond mine (underground pit). His supervisor tells him that the policy of the company is to do strip searches at the end of the shift to avoid theft.	<p>NOT DECENT</p> <p>Work in an underground mine is considered hazardous work and it is prohibited to persons under 18 years of age. Strip searching goes against the dignity of workers and it is illegitimate.</p> <p>Reference: ILO Conventions No. 138, No. 182, No. 176</p>

Young people and work

QUESTION	ANSWER
8. Marianne worked for two years in a brewery. When the company started to lose business she was fired without notice or compensation.	NOT DECENT The length of notice is regulated by the labour code and depends on the length of employment. The employer may compensate the worker in lieu of notice. Reference: ILO Conventions No. 158
9. Valentina would like to work as a hairdresser. She finds an opportunity in a shop in the centre of town, but she is told that she has to undergo a 15-day trial period.	DECENT Trial periods are generally allowed by the Labour Code.
10. Vincent is 23 and has applied for a job that requires at least two years' work experience. He has only 15 months' work experience. He does not get hired.	DECENT The employer has the right to select workers on the basis of their work experience and the requirements of the job.
11. Tai has been working under a temporary contract for three months. She was promised a contract of unlimited duration, but she ends up receiving another three-month contract at the end of the period.	DECENT Generally, temporary work contracts can be renewed. The number of times they can be renewed and the total length period of temporary work allowed are established by the Labour Code.
12. Sanja has been working part-time for the last 3 years. Now she would like to work full time, since her children are in kindergarten. Her employer tells her that there is no full-time position for her.	DECENT The employer has no obligation to transform part-time into full-time employment. Reference: ILO Convention No. 175

Toolkit

2

Employment contract

Activity 2.1.
Search-and-rescue mission: Better conditions of work

Task 1:

1) Classroom-based exercise

Participants will be divided into two teams. Each team has 20 minutes to carry out a search-and-rescue mission for better conditions of work.

The “search” part of the mission requires teams to screen the collective agreements (the newspaper wires) that have been given to them and find the provisions for wages, hours of work, overtime pay, rest periods and paid annual leave.

Task 2:

The second part of the mission consists of “rescuing” those industries/branches of industries where negotiation/collective agreements gave workers better conditions of work compared to those granted by the labour law. These are summarized in the *Rights@ Work Cards* entitled “minimum wages”, “hours of work”, “overtime”, “rest periods” and “annual leave” posted on the walls.

2) Assignment

Participants will receive a list of contacts of national/ sector trade unions as well as copies of the *Rights@ Work Cards* summarizing the provisions of the national labour law on wages, hours of work, overtime pay, rest periods and paid annual leave.

Task 1:

They need, either individually or in pairs, to contact the trade unions to obtain copies of the collective bargaining agreements of the industry/sector in which they would like to work, or in which they are already working. The “search” part of the mission requires them to screen the collective agreement to find the relevant provisions.

Task 2:

Note for the facilitator

The second part of the mission consists of “rescuing” those provisions that grant better conditions of work to workers in the industry in which they are interested, compared to those granted by the general labour law.

This activity requires the facilitator to summarize, on *Rights@Work Cards*, the national standards presently in force on wages, hours of work, overtime pay, rest periods and paid annual leave.

If it is not possible to get copies of the collective agreements in a number of industries or sectors, the search-and-rescue mission can be built either on newspaper articles reporting the results of collective bargaining in specific industries or firms, or by developing a number of fictional *Newspaper Wires*, some positive and some negative, where information on conditions of work can be searched and rescued by participants. Examples of *Newspaper Wires* where better conditions prevail, or were granted, are provided below. The search part of the mission should also include wires in which negotiations failed and conditions of work remained unchanged.

Gossip Today

Working week reduced at leading car manufacturer

Productivity at Tayata is increasing, and the leading car manufacturer negotiated with workers' representatives for a reduction of the working week from 40 to 38 hours. In the last six months, this leading car manufacturer has experienced an increase of 8% in productivity. This is, in part, the result of the workers' training programmes that have been organized by the enterprise in the last year. Given the increase in productivity, the workers' organization has been negotiating for the last two months for an increase in the hourly wage of \$3. However, since car sales are showing signs of dropping, it was decided by both workers and management that a reduction of the weekly working hours from 40 to 38 would maintain production at the same level and provide workers the same wage for fewer hours of work. Therefore, starting next Monday Tayata workers will work 9.5 hours per day, Monday to Thursday.

BultZeigt

27 September

Better hours for nurses at Getwellsoon clinics

The Free Organization of Nurses signed an agreement Friday last with the management of the Getwellsoon chain of health clinics that will change their shift hours from the beginning of next year. Currently, nurses work two separate shifts of 12 hours each. Night shifts are paid at the same rate as day shifts. The new agreement envisages three shifts (morning, afternoon and nights), with night shifts compensated at \$1 more per hour compared to day shifts. The same agreement also stipulates that work on public holidays will be paid double the basic hourly rate.

Times

28 Sep

Miners get a better deal for underground work

The Miners' Trade Union will sign an agreement tomorrow to reduce the hours of work in underground mines from seven to six hours per day. The agreement has been in the making for the last six months and it envisages that miners working in underground pits will work six hours (with a one hour break over ground). In addition, given the dangerous nature of the job, underground miners will receive an increase of \$2 in their hourly wage.

The New Telegraph

22 Sep

School teachers to get an additional week holiday!

The Free Union of Teachers has signed an agreement with the Ministry of Education this morning granting teachers with more than two years' tenure an additional five days of paid holiday. From 1 January, teachers will enjoy 15 working days of holiday with pay, as opposed to the present 10 days.

Activity 2.2.
Wanted: Rights
... but not without
responsibilities

Divide participants into three groups. Each team will be provided with four cards of the same colour (red, yellow and blue). On each set of cards there will be a sentence – for example “Receive instructions on job tasks”. Each team must decide whether the sentence on the card is a right or a responsibility and whether it belongs to the employer or the worker.

Example 1

EMPLOYERS	
Rights	Responsibilities
To have work tasks performed as required.	To pay wages.
To ask that company rules be followed.	To give rest periods and days off.
To give instructions.	To pay overtime.
To terminate an employment relation for just cause.	To pay social security contributions.

Example 2

WORKERS	
Rights	Responsibilities
To receive wages.	To be punctual.
To have rest periods and days off.	Use tools and equipment safely and with care.
To have established working hours.	To follow supervisors' instructions.
To join a representative organization.	To do the work required to the best of one's ability.

Activity 2.3. You have more rights than you think

Divide participants into three groups. Each group will be provided with a real-life situation. Teams need to decide whether the employer's request is legitimate and suggest how the employee should act/respond to the employer's counter-arguments. Teams have 10 minutes to complete these tasks. At the end of the activity, the team's spokesperson will present the case and the strategy to solve the dispute. Teams may be called upon to field questions/arguments from other participants.

Situation 1:

Alysia, 19 years old, has successfully applied for an apprenticeship to become a cook in a famous hotel. When she meets the personnel manager to sign her apprentice contract he tells her that she will not be allowed to become pregnant during the two-year apprenticeship. Alysia does not plan to start a family yet, although she plans to get married soon.

Situation 2:

Juan, 16 years old, just graduated from high school and found a job in a bakery where he is required to wear gloves to protect him from burns when putting bread in the oven or taking it out. He is also required to wear a baker's apron and cap. The employer tells Juan that he has to buy all of these with his own money, or, alternatively, have the amount deducted from his first pay check.

Situation 3:

Andres, 22 years old, started working as a secretary in a big office. He is familiar with most of the equipment he needs to use and can solve minor problems such as paper jams in the printer or copier. His supervisor asked him to staple some very thick documents with an automatic (pneumatic) stapler he has never used before.

Suggested answer to real-life situations

- ① The employer cannot make such requests. Even if Alysia agrees, she retains the right to full maternity protection, including maternity leave, and protection against dismissal (see ILO Conventions No. 3 and No. 183).
- ② The employer has to provide all protective equipment at his own expense (see ILO Convention No. 155). If the employer requires staff to wear special uniforms, these are generally provided.
- ③ Workers have to be trained on every machine they are required to use at work. Andres should ask to be trained or shown how to operate the equipment safely (see ILO Convention No. 155).

Activity 2.4. (A)
Mind the small print!
Understanding an
employment contract

In pairs or small groups, participants have 15 minutes to read the following example of an employment contract and make a list of the details they think should always be included in a contract. If you they not sure about the meaning of certain terms, they can ask you for clarification.

Employment contract²²

Name of employer: Holgate Bike Service

Employer's address: Sunny Hill Estate, Curved Road 8,
 Magso, EC3N 4AB, Arcadia, Tel.+11 1111 1111

Name of employee: Rabo Nitza

Job title: Mechanic

1. Commencement of employment

Your employment with Holgate Bike Service begins on 29th May of the current year.

2. Job description

The Bicycle Mechanic will work in the repair shop repairing and servicing bikes. The job involves diagnosing problems, repair and servicing of wheel hubs, mechanical and hydraulic braking systems, steering, suspension and drive train systems. It will also involve designing, building and repairing wheels and frames, and removing and fitting accessories. The Bicycle Mechanic will also be responsible for certain customer-related activities such as cash and credit transactions and promoting services to clients.

3. Job location

The place of work is: Sunny Hill Estate, Curved Road 8, Magso, EC3N 4AB, Arcadia

4. Pay

The rate of pay is 813.20 Arcadia dollars gross per month. This will be paid monthly in arrears.

²² Adaptation from Business Link, *Practical Advice for Business, Create a written statement of employment*, London, 2008.

Employment contract

5. Hours of work

You are employed to work full time, i.e. 38 hours per week, Monday to Friday. Working hours are 08:00 to 17:00.

6. Holidays

You are entitled to 15 days holiday per year. This excludes public holidays, during which you will not be required to work. Your holiday year begins on 1st May. Unused holiday entitlement (maximum 5 days) may be carried forward to the next year.

7. Sick leave

If you cannot work because you are ill, you must inform your employer as soon as possible on the first day, and then each subsequent day. Self-certification is allowed for a maximum of 2 days after which a doctor's certificate must be provided. You are entitled to contractual sick pay at your normal rate of pay for a maximum of five days, and a maximum of 15 days sick pay in any one year. This is subject to your notifying your employer and providing the necessary evidence of incapacity. Thereafter, you are entitled to statutory sick pay.

8. End of employment

This is a permanent contract, subject to each party's right to terminate it in accordance with the terms specified. If you wish to leave, you must give three weeks' notice. If the employer wishes to terminate the contract, three weeks' notice will be provided.

9. I acknowledge receipt of the particulars of employment

Signed. Date.

Activity 2.4. (B) What I would like to know about this job.....

Task 1:

In pairs, participants have 15 minutes to make a list of the 10 most important questions they need to ask during a job interview. They may use the format provided at the end of this handout to record them. They should role-play the following situation:
You recently applied for a job in a large sporting goods store that opened in your town. The General Manager's secretary called to schedule a job interview. The newspaper advertisement you replied to did not provide any information about the terms and conditions of employment. You have asked a friend to

help you make a list of the questions you need to ask during the interview.

Task 2:

Ask participants to read the sample employment contract of Activity 2.2. (A) *“Mind the small print! Understanding an employment contract”* and check whether the questions on their lists are answered by the terms and conditions laid out in the contract. At the end of the activity, ask them to list the questions that were not treated in the employment contract.

10 MOST IMPORTANT QUESTIONS

	Example: <i>When will I start work?</i>	IS IT IN THE CONTRACT?	
		YES	NO
1		<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>
10		<input type="checkbox"/>	<input type="checkbox"/>

Toolkit



Social security

Activity 3.1. **Life scenario:** **Hoping for the best,** **preparing for the** **future**

Participants will be grouped into two teams. Each team will have 30 minutes to read Rose's story and then help her weigh the advantages and disadvantages of participating in the national social security system. Based on Rose's plans, teams should identify and list as many assumptions as possible on what is likely to happen if everything goes well (optimistic scenario) and what will happen if everything goes wrong (pessimistic scenario). On the basis of the list prepared, each team will advise Rose.

Note for the **facilitator**

An example of pessimistic and optimistic scenarios is provided at the end of Rose's story. These are two extreme examples, unlikely to happen in their entirety.

Rose's story

Rose is 22 years old and is about to start working in a small textile firm (women's wear). Her tasks include cutting and sewing shirts with industrial equipment. The firm has a reasonable record on health and safety: in the last five years there were only two accidents, both non-fatal. In one, a worker lost her right hand, in the second the worker lost an eye.

The textile industry is experiencing a slow, but progressive, decline in production, as clothing imported from neighbouring countries is cheaper, albeit of lower quality. The economy, however, is quite strong and good-quality clothing is still in high demand.

Rose's mother died of breast cancer three years ago, just like her mother before her. Rose's mother developed the cancer when she was 40 years old and died five years later. There is also a history of genetic kidney disease on her father's side.

Rose is engaged to be married to a young man who works in the local copper mine. This occupation is in one of the highest-risk industries in the country with high rates of fatal accidents and permanent lung diseases. The work, however, pays well, involves short shifts (six hours a day, five days a week) and with a good range of benefits (health care for the individual and dependants, survivor's benefit and also performance annuities). Rose plans to marry in two years and have at least two children. Rose would like her children to go to university. She also plans to buy a house with a large garden. Rose's income, combined with that of her future husband, will allow her to borrow money to buy it.

Rose has a passion for flowers and gardening. She plans to leave her job when she turns 42 in order to devote herself to gardening, since Tony earns a good wage and can support the family. The garden can also become an income generating activity.

Rose's future employer made her understand that there is a way to avoid large deductions from her monthly wages. The employer will officially pay Rose the minimum wage established by the Collective Agreement. The amounts due for social security contributions (medical care, illness and disability insurance, maternity leave, unemployment insurance and old-age pension) will be calculated on that basis. The employer will give Rose every month an additional amount in cash. This amount will not be taxed or subject to deductions. If Rose opts for this alternative, she will receive more cash every month.

If she opts for full contributions, she will receive less cash monthly.

Example of assumptions:

PESSIMISTIC SCENARIO	OPTIMISTIC SCENARIO
Rose has an accident rendering her unfit for work. If she is not fully insured, the benefit she will receive will not allow her to pursue her life plans.	Rose never has an accident at work. She therefore will never use the accident benefit.
The employer closes the company and Rose loses her job. As she has chosen to pay her benefits at the low end of the scale, Rose only receives the unemployment benefit amount for a short period and may have problems repaying her debts.	The demand of domestically-produced clothing remains strong and Rose will keep her job till she retires. She will never need to take advantage of unemployment benefits.
Rose develops cancer like her mother. The health benefit covers the cost of medical care and pays her an allowance during her illness. If the state of her health affects her ability to work, she will have access to a disability pension. She will have a lower income, but she will not need to use her savings for medical care nor will she be forced to work when sick.	Rose will not develop cancer and will remain healthy throughout her working life. She will never use the benefits stemming from the monthly amounts she pays for medical care and illness insurance.
Rose develops another disabling illness. See above.	Rose does not develop any life-threatening illness. See above
Rose's husband will develop an occupational illness and will be unable to work. His earnings will decrease and Rose will need all the cash she can get her hands on to pay off the bank debt, her children's school and so on. If she is fully insured, the cash-in-hand amounts she'll get will be lower.	Rose's husband does not develop an occupational illness and continues working till retirement age. Rose will not need additional cash to pursue her life plans.

<p>Rose will not have children. She will pay for health care and contribute to the maternity fund without using this latter benefit.</p>	<p>Rose will have two children. She will take advantage of maternity benefits twice and will have her income assured during her two pregnancies. In addition, her job will be secure.</p>
<p>Rose's husband has an accident at work and dies. Rose cannot stop working when she turns 42, as the survivor's benefit is not enough to support her and her family. The more and longer Rose pays to the pension fund, the more she will get when she retires. After 20 years of work, and without her husband's income, she will not have enough money to pursue her plans for retirement.</p>	<p>Rose's husband retires with a maximum pension. Rose can stop working when she turns 42 to work in her garden. She will have more money to invest in her children and garden when she retires.</p>
<p>.....</p>	<p>.....</p>
<p>.....</p>	<p>.....</p>
<p>.....</p>	<p>.....</p>

Toolkit

4

Conditions of work: hours of work, wages and leave

Examples of
Rights@Work Cards
on working hours,
night work, rest
periods, annual leave

Rights@Work Card: Maximum and standard working hours

Most countries have legislation that limits maximum working hours on a daily and/or weekly basis. The maximum number of working hours usually includes the allowed overtime for a total of up to 10 hours per day, but total weekly hours should not exceed 48. Standard hours of work are usually eight hours per day or 40 hours per week. The threshold may be set lower for workers under 18 years of age – lower still for school-age workers, who are often limited to weekend and/or holiday work.

Hours of Work (Industry) Convention, 1919 (No. 1)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

Rights@Work Card: Overtime

Overtime refers to all hours worked in excess of normal hours, as specified in national legislation (usually 40 hours per week). Overtime can be worked up to the allowed maximum working hours per day and/or week. Permanent overtime might have a negative impact on the health and safety of the employee (e.g. fatigue, stress, increased probability of accidents) and on productivity. The rules that employers have to follow on overtime vary considerably from country to country. In some countries, there are no restrictions to the amount of overtime that can be requested of employees, while in other countries it is necessary to justify overtime (for instance, during periods which generate exceptional workloads).

Hours of Work (Industry) Convention, 1919 (No. 1)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

Rights@Work Card: Night work

Night work is any work performed during a period of not less than seven consecutive hours from midnight to 5:00 a.m. A night worker is an employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit. Both elements (the period and the specified limit) are determined in national labour legislation. Many countries limit night work for young people, especially when they are still attending school. This often means that people under 18 years of age are not allowed to work between 10:00 p.m. and 5:00 a.m. There might be exceptions for certain occupations where workers aged 16 and over are allowed to carry out night shifts.

Night Work Convention, 1990 (No. 171)

Rights@Work Card: Rest periods

Rest periods are granted to workers to preserve their safety, health and well-being. Normally, national labour law prescribes the minimum weekly rest period to which workers are entitled (for instance, at least 24 consecutive hours in every work period of seven days). Labour legislation usually grants one break during the working day when a certain minimum threshold is exceeded (for example six hours of consecutive work). The length of the break varies considerably (it can range from 30 minutes to two hours). During this time, the presence of the employee at the workplace is not required and the rest period is not included in the working time. The employer might grant additional short breaks, included in the working time. Regular rest periods are to the advantage of both employers and workers, as they have a positive impact on safety in the workplace and labour productivity.

Weekly Rest (Industry) Convention, 1921 (No. 14)
Weekly Rest (Commerce and Offices) Convention,
1957 (No. 106)

Rights@Work Card: Annual leave

Paid leave is the annual period during which workers take time away from work while continuing to receive income and social protection. Workers can take a specified number of working days or weeks of leave, with the aim of allowing them to take holidays or just rest. Paid annual leave preserves workers' health and well-being. Annual leave is also considered to be one of the factors that reduces absenteeism while enhancing motivation and consequently productivity and efficiency. The facilitator should summarize the national rules on minimum days/weeks of paid annual leave, regulations for uninterrupted blocks of leave, advance payment and extra holiday pay, responsibilities concerning scheduling the worker's leave and special regulations for temporary employment.

Holidays with Pay Convention (Revised), 1970
(No. 132)

Activity 4.1. At work: Flash the labour standards!

Participants will be asked to cite all the advantages and disadvantages of international labour standards (hours of work, overtime, night work, break periods), and in what way they can influence both employers and workers. Summarize these standards in *coloured cards* and post them on the walls. One of the participants will record the ideas on a flip-chart.

Example 1

Night shifts

PROS	CONS
Employers	
More intensive use of facilities and equipment.	Additional administrative and personnel costs.
Increased production to cope with higher demand.	Potential extra costs from providing adequate supervision during night shifts.
Effective operation of continuous and semi-continuous production processes.	Potentially negative effects on workplace safety and health.
	Additional stress may reduce productivity.
Employees	
Higher total earnings if workers receive extra pay for working at night.	Disrupted sleep patterns which can lead to temporary sleep disturbances.
Longer periods of free time, if paid time off is granted in addition to night shift payments.	Potentially serious health problems.
	Negative effects on work performance.
	Lower quality of family and social life.

Conditions of work: hours of work, wages and leave

Example 2

Shift work

PROS	CONS
Employers	
More intense use of facilities and equipment due to extended operating time.	Additional administrative costs due to hiring and paying more workers (because more shifts are in operation).
Increases in production to cope with higher demand.	More complex work organization to ensure adequate supervision, especially at night.
Effective operation of continuous and semi-continuous production processes.	Higher labour costs due to payment of shifts.
Optimal use of energy or other resources during the night or other slack periods.	Potentially negative effects on workplace safety and health, especially where night shifts are concerned.
Employees	
Higher total earnings for workers through additional pay for certain shifts (e.g. night work).	Potentially negative effects on workers' health and safety, especially during night work.
Longer periods of free time, if paid time off is granted in addition to night work payments.	Disruption of workers' family and social life, due to the "unsocial" and irregular hours of work.
May potentially save existing jobs and/or reduce "precarious" employment.	Potential transport difficulties for night workers.

Activity 4.2.

There isn't much left at the end of month:

My pay slip

Below you will find an example of a pay-slip. In pairs, participants will have 10 minutes to read it through and answer the following questions:

- 1

How many hours per week did Rabo work?
(Answer: 40.5)
- 2

Is the overtime pay rate the same as the normal hourly rate?
(Answer: No, it is \$3 higher)

- 3 What do deductions for social insurance and superannuation correspond to?
(Answer: Money paid for health insurance, illness, unemployment, disability and pension)
- 4 How much tax is paid and who pays it?
(Answer: 11% of the gross pay paid by the employer on behalf of the worker)

Name of employer: Holgate Bike Service

Employer's address: Sunny Hill Estate, Curved Road 8, Forsenia

Payslip

Employee's Name	Rabo Nitza	Pay Date	30 June 2008
Employee's personnel Number	10000456	Pay Period	06/2008
Employee's Tax Number	673/U1		

Payments

Number of Hours	152	Hourly Rate	5.35	Subtotal	813.20
Overtime (hours)	10	Hourly Rate	8.03	Subtotal	80.30
Gross Pay				893.50	

Deductions

Tax paid (11 per cent of gross pay)				98.29	
Contribution to Social Insurance (6 per cent of gross pay)				53.61	
Superannuation (2.4 per cent of gross pay)				21.44	
Total Deductions				173.34	

Net Pay

Payments minus deductions				720.16	
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Conditions of work: hours of work, wages and leave

Activity 4.3. Speed advising

Divide participants into two teams. The first team represents a group of young workers in search of advice. They will be asked to pick up a card that outlines a situation in which they find themselves at work. Not knowing what to do, they will seek advice from counsellors to help them decide the best course of action. They will have three to five minutes with each counsellor. The second team represents a group of counsellors. Their role is to listen to a number of young workers who are facing problems in their jobs and to give them the best advice they can, based on what they have learned so far. They have to think quickly and provide an answer fast; they will have only three to five minutes for each young worker.

ROLE CARDS for young workers

Situation 1:

You are working in a bookstore during the holidays. Every Wednesday you attend a one-hour staff meeting but do not work for the rest of the day. You do not get paid for the staff meeting but you think you should. You would like to know whether you are entitled to get paid for your attendance and how you can talk to your boss about the issue.

Situation 2:

You work at a music store after school. You find it hard to plan your evening out with your friends because you never know what hours you are working. You would like to have a clearly defined work schedule. Your boss says that part-time workers do not receive work schedules, because they need to cover tasks as needed in a flexible manner. You would like to know whether your employer is right and how you can talk to your boss about the issue.

Situation 3:

You started your new job as a sales clerk on December 1 and work a regular schedule of eight hours a day, three days a week (Tuesday, Thursday and Saturday). You did not work on Christmas Day which was a Thursday as the store was closed. Your friends tell you should get holiday pay for that day. You would like to know whether you are entitled to it and how you can talk to your boss about it.

Situation 4:

You work as a parking attendant after school and on weekends. You work three-hour shifts on Monday afternoon, Thursday evening and Saturday morning. A public holiday falls on a Saturday this year. You think you should earn more for working during a public holiday. You would like to know whether you are entitled to additional pay and how you can talk to your boss about the issue.

Situation 5:

You have earned \$4,000 this year working in a fast food outlet as a part-time server. Your friend, who works full-time at the same outlet, has been paid annual holiday pay on each pay check. You have not. You would like to know whether you are entitled to holiday pay and how you can talk to your boss about the issue.

Conditions of work: hours of work, wages and leave

Possible solutions²³

1	If attendance is required, the worker should be paid as it is working time. Special regulations regarding a 'minimum call-out' might apply (see ILO Convention No. 30)
2	<p>All workers, regardless of the number of hours they work, are entitled to receive work schedules. Employers must give workers notice:</p> <ul style="list-style-type: none">• when their work begins and ends over a period of at least one week;• in writing and posted in a place where it can easily be seen by employees; and• one week in advance of a change in the schedule. <p>Where an emergency or unusual circumstance arises, the employer can change the employee's work schedule without notice. Employers can also apply for permits to vary the requirement for a work schedule (see ILO Convention No. 30).</p>
3	Most employees get public holiday pay no matter what their days of work. In this case the worker is entitled to public holiday pay for Christmas Day even if he did not work. National regulations specify the amount of holiday pay (see ILO Convention No. 132).
4	Most employees who work public holidays get paid 'premium pay' which is usually 1.5 their regular wages for all hours worked. They will also receive public holiday pay. For working on a public holiday, the worker is entitled to premium pay (also 1.5 per regular wages) plus public holiday pay. National regulations might prescribe different amounts (see ILO Convention No. 132).
5	The worker should receive annual holiday pay at the same rate as it is paid to all employees including those working at full-time, part-time, casual, temporary and seasonal jobs. Annual holiday pay is calculated on the employee's total wage over a 12-month period. National regulations might prescribe different amounts (see ILO Convention No. 132 and No. 175).

²³ Situations 1 and 9 adapted from Ministry of Advanced Education, Employment and Labour, *Ready for Work, VIII Fairness works: Labour standards for young workers*, Saskatchewan, 2005, p 29.

Activity 4.4.
Chief, just one
last question.....
Negotiating working
time and pay

Participants will be divided into two teams; one will play the role of the worker, the other that of the employer. Both teams have 15 minutes to read their roles, decide on a negotiation strategy and prepare a list of points to be negotiated. Each team appoints a spokesperson to negotiate with the representative of the other party.

ROLE CARD ‘EMPLOYER’

You are the owner of Holgate Bike Service and you have been looking for a skilled mechanic for quite some time.

After publishing a job advert in a newspaper you received 27 applications and invited five promising applicants for a job interview.

Out of these five, you offer the job to Rabo Nitza, the most suitable candidate for the job. Rabo is skilled but still needs further training.

Besides Rabo there are three other mechanics who have considerably more work experience and have been working for you for a long time. There are also two sales persons.

You offer Rabo the minimum wage of \$5.35 per hour. You would like Rabo to work 38 hours a week but also on weekends. The schedule you propose is as follows:

Monday 2:00 p.m. – 8:00 p.m., 6 hours

Tuesday 10:00 a.m. – 2:00 p.m., 4 hours

Wednesday 8:00 a.m. – 2:00 p.m., 6 hours

Thursday 2:00 p.m. – 8:00 p.m., 6 hours

Friday 11:00 a.m. – 2:00 p.m., 8 hours incl. 1-hour break

Saturday 8:00 a.m. – 5:00 p.m., 8 hours incl. 1-hour break

You are aware that asking Rabo to come to work every day the shop is open is an inconvenience for him, but you prefer to accommodate the needs of the other employees who already work for you.

The shop operates Monday to Friday 8:00 a.m. – 8:00 p.m. and Saturdays 8:00 a.m. – 5:00 p.m.

ROLE CARD ‘WORKER’

You have been looking for a job as a mechanic for quite some time and were really happy when you were offered a job at Holgate Bike Service. You are a skilled and certified mechanic. Your training took place some time ago so that you are not very experienced with recent developments. Still, you are very well-acquainted with the state of the art as you are a passionate biker.

You also know that there were some other applicants who are experienced and good at their jobs.

You would like to receive \$7.00 per hour given your training and you know that the average income in that sector is \$7.50 per hour.

You would like to work 40 hours a week during a five-day work week. You would prefer to work in the morning as you have other obligations in the late afternoons and evenings. You are not keen on starting work early on Saturdays and for eight hours as you like to go out Friday nights.

Toolkit

5

Occupational safety and health

Activity 5.1. (A) Hunt the hazard!²⁴

Participants have 20 minutes to identify as many hazards as they can in the workplaces displayed in the pictures and to categorise them into health or safety hazard. Some might fall in both categories.

Picture 1: Fast food kitchen

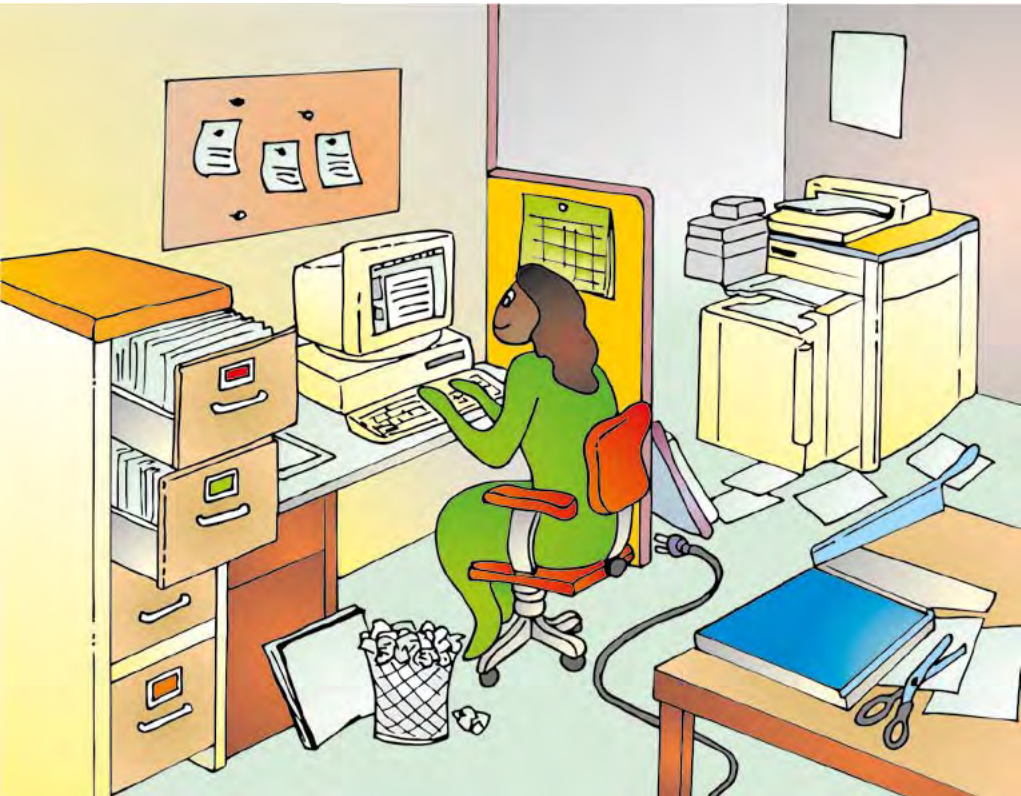


²⁴ Activity adapted from Centre for Disease Control and Prevention – National Institute for Occupational Safety and Health et al., *Talking Safety, Teaching Young Workers About Job Safety and Health*, Atlanta, p 85-89. Available at: <http://www.cdc.gov/niosh/talkingsafety/states/al/>

Picture 2: Grocery store



Picture 3: Office



Picture 4: Petrol station



Occupational safety and health

Fast-Food Kitchen

HEALTH HAZARD	SAFETY HAZARD
Pressure to work fast (stress).	Hot grill, oven and steam (burns).
Stress.	Slippery floor (injuries including sprained joints, broken bones).
	Knives (cuts).
	Hot cooking grease (burns).
Heavy lifting	
Ergonomic hazards: risk of back injury, restricted movement, nerve damage, weakness, proneness to re-injury.	Dislocation of ligaments, pulled muscles, sprained joints, broken bones.
Chemicals may cause cancer as well as harm or irritate the liver, kidneys, skin, lungs (bronchitis), and brain (loss of memory, coordination or cognition).	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; “narcotic effect” that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Grocery Store

HEALTH HAZARD	SAFETY HAZARD
Standing a lot (ergonomic hazard causing pain, restricted movement, nerve damage, weakness, proneness to re-injury).	Box cutter (cuts).
	Meat slicer (cuts, serious injury, lost fingers, etc.).
Heavy lifting, bending or reaching	
Ergonomic hazard causing back pain, restricted movement, nerve damage, weakness, proneness to re-injury.	Dislocation of ligaments, pulled muscles, sprained joints, broken bones.

Repetitive motion	
Ergonomic hazard causing carpal tunnel syndrome (CTS), decreased joint motion, inflamed joints, prolonged ache, pain, numbness, tingling, or burning sensations.	Pain, numbness or tingling, redness and swelling.
Cleaning chemicals	
Chemical hazard may affect the brain, causing memory loss, poor coordination, and reduced thinking ability; liver and kidney damage; bronchitis; long-term skin problems; may cause cancer.	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; “narcotic effect” that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Office

HEALTH HAZARD	SAFETY HAZARD
Repetitive use of keyboard, awkward posture	
Chemicals for the copier and other office equipment	
Chemical hazard may affect the brain, causing memory loss, poor coordination, and reduced thinking ability; liver and kidney damage; bronchitis; long-term skin problems; may cause cancer.	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; “narcotic effect” that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Occupational safety and health

Petrol Station

HEALTH HAZARD	SAFETY HAZARD
Violence (stress, permanent injury, death, post-traumatic stress).	Heat or cold (heat stroke, frostbites, loss of consciousness).
	Tools and equipment (injuries such as cuts, contusions).
	Slippery floor (injuries including sprained joints, broken bones).
Petrol and other chemicals	
Chemical hazard may affect the brain, causing memory loss, poor coordination, and reduced thinking ability; liver and kidney damage; bronchitis; long-term skin problems; may cause cancer.	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; “narcotic effect” that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Activity 5.1. (B) Classroom hazard hunt

Ask participants to work in teams of between 2 and 4 persons. They have to think about specific, possible hazards in the classroom that could fall into the categories listed in *Handout 1* below. Using the detailed checklist provided in *Handout 2*, they have to carry out an assessment of their classroom and suggest improvements, (i.e., how each hazard could be eliminated or reduced). They have 40 minutes to complete the task.

HANDOUT 1

Some areas of your classroom may have hazards. In your group, identify items in each category that could be hazardous to health or safety. List as many things as you can in the time available.

Physical Areas, Furniture, Fixtures	Environment
Floors	Lighting
Walls	Ventilation
Ceilings	Noise
Doors	Electricity
Windows	
Furniture	
Fixtures	

HANDOUT 2

Classroom Hazard Conditions

1. Classroom (general)

Is the housekeeping good?

Is the lighting adequate?

Is the floor in good condition?

Are exits clearly identified?

Is the classroom furniture in good repair and positioned safely?

Are all cupboards, black boards and display units secure and stable?

2. Walls

Are all signs, bulletin boards, and fixtures firmly attached?

3. Floors

Are the floors in good condition and free of trip hazards?

Are the floors clean and free of slippery areas?

4. Doors and windows

Do the doors have loose or broken hinges?

Are the glass panes in windows and doors intact (not broken) and not cracked?

Do all the windows open and close properly?

Are the fasteners of windows intact?

5. Lighting

Are all the lights working?

Are all light fixtures and switches securely mounted, in good working order (not loose, cracked or broken) and clean?

6. Power Cords and cables

Are all cords in good condition (no fraying or exposed wires)?

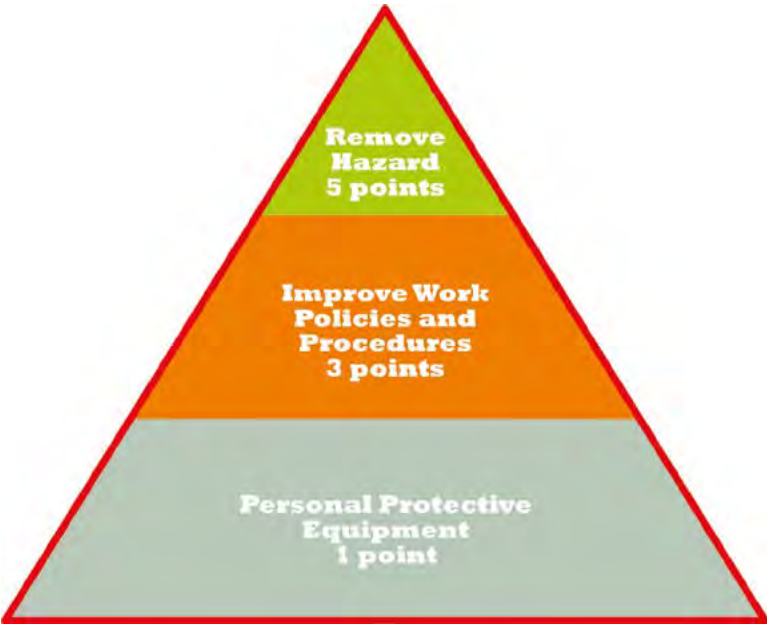
Are all plugs in good condition (no cracks or broken pieces) and firmly attached to cords?

Are cords placed to avoid a tripping hazard?

Activity 5.2. Safety pyramid

Participants will be divided into two teams, each with its own set of coloured cards. Each team needs to appoint a “writer” and a “runner”. Each team will be provided with the same real-life situation on health and safety at work, and in three minutes the writer has to record the solution the team thinks might prevent the accident from happening again. The ‘runner’ will go to the safety pyramid to post the team’s card in the category labelled with the method for controlling the hazard the team’s answer belongs to: remove the hazard (5 points), improve work policies and procedures (3 points), wear protective equipment (1 point). There will be two/three rounds. The team with the highest number of points at the end of the rounds wins the game.²⁵

25 Activity adapted from Centers for Disease Control and Prevention – National Institute for Occupational Safety and Health et.al. *Talking Safety, Teaching Young Workers About Job Safety and Health*, Atlanta, p 28-34. Available at: <http://www.cdc.gov/niosh/talkingsafety/states/all/>



Situation 1:

Abdul is a 17-year-old dishwasher in a hospital kitchen. To clean cooking pans, he soaks them in a powerful chemical solution. He uses long gloves to protect his hands and arms. One day, as he is lifting three large pans out of the sink at once, they slip out of his hands and back into the sink. The cleaning solution splashed all over the side of his face and got into his right eye. He was blinded in that eye for two weeks.

Suggested answers include:

Remove the hazard	Substitute for a safer cleaning product. Use disposable pans. Use a dishwashing machine.
Work policies	Have workers clean one pan at a time. Give workers training on how to protect themselves from chemicals.
Personal protective equipment	Goggles.

Situation 2:

Tatjana is a 16-year-old who works in a fast food restaurant. One day Tatjana slips on the floor made slippery by the grease splattered from the fryer. To catch her fall, she tried to grab a bar near the grill. She misses it and her hand touched the hot grill instead. She suffers second degree burns on the palm of her hand.

Suggested answers include:

Remove the hazard	Design the grill so the bar is not close to it. Cover the floor with a non-skid mat. Install non-skid flooring. Put a shield on the grill when not in use to prevent people from accidentally touching it. Put a cover on the fryer so that grease does not splatter out.
Work policies	Have workers immediately clean up spilled grease. Design the traffic flow so workers do not walk past the grill.
Personal protective equipment	Non-skid shoes. Gloves.

Situation 3:

Akiko is a 16-year-old who works in the deli department at a grocery store. Her supervisor asked her to clean the meat slicer, although she had never done this before and had never been trained to do it. She thought the meat slicer was turned off before she began cleaning it. Just as she started to clean the blades, the machine started up. The blade cut a finger on Akiko's left hand all the way to the bone.

Suggested answers include:

Remove the hazard	Put a guard on the machine to protect fingers from the blade. Put an automatic shut-off on the machine.
Work policies	Create a rule that the machine must be unplugged before cleaning. Enforce/follow any child labour laws that prohibit people under 18 years of age from using, cleaning or maintaining meat slicers. If there are no such laws, create and enforce a similar company policy. Create and enforce relevant training policies
Personal protective equipment	Cut-resistant gloves.

Situation 4:

Vidal works for a city public works department. One afternoon, the temperature outside reached 35 degrees Celsius. While Vidal was shovelling dirt in a vacant lot, he started to feel dizzy and disoriented. He fainted due to the heat.

Suggested answers include:

Remove the hazard	Not possible.
Work policies	Limit outdoor work on very hot days. Have a cool place to go for frequent breaks. Have plenty of water available. Provide training on the symptoms of heat stress and how to keep from getting overheated. Work in teams so co-workers can watch one another for symptoms of overheating (such as disorientation and dizziness).
Personal protective equipment	A hat to provide shade. A cooling vest.

Situation 5:

Alex is a 16-year-old who works in a busy pizza shop. His job is to pat pizza dough into pans. He prepares several pans per minute. Lately he has noticed that his hands, shoulders, and back are hurting from the repetitive motion and standing for long periods of time.

Suggested answers include:

Remove the hazard	Provide a chair or stool for sitting while doing this task. Provide a rubber mat to cover hard floors.
Work policies	Vary the job so no one has to make the same movements over and over. Provide regular breaks.
Personal protective equipment	Wrist wraps or other methods of addressing repetitive motion injuries.

Situation 6:

Sarah works as a nursing aide at a local hospital. She is expected to clean bedpans and sometimes change sheets, which requires lifting patients. Lately she has been feeling twinges in her back when bending over or lifting. She knows she is supposed to get help when lifting a patient, but everyone in the unit is so busy that she is reluctant to ask. At home, as she is going to sleep, she often feels shooting pains in her back, neck, and shoulders. These pains seem to be getting worse every day.

Suggested answers include:

Remove the hazard	Lift patients only when other people are available to help. Use a mechanical lifting device.
Work policies	Make sure workers who have already been injured are not required to lift. Create a policy that workers may lift patients only in teams or when using a lifting device. Train workers about safe lifting methods.
Personal protective equipment	Require workers who lift heavy objects to wear a back brace.

Toolkit

6

Exercising rights at work

Activity 6.1. Managing conflict in the workplace: So you are upset...²⁶

Participants will be divided into two teams, each with its own case to review. The case is a conversation that takes place between an employer and an employee. Each team has 30 minutes to read the dialogues and then 1) identify the problem; 2) determine the rights and responsibilities of both parties; and 3) decide what the worker could say and do at each step to constructively respond to the situation.

ROLE PLAY 1

Employer: I wanted to talk to you about the dishes you broke last week.

Employee: Oh yes, that wasn't my fault. Tom came out the "in door," and he hit me while I was carrying a large tray of dirty dishes from table 7. There had been a large number of people there, so it was really loaded.

Employer: I don't know what Tom did, but I know it was you who dropped the tray full of dishes. It will cost me a lot of money to replace them. And you know we have a policy that you have to pay for what you break.

Employee: But it wasn't my fault.

Employer: I don't care whose fault it is. I need to buy more dishes, and that will cost me. So I have deducted 122.93 from your wages this month.

Employee: But that means I'll only take home 50.00! I'm supposed to get my car repaired and it will cost me more than 50.00. This isn't fair!

Employer: Well there isn't anything I can do about it. If you think it was Tom's fault, why don't you try collecting it from Tom?

Employee: Tom won't pay me for it. Why should he when the money is already coming off my pay check? So you mean I'm stuck with paying for someone else's mistake?

Employer: Well, I don't know if I would put it that way. But I do know that I have a lot of broken dishes, and I didn't break them, so I'm not paying for them. Besides, I think it's time you got back to work. You have a lot of customers in your area.

²⁶ Adapted from Ministry of Advanced Education, Employment and Labour, *Ready for Work, VIII Fairness works: Labour standards for young workers*, Saskatchewan, 2008.

1 State the problem

- 2 What are the employer's and employee's rights and responsibilities in the situation? *Generally, employers cannot deduct money for broken dishes from the employee's wages. The employer has the right to go to court to try to recover the money for the broken dishes. If the court finds in the employer's favour, then she/he has the right to recover the money from the employee's bank account or pay check.*

3 Things to do and say

ROLE PLAY 2

Employer: That's not the right way to clean rooms. You have to have a system.

Employee: But that's how Ana taught me to do them.

Employer: I can't believe Ana would tell you to make a bed like that. She was really good at this job.

Employee: Well, she did!

Employer: Well, it's wrong. You better learn it the right way because you're taking far too long to do this work.

Employee: If you show me how, I'm sure I can speed up. But I need someone to teach me the right way.

Exercising rights at work

(CONTD.) ROLE PLAY 2

Employer: What's the matter with you? Are you stupid or something? Everyone knows how to make a bed. Didn't your mother teach you anything? I guess a little kid like you wouldn't know how to do important things like making a bed. I suppose you'll have to get a college degree to know how to do that.

Employee: Of course my mother taught me how to make a bed. But it looks like you want it made differently.

Employer: I'll get my wife to show you if she has time. You'd think when you hire women to do housekeeping duties, they'd know a little bit about it. Don't mothers teach their kids anything nowadays? Get back to work, at least you can scrub the floors until she has time to come and show you. Or are you too young to even know how to do that?

1 State the problem

2 What are the employer's and employee's rights and responsibilities in the situation? *This situation may be harassment of the employee on the basis of age. The employer has the responsibility to not harass his/her employee and to ensure the employee is adequately trained to perform his/her duties. The employer has the right to expect the job will be performed adequately once the employee has been trained and coached in the proper way to perform the tasks associated with the job. The employee has the responsibility to perform the job adequately as trained.*

3 Things to do and say

HANDOUT 1: MANAGING ANGER CONSTRUCTIVELY

Steps	Do	Don't	Examples of things to say
Recognize and admit that you are angry.	Tell yourself that anger is a normal human feeling, and that it is okay to become angry.	Fear, deny or reject your anger, feel guilty or apologize for it. "Re-live" the incident over and over again. Become aggressive.	Say to yourself: "It's okay for me to feel angry sometimes. It's not okay to get violent or abusive."
Try to understand the other person's perspective and/or what she/he intended.	Try to stay calm and non-threatening. Tell the other person how his/her behaviour makes you feel. Show you are listening and trying to understand. Try to decide if the other person is deliberately trying to make you angry.	Jump to conclusions about what you think the other person wanted. React until you have all the facts. Make less, or more, of the incident until you have as much information as possible. Ignore the other person's needs.	Say to the other person: "When you told me yesterday that I didn't understand your point, I felt like you were suggesting I didn't know what I was talking about. Is that how you feel?"
Decide what to do with your anger.	Consider the risks and advantages of expressing your anger directly to the other person. Determine the bad or good results that might occur if you speak up. Consider the risks and advantages of expressing your anger indirectly, to a friend, for example. Consider the risk of not expressing it at all.	Forget to consider both short-term and long-term consequences. Forget to reflect on how much power the other person has over your job security or satisfaction. Forget to consider the consequences for your physical and mental health.	Say to yourself: "How reasonable is this person? Can they make my life miserable if they don't like what I have to say?" "Is it better to talk directly or blow off steam some other way? Is it healthy to keep my anger to myself? Will it get worse?"

Exercising rights at work

HANDOUT 1: MANAGING ANGER CONSTRUCTIVELY

Steps	Do	Don't	Examples of things to say
If appropriate, express your anger directly.	<p>Wait until there is enough time to discuss the problem; speak to the person in private.</p> <p>Describe the other person's behaviour and describe your feelings of anger.</p> <p>Be assertive (not aggressive) and try suggesting a solution that respects both parties' needs.</p> <p>Ask the other person to tell you how she/he feels about the situation.</p> <p>Show you want to let go of the anger and maintain a good relationship.</p>	<p>Complain about the other person behind his or her back; verbally attack his/her character or intelligence or get aggressive to others.</p> <p>Try to discuss the problem when the other person is busy or preoccupied and/or in front of other people.</p> <p>Make less, or more of, what you are actually feeling and/or ignore the other person's needs and feelings.</p> <p>Make it seem like you will hold a grudge.</p>	<p>Say to the other Person:</p> <p>"Do you have a couple of minutes to talk to me in private? This morning, you asked if I could work some overtime. When I said no, you indicated that you seem to be getting all the workload. I am concerned about the suggestion that I'm not carrying my fair share. I work hard, and I work overtime when I'm asked. But, why don't we discuss this at the next staff meeting. Maybe we could set up a system for taking turns. How does that sound to you?"</p>

Activity 6.2. What's your style?

Participants will be divided into two groups, each team with a case study. They have 30 minutes to complete the two assignments.






Task 1:

Read each case study individually and rank the five courses of action shown below from 1 (most beneficial) to 5 (no results whatsoever). Remember that there are no "right" answers to these case studies.

Task 2:

Review the strategies for the case study with the other members of your team and determine the advantages and disadvantages of using each strategy. Please use the Pros and Cons Chart to complete this task.

PROS AND CONS CHART²⁷

Style	Conflict Resolution Strategy	Advantages (Pros)	Disadvantages (Cons)
<p>Teddy Bear</p> 	<p>Smoothing</p> <p>Give up your goals and let the other person have his or her way in order to maintain a good relationship.</p>		
<p>Turtle</p> 	<p>Withdrawing</p> <p>Avoid the issue and the other person by “walking away”.</p>		
<p>Fox</p> 	<p>Compromising</p> <p>Give up part of your goals and sacrifice part of the relationship in order to reach agreement.</p>		
<p>Shark</p> 	<p>Win-Lose Negotiating</p> <p>Try to force or persuade the other person to meet your needs at the expense of his/her needs.</p>		
<p>Owl</p> 	<p>Problem Solving</p> <p>Look for a solution that allows you and the other person to fully achieve your goals and maintain a good relationship.</p>		

²⁷ Daniel W. Johnson, *Reaching Out: Interpersonal Effectiveness and Self-Actualization*, 11th Edition, Pearson, 2012

Case Study 1

You work part-time in a men's clothing store as a sale person. Your boss is a highly emotional person, with whom you have a very formal relationship. He calls you by your first name, but you call him Mr. Brown. When he gets upset, he becomes angry and abusive. He makes insulting remarks and judgments about you and your co-workers. These episodes happen about once a week. The rest of the time he rarely speaks to you. He will not tolerate any "back talk" from any of the staff.

So far, the staff, including you, has stayed silent during these outbursts. Jobs of this kind are scarce and you really need the pay check, as you are saving money for university next year. However, you do not like what Mr. Brown says when he is angry and the situation is starting to get on your nerves. You just got your pay check for the last month. You worked 10 hours a day for three days in a row. You think you should have been paid overtime for those three days. You have checked with the trade union and they have confirmed that you should have gotten overtime pay. This has happened before, and you are really mad about it. You need the money. Besides you earned it, so you should be paid for it. What do you do next?

- ① I try to avoid Mr. Brown. I am silent whenever we are together. I show a lack of interest when we speak. I want nothing to do with him for the time being. I try to cool down and stay away from him. I try never to mention anything that might get him angry and, in particular, that he owes me for some overtime.
- ② I tell Mr. Brown I am fed up with his abuse. I tell him he is unfair and that I want my money for the overtime I have worked not only in the last week but also for the past year. I tell him he needs to control his feelings and what he says to me because I am not going to be insulted by him anymore. I am going to make him stop or else I will quit. That will show him. I will lodge a formal complaint to get my overtime money.

- 3 I bite my tongue. I keep my feelings to myself. I hope that he will find out how his actions are hurting our department without telling him. Other staff members have also worked overtime and have not been paid either. They are mad, too. I am frightened by my anger towards him, so I try to be nice to him. If I tried to tell him how I feel and that I should be paid overtime, he would only get angry and abuse me more. I might even lose my job. I might ask somebody to make an anonymous call to the labour dispute council. That might shake him up a bit. But he might find out who made the complaint and that things might get worse.
- 4 I try to bargain with him. I tell him that if he stops abusing me I will increase my sales effort, and I will work more overtime and not complain. I try to seek a compromise that will stop him from yelling at me. I try to think of what I can do for him that will be worth it to him, so he will change his actions. I tell him that the other members of the staff are also upset with his actions. I try to persuade him to agree to stop abusing me in return for something I can do.
- 5 I call attention to the conflict between us about the overtime issue and the abuse. I describe how I see his actions. I describe my feelings of anger and my upset feelings. I try to begin a discussion in which we can look at ways to reduce his rage and my resentment so I can get paid for my overtime hours. I try to see things from his viewpoint. I seek a solution that allows him to blow off steam without being abusive to me or the rest of the staff.

Case Study 2

You are the kitchen supervisor in a fast food restaurant. You supervise five employees. These employees do various jobs relating to the preparation of food including chopping vegetables, cooking, packing food and washing dishes. Your immediate supervisor floats between the kitchen and lounge. For

some reason, your supervisor seems to dislike you and everything about the job you do. Whenever you interact with her you can feel her resentment. She never says anything to you directly, but your staff has told you that she has been making rude comments about you behind your back. You think you have seen her mimicking you behind your back in front of your staff. This has undermined your relationship with your staff, and it is starting to get on your nerves.

This morning, she has come into your area and interrupted the work of the staff by stopping to chat with them. You are behind in your orders, and there have been some complaints. You are reluctant to ask her to go away, because she is the boss and because you have asked for permission to leave the premises over the lunch hour. You are concerned that she will not give it to you if you make her angry. The work is piling up and you know that the customers will start complaining soon and you will get the blame.

Just as you are about to say something to her, she tells you that you can forget about getting time off. She tells you that you obviously do not know how to manage your area, as your staff is always standing around and talking, and the customers are complaining. You have had enough, so you approach her to tell her that she is obliged to let you leave the premises for your break. As you turn your back to walk away, you see the staff smirking. You know she is standing behind you, mimicking you.

- ❶ I ignore her and go back to my workstation. I try to avoid any contact with her. When she comes into the kitchen area, I go to my office or out front. I try to avoid any situation that could lead to further confrontation with her and hope that she sees what is happening and changes as a result.

- 2 I turn around and catch her in the act. I tell her that I am fed up with her attitude and that it seems it is time for her to grow up and quit what she is doing. If she does not change her act, I will have to talk to the employer about her. I also will go to the Labour Council and find out what the law says about breaks, and she will look like a fool in front of our employer. I do not care if she is my boss; she just has to smarten up. By being firm, I hope she will change her behaviour and stop treating me like that.
- 3 I would ignore the boss for the present as I still think I can win her over to my side. Later, I will engage her in friendly conversation and get to know a bit about her. Maybe I can establish some friendly feelings between us. I won't worry about not getting my break.
- 4 I talk to her immediately and try to make a deal. If she will give me the break and if she will stop making fun of me, I will work a double shift on Sunday. We always have trouble getting staff on weekends. I will continue doing trade-offs like that, so she will change her behaviour.
- 5 I would ask her to step into my office. I would call attention to the conflict between us by describing how I saw her behaviour, and tell her it makes me angry. I would explain the problems from my perspective – how it made me look in front of my staff, how under the law I was owed that break – and suggest that maybe we could find a way to work together that would be better for both of us. I would ask her what she thought was going on and how she felt about it. I would tell her I would like to set up a time when we could discuss this in greater detail and find a way to work with one another.

Exercising rights at work

Activity 6.3.

... and we haven't heard the last of it!²⁸

The group will be divided into eight teams, each with its own role to play. The scenario is a business complex in the Docklands. Many leading financial companies have their head offices there. The bankers and brokers that work there are among the highest paid people in the country. At night another army of workers takes over – security staff and cleaners. Security staff is mainly male and cleaning staff are mostly female and belonging to ethnic minorities. They are employed by private contractors and they have low pay and poor working conditions. Most earn only the minimum wage, do not receive additional pay for working “unsocial” hours, and many have a second job to make ends meet. The Ministry of Labour has recently recognized that there is a gap between the national minimum wage (\$5.05 per hour) and the wage necessary to lead a “socially included” life (around \$6.70 per hour). However, the discussion on increasing the minimum wage probably will not begin for eight months.

This is a very interesting, but also very long activity. Therefore, depending on available time, we suggest to shorten the exercise by reducing the number of teams.

Task 1

Participants have 10 minutes to read their role-cards and prepare a negotiating strategy with the members of their teams. Each team will have one minute to present themselves to the other groups and give a statement of their intent.

Task 2

Participants have to prepare a message for the party indicated at the bottom of the role card. After receiving/sending a first message they are free to write as many messages/replies as they wish. They may also decide to enter into bilateral consultations (i.e. a face-to-face discussion with the members of another team). The aim is to achieve the best possible solution for the team.

²⁸ Activity adapted from Trade Union Congress, *A better way to work*, Unit 1: Trade Unions at Work, Warwick, 2006, p. 24-29. Available at: http://www.tuc.org.uk/extras/ABWTW_06_UNIT_1.pdf

SKS BANK

You are senior managers in a large bank, which employs 400 staff. Your security contract is with Jamison Security Services, the lowest bidder for the contract. They do a satisfactory job of patrolling the premises and checking CCTV screens during the evenings and nights. WeClean has the cleaning contract and again there are no complaints. They are cheap and efficient. You are not too worried about what they pay their staff as long as your costs are kept down. But you are concerned about any bad publicity. Both contracts are up for renewal next month and you have to decide what to do.

You know that *The Docklands Informer* is running an investigation into the conditions of work and wages paid by large financial institutions to sub-contractors for cleaning and security services. Also, they have started asking questions about the salaries and benefits bank managers are getting.

Write your first message to: *The Docklands Informer*

JAMISON SECURITY SERVICES

You are the board of Jamison Security Services. The contract with SKS Bank is worth \$250,000 a year to your business. Workers are paid just above the \$5.50/hour minimum wage. You do not recognise any of the trade unions. Any bad publicity might affect the renewal of your contract, which runs out at the end of next month. There are rules about not talking on duty as security staff is paid to keep watch and not to be distracted. Any increase in wages would cut into your profits. How will you keep the contract?

Write your first message to: your workers in Jamison Security Services

WECLEAN

You are a group of senior managers with WeClean, a large contract cleaning business. You employ a small army of mostly women workers, many of whom are recent immigrants from West Africa. You pay them just above the minimum wage of \$5.50/hour. Many of your employees work part-time and you are aware that many have other jobs. You do not recognise any trade union, but you are aware that a trade union is trying to recruit your workers. You are keen to keep the contract, which earns you \$300,000 per year. Any increase in pay will eat into the company's profits. The contract ends next month and you want it renewed. How can you make sure it is renewed?

Write your first message to: your workers in WeClean

Exercising rights at work

JUSTICE CLEANING & SECURITY

You represent the management of a newly-formed company that offers workers a share of the profits. You aim to pay cleaning and security workers a living wage and a share of any profits made. There will also be payments for anti-social hours. A trade union, UNISEC, has been recognised and you negotiate with their representatives to make sure working conditions are good. You want to compete with Jamison Security Services and WeClean for contracts at the SKS Bank. The contracts are up for renewal soon. How can you make sure the contracts are put to tender? How can you win the contract?

Write your first message to: SKS Bank

UNISEC

You are the local officials of the UNISEC trade union. Your union is a general trade union for workers in a range of low-paid, unskilled jobs. There is a campaign against low-pay and bad conditions faced by workers employed to clean and provide security in wealthy businesses (as in the financial services sector). You are also not officially recognised by private contract companies. You are targeting WeClean and Jamison Security Services by handing out leaflets to the workers, urging them to join your union. How can you improve the life of these low-paid workers? How can you get them to join the union? What action could you take?

Write your first message to: WeClean

WECLEAN WORKERS

You are employed by WeClean, a contract cleaning company, which provides workers to clean the SKS Bank offices in the Docklands. Your working hours are 7 p.m. to 11 p.m. and 5 a.m. to 7.30 a.m. on weekdays. You are paid \$5.35 per hour and many of you have other jobs to make ends meet. Most of the time you are tired and you see little of your family. You are interested in the trade union leaflet from UNISEC. But you are scared that you may lose your job if you ask for more money or join the union. What can you do to improve your life? What action can you take?

Write your first message to: UNISEC

JAMISON SECURITY SERVICES WORKERS

You are employed by the company to patrol the premises of SKS Bank, a large office block in Docklands. You are paid \$5.50 per hour and you work from 6 p.m. to 6 a.m. for four nights a week. The main problem of the job is the unsocial hours which stop you from seeing your family. You are interested in what the UNISEC trade union and Justice Cleaning & Security might be able to do for you. There is a rule about not talking while on duty with other security staff, but you usually ignore this. Problems you face include:

No additional pay for working anti-social hours.

Having to have more than one job.

No lockers to store your belongings.

No rest rooms or leisure facilities for breaks.

Not being allowed to talk to fellow workers during working hours.

What would you like to do to improve your working life? What action can you take?

Write your first message to: Justice Cleaning & Security

THE DOCKLANDS INFORMER

You are a group of journalists on the local newspaper. You are interested in reporting a story contrasting the very high salaries of people working at the SKS Bank and other Docklands companies and low-paid night workers. Local churches you have spoken to say “unsocial” working conditions and low pay can lead to family breakdown and domestic violence. How will you gather information and support for your campaign? How will you apply pressure?

Write your first message to: Jamison Security Services

Exercising rights at work

MESSAGE FORM

Message from _____

To _____

Signed _____

REPLY FORM

Message from _____

To _____

Signed _____



Annex

1

ILO CONVENTIONS

Freedom of Association, Collective Bargaining, and Industrial Relations

Right of Association (Agriculture) Convention, 1921 (No. 11)

Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Workers' Representatives Convention, 1971 (No. 135)

Rural Workers' Organizations Convention, 1975 (No. 141)

Labour Relations (Public Service) Convention, 1978 (No. 151)

Collective Bargaining Convention, 1981 (No. 154)

The standards enshrined in Convention No. 87 and Convention No. 98 envisage the right of all workers and employers to form and enjoy organizations of their own choosing, protect against anti-union discrimination and promote collective bargaining.

Forced Labour

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

These standards prohibit the use of any form of forced or compulsory labour as a means of political coercion or education, punishment for the expression of political views, labour discipline, punishment for participation in strikes and discrimination.

Elimination of Child Labour and Protection of Children and Young Persons

Minimum Age (Industry) Convention, 1919 (No. 5)

**Night Work of Young Persons (Industry)
Convention, 1919 (No. 6)**

**Minimum Age (Agriculture) Convention, 1921
(No. 10)**

**Minimum Age (Non-Industrial Employment)
Convention, 1932 (No. 33)**

**Minimum Age (Industry) Convention (Revised),
1937 (No. 59)**

**Medical Examination of Young Persons (Industry)
Convention, 1946 (No. 77)**

**Medical Examination of Young Persons (Non-
Industrial Occupations) Convention, 1946 (No. 78)**

**Night Work of Young Persons (Non-Industrial
Occupations) Convention, 1946 (No. 79)**

**Night Work of Young Persons (Industry)
Convention (Revised), 1948 (No. 90)**

**Minimum Age (Underground Work) Convention,
1965 (No. 123)**

**Medical Examination of Young Persons
(Underground Work) Convention, 1965 (No. 124)**

Minimum Age Convention, 1973 (No. 138)

**Worst Forms of Child Labour Convention, 1999
(No. 182)**

The minimum age for admission to employment shall not be less than the age of completion of compulsory schooling. There are specific provisions for the immediate elimination of the worst forms of child labour (e.g. slavery, prostitution, trafficking). Such prohibition applies to all children under the age of 18
Worst Forms of Child Labour Convention, 1999
(No. 182).

Equality of Opportunity and Treatment

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Workers with Family Responsibilities Convention, 1981 (No. 156)

Convention No. 100 and Convention No. 111 prohibit discrimination in access to employment, training and other conditions of employment on grounds of race, colour, sex, religion, political opinion, national extraction or social origin. The objective is to promote equality of opportunity and treatment, and equal pay and benefits for work of equal value.

Vocational Guidance and Training

Paid Educational Leave Convention, 1974 (No. 140)

Human Resources Development Convention, 1975 (No. 142)

The ILO Convention on Human Resource Development (No. 142) requires ratifying countries to develop comprehensive policies and programmes of vocational guidance and training, aimed at enabling all persons, on an equal basis and without any discrimination, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations.

Employment Security

Termination of Employment Convention, 1982 (No. 158)

This standard prescribes that the employment of a worker shall not be terminated without valid reason. Trade union membership, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, absence from work due of illness or injury are not valid grounds for termination. Workers whose employment is to be terminated are entitled to: i) a reasonable period of notice (or compensation in lieu thereof), ii) a severance allowance or other separation

benefits; iii) benefits from unemployment insurance or assistance or other forms of social security.

Wages

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

Protection of Wages Convention, 1949 (No. 95)

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)

Minimum Wage Fixing Convention, 1970 (No. 131)

Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)

Convention No. 95 establishes that wages are to be paid regularly. Deductions are permitted only under the conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award. Workers have the right to be informed about the deductions made to their pay. In the event of the bankruptcy or judicial liquidation, the workers are treated as privileged creditors.

ILO Convention No. 131 obliges ratifying countries to establish a system of minimum wages. In determining the level of minimum wages, the following need to be included: (a) the needs of workers and their families; and (b) economic factors, including the requirements of economic development, productivity and the maintenance of a high level of employment.

Working Time

Hours of Work (Industry) Convention, 1919 (No. 1)

Weekly Rest (Industry) Convention, 1921 (No. 14)

Hours of Work (Commerce and Offices)
Convention, 1930 (No. 30)

Forty-Hour Week Convention, 1935 (No. 47)

Holidays with Pay Convention, 1936 (No. 52)

Night Work (Women) Convention (Revised), 1948
(No. 89)

Holidays with Pay (Agriculture) Convention, 1952
(No. 101)

Weekly Rest (Commerce and Offices) Convention,
1957 (No. 106)

Holidays with Pay Convention (Revised), 1970
(No. 132)

Hours of Work and Rest Periods (Road Transport)
Convention, 1979 (No. 153)

Night Work Convention, 1990 (No. 171)

Protocol of 1990 to the Night Work (Women)
Convention (Revised), 1948 (No. 89)

Part-Time Work Convention, 1994 (No. 175)

ILO Convention No. 14 and Convention N. 106 prescribe that workers shall enjoy a period of rest comprising at least 24 consecutive hours in every period of seven days. The *Hours of Work (Commerce and Office)* Convention No. 30 prescribes that the hours of work in these sectors shall not exceed 48 hours in the week and eight hours in the day. The increase in hours of work in the day shall not exceed one hour and the hours of work in the day shall not exceed ten. Convention No. 132 entitles workers to an annual paid holiday period. Although the length of the holiday with pay period is specified by national authorities, this cannot be less than three working weeks for one year of service. A minimum period of service may be required for a worker to be entitled

to annual holiday with pay. Public holidays are not being counted as part of the minimum annual holiday with pay. During such holiday period, workers shall receive at least their normal or average remuneration. ILO Convention No. 171 defines night work as any work performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m. A country may, in consultation with employers and workers, exclude wholly or partly from the scope of the Convention limited categories of workers. The Convention also prescribes the adoption of measures to ensure that an alternative to night work is available to women workers: (a) before and after childbirth, for a period of at least sixteen weeks (b) for additional periods when this is necessary for the health of the mother or child; and (c) during pregnancy.

The ILO Convention No. 175 prescribes that part-time workers shall receive the same protection as that accorded to comparable full-time workers in respect of: (a) the right to organize, bargain collectively and act as workers' representatives; (b) occupational safety and health; and (c) discrimination in employment and occupation. In addition, statutory social security schemes shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers in the fields of: (a) maternity protection; (b) termination of employment; (c) paid annual leave and public holidays; and (d) sick leave.

Occupational Safety and Health

White Lead (Painting) Convention, 1921 (No. 13)

Underground Work (Women) Convention, 1935 (No. 45)

Safety Provisions (Building) Convention, 1937 (No. 62)

Radiation Protection Convention, 1960 (No. 115)

Guarding of Machinery Convention, 1963 (No. 119)

Hygiene (Commerce and Offices) Convention, 1964 (No. 120)

Maximum Weight Convention, 1967 (No. 127)

Benzene Convention, 1971 (No. 136)

Occupational Cancer Convention, 1974 (No. 139)

Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)

Occupational Safety and Health Convention, 1981 (No. 155)

Occupational Health Services Convention, 1985 (No. 161)

Asbestos Convention, 1986 (No. 162)

Safety and Health in Construction Convention, 1988 (No. 167)

Chemicals Convention, 1990 (No. 170)

Prevention of Major Industrial Accidents Convention, 1993 (No. 174)

Safety and Health in Mines Convention, 1995 (No. 176)

Safety and Health in Agriculture Convention, 2001 (No. 184)

Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (Protocol No. 155)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Convention No. 155 obliges ratifying countries – in consultation with employers' and workers' organizations – to formulate, implement and periodically review a national policy on occupational safety, occupational health and the working environment. The aim of this policy shall be to prevent accidents and injury, by minimising the causes of hazards inherent in the working environment.

Social Security

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)

Workmen's Compensation (Accidents) Convention, 1925 (No. 17)

Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Sickness Insurance (Industry) Convention, 1927 (No. 24)

Sickness Insurance (Agriculture) Convention, 1927 (No. 25)

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)

Social Security (Minimum Standards) Convention, 1952 (No. 02)

Equality of Treatment (Social Security) Convention, 1962 (No. 118)

Employment Injury Benefits Convention, 1964 (No. 121)

Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)

Medical Care and Sickness Benefits Convention, 1969 (No. 130)

Maintenance of Social Security Rights Convention, 1982 (No. 157)

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

Countries ratifying Convention No. 102 have an obligation to secure to the persons protected the provision of medical care, sickness, unemployment and old age benefits. The Convention also specifies the persons entitled, the contingency covered, the minimum period of coverage and payment

arrangements. Convention No. 128 covers – among others – the provision of the invalidity benefits for persons who are incapable to engage in any gainful activity on a permanent basis.

Maternity Protection **Maternity Protection Convention, 1919 (No. 3)**

Maternity Protection Convention (Revised), 1952 (No. 103)

Maternity Protection Convention, 2000 (No. 183)

Convention No. 183 applies to all employed women, including those in atypical forms of dependent work. Ratifying countries have the obligation to adopt measures to ensure that pregnant or breastfeeding women are not obliged to perform work which is prejudicial to the health of the mother or the child. Women are entitled to a period of maternity leave of not less than 14 weeks (or longer in case of illness, complications or risk of complications arising out of pregnancy or childbirth). Women who are absent from work on maternity leave shall be provided with cash benefits of such a level that ensures that the woman can maintain herself and her child. An employer cannot terminate the employment of a woman during her pregnancy or absence on maternity leave or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proof is on the employer. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

Specific Categories of Workers

Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)

Plantations Convention, 1958 (No. 110)

Nursing Personnel Convention, 1977 (No. 149)

Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)

Protocol to the Plantations Convention, 1958 (Protocol No. 110)

Home Work Convention, 1996 (No. 177)

ILO Convention No. 172 prescribes that workers in hotels and restaurants shall be entitled to:

i) reasonable normal hours of work and overtime provisions with reasonable minimum daily and weekly rest periods; ii) have sufficient advance notice of working schedules; iii) be compensated in time or remuneration if required to work on public holidays; iv) annual leave with pay; and v) a basic remuneration that is paid at regular intervals (regardless of tips)

Convention No. 177 ensures equality of treatment between home workers and other wage earners, in particular, in relation to: (a) the right to establish or join organizations of their own choosing; (b) protection against discrimination in employment and occupation; (c) occupational safety and health; (d) remuneration; (e) statutory social security protection; (f) access to training; (g) minimum age for admission to employment or work; and (h) maternity protection.

Annual leave	Annual leave (or paid leave) is the annual period during which workers take time away from their work while continuing to receive an income and to be entitled to social protection. Workers can take a specified number of working days or weeks of leave, with the aim of allowing them the opportunity for extended rest and recreation.
Child	A person under 18 years of age.
Collective bargaining	<p>Collective bargaining are all negotiations that take place between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more workers' organizations, on the other, for:</p> <ul style="list-style-type: none">• determining working conditions and terms of employment;• regulating relations between employers and workers;• regulating relations between employers or their organizations and one or more workers' organizations.
Collective bargaining agreements	Collective bargaining agreements are agreements – stipulated in writing – on working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more workers' organizations, on the other. These agreements bind the signatories and those on whose behalf the agreement is concluded.
Decent work	<p>Decent work is work that:</p> <ul style="list-style-type: none">• is productive and delivers a fair income;• provides security in the workplace and social protection for workers and their families;• offers better prospects for personal development and social integration;• grants freedom for people to express their concerns, organise and participate in decisions that affect their lives; and• ensures equality of opportunity and treatment for all women and men.

Employee	Employees are all those workers who hold a “paid employment job”. This means that employees have an employment contract which entitles them to a basic remuneration, typically in form of wages and salaries. Contrary to self-employed and employers, this remuneration is not directly dependent upon the revenue of the enterprise. The employer is responsible for payment of relevant taxes and social security contributions.
Employer	Employers are those who are self-employed and engage on a continuous basis one or more persons to work for them in their business as “employee(s)”. Their remuneration is dependent upon the profits derived from the goods and services produced.
Employers’ organizations	These are membership-based organizations that lobby for and represent the interest of employers.
Hazard	A hazard is defined as any activity, situation or substance that can cause harm either physically or mentally.
Hazardous work	Hazardous work is any type of or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health or safety of the worker.
Home work	Home work is work carried out by a person in the home or in other premises of his or her choice (other than the workplace of the employer) for remuneration, which results in a product or service as specified by the employer, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker.
ILO	The International Labour Organization (ILO) is the United Nations (UN) specialised agency that is devoted to reducing poverty, achieving fair globalisation and advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. As a tripartite organization the ILO works with governments, employers and workers’ organizations.

Glossary of terms

Living wage	A living wage takes into account the actual living costs that might vary drastically among different regions of a country, e.g. between rural and urban areas. The living-wage approach takes into account these differences together with costs of living, as it aims at establishing a flexible minimum remuneration that guarantees that workers can earn at least a minimal livelihood.
Minimum wage	A minimum wage is the minimum sum payable to a worker for work performed or services rendered, within a given period. This is guaranteed by law, it may not be reduced either by individual or collective agreement and it is fixed in such a way as to cover the minimum needs of a worker and their dependants.
Night work	Night work is all work which is performed during a period of not less than seven consecutive hours, and includes the period from midnight to 5 a.m.
Own-account worker	Own-account worker's remuneration is dependent upon the profits derived from the goods and services produced. Own account workers make the operational decisions affecting their business. They do not engage employees on a continuous basis. They might run the business with other partners.
Overtime	Overtime refers to all hours worked in excess of the normal hours. Overtime can be carried out until the maximum working hours either per day or week is reached.
Paid sick leave	Paid sick leave consists of leave from work due to sickness and cash benefits that replace the wage during the time of leave due to sickness.
Part-time workers	Part-time workers are employed persons whose normal hours are less than those of comparable full-time workers.
Period of notice and dismissal	Employers and employees, wishing to end an employment relation have to observe the period of notice which specifies for how long the employment relationship has to be maintained until the notice takes effect.
Probation period	A set number of working days during which both sides, employers and employees, have the right to end the employment contract with limited or no notice period.

Remuneration	The ordinary, basic wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the workers' employment.
Rest periods	Periods of free time away from work provided to workers in order to preserve their safety, health and well-being.
Self-employed	See own-account worker
Shift work	Shift work is a method of organizing working time whereby workers succeed one another at the workplace so that the establishment can operate longer than the hours of work of individual workers at different day and night hours.
Social security	Social security is the protection which society provides for its members – through a series of public measures – against the economic and social distress that otherwise would be caused by the stoppage, or substantial reduction, of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death.
Temporary layoff	An employee is on temporary layoff when an employer cuts back or stops the employee's work without ending his or her employment (e.g., laying someone off at times when there is not enough work to do).
Trade unions	Trade unions are membership-based organizations of employees, normally extending beyond the confines of one enterprise, established to protect or improve, through collective action, the economic and social situation of workers.
Wage	Wages are remunerations or earnings expressed in terms of money and fixed by mutual agreement or by national laws or regulations, payable by an employer to an employed person for work done or for services rendered.
Workers' representatives	Workers representatives are persons who, while recognized as such under national law or practice, are either representatives designated or elected by trade unions or their members or representatives who are freely elected by the workers in the enterprise.
Youth/young person	Youth is the period of life between childhood and adulthood. The internationally agreed definition encompasses all people aged 14 to 25 years old.

Annex

3

Designing and implementing training workshops: Guidelines for facilitators

Understanding the audience

Understanding the nature and characteristics of participants is crucial to the success of a training workshop. With this understanding, facilitators will be able to deliver the workshop according to participants' needs and expectations. The facilitator may simply ask the audience to express their expectations from the workshop before it starts or prepare a short questionnaire to identify training needs.

Developing learning objectives

Learning objectives are statements that clearly describe what participants will be able to do as a result of their learning experience. They describe the intended results of the training event. These objectives help facilitators:

- ❶ Decide what they want to accomplish in the workshop and how to do it;
- ❷ Shape the workshop according to the needs of the participants;
- ❸ Understand whether participants find the workshop relevant and appropriate to their needs;
- ❹ Determine content and activities;
- ❺ Specify what participants will be able to do at the end of the workshop; and
- ❻ Measure the results achieved at the end.

Identifying the workshop design criteria

Once the learning objectives have been identified, facilitators can select and/or develop the training material and instructional techniques to be used during the workshop. Facilitators should have a thorough knowledge of the material they include in their course. They must also be conversant with the main instructional methods.

The following guidelines may help facilitators choose what they want to include in the workshop and the instructional approaches to be used. This information

should be included in the session plans. A sample of session plan is included in this Toolkit as Annex 5.

- ① Define the objectives so that it is clear what is expected to be achieved by the end of the workshop.
- ② Prepare an overview of the workshop that outlines objectives and content.
- ③ Present simple concepts, one at a time.
- ④ Select the best instructional technique for encouraging the knowledge and skill-building (i.e. role-playing, case studies, and experience-sharing among the participants) and provide alternative learning means (i.e. variety of instructional approaches).
- ⑤ Give an adequate number of positive examples of the concept, portraying concrete examples to explain the concepts.
- ⑥ If possible, take examples from the ideas or knowledge familiar to the participants to show a connection to real-life cases.
- ⑦ Offer opportunities for participants to become involved in the workshop (i.e. through group discussions, hands-on activities, question-and-answer sessions, problem-solving).
- ⑧ Allot sufficient time for participants' discussion and practice.
- ⑨ Allow sufficient opportunity for feedback or interaction with participants, in order to monitor learning progress.
- ⑩ Provide enough exercises to foster the acquisition of knowledge or skill to the extent that it becomes automatic.
- ⑪ Give a summary of each session and link the previous to the next topic.
- ⑫ Ensure a non-threatening, self-motivating environment.

Designing and implementing training workshops: Guidelines for facilitators

Tips for running workshops

This section provides few tips for running workshops. The advantages and disadvantages of using the main instruction methods are summarized in Annex 4.

Skilled and knowledgeable facilitators

Having a specific purpose in attending the workshop (i.e., to gain knowledge and to acquire skills), and with limited time at their disposal, learners expect facilitators to be skilled and knowledgeable and to be able to transmit their knowledge and skills effectively. It is therefore important that facilitators come to the workshop well- prepared.

Real-world application

Participants expect the training to provide knowledge and skills that they can directly and immediately apply. It is important that facilitators meet expectations by actually conducting research in the 'real world' and find real-life applications of concepts. Facilitators may also use resource persons who are experienced and knowledgeable in the specific field. The more the workshop is relevant, the more participants will be able to relate to, and learn from it. In this way, participants will validate their attending the workshop. They will consider the latter effective and useful.

Starting the workshop

The way in which facilitators open the workshop will set the tone for what is to follow. They may use this opportunity, not only to start off by giving a good impression of themselves and the workshop, but also to establish the best kind of learning environment. Facilitators may have no control over attitudes of the participants, but they can surely make these attitudes more positive by winning them over right from the start.

Welcoming participants

The facilitators' welcome is the first activity to be carried out in front of the whole group. It should give participants a positive image of the facilitators. A straightforward, confident welcome is sufficient. For example, they may simply say, "*On behalf of the Ministry of Employment, I would like to welcome you*

to this workshop on rights at work for young people. I hope that you will find it worthwhile and productive”.

Introduce yourself

Facilitators should introduce themselves formally. This is the time to establish their credibility. They may give some information about their background, relevant experience, qualifications relating to the workshop and, finally, add a few personal details to build rapport.

State the purpose of the workshop

Facilitators should explain the purpose of the workshop and give a short statement of what is expected of the participants. They should briefly describe the main objectives and ask participants what they themselves hope to learn. This will help validate the needs of participants and define which topics need more attention. These inputs can be recorded on a flipchart.

Outline the agenda

Facilitators should go through the workshop agenda (i.e., what will be done and when, how facilitators plan to go through the sessions, activities, timing, and breaks). Participants should be referred to the timetable of activities that was sent with the invitation letter or, if revisions have been made, hand out a revised timetable.

Provide practical information

Facilitators should briefly describe where the participants can find the main facilities (e.g. restrooms, telephones, eating and smoking areas).

Introduce participants

Facilitators may ask participants either to introduce themselves or use an ice-breaking activity. The choice depends on whether facilitators want to obtain information from participants or establish a particular atmosphere. For the former, facilitators may ask each participant to state his/her name and reasons for participating in the workshop. If they feel that many participants feel uncomfortable about introducing

Designing and implementing training workshops: Guidelines for facilitators

Breaking the ice

themselves they can think of another activity for the introductory session.

Icebreaking activities, or warm-ups, can help facilitators create an informal atmosphere and make the participants feel more comfortable with the facilitators and with one another.

They are designed to help facilitators establish a positive and collaborative environment and to create a climate of openness that facilitates interpersonal relations. Icebreakers are particularly useful in moulding individuals into a group. They are appropriate if participants do not know each other or are feeling somewhat apprehensive about what is going to happen.

Building rapport

Establishing and maintaining rapport is critical to the success of the workshop. Good rapport results in more open interaction between facilitators and participants and among participants themselves. There are several ways in which facilitators can build rapport. The following are just few examples:

- Use individuals' names when addressing participants and answering their questions.
- Treat everyone with courtesy and dignity.
- Be open and accessible. State that participants are welcome to make their own contributions to the sessions.
- Handle mistakes sensitively and with tact.

Validating the workshop

Evaluation is an important aspect of the training process and should be included in the planning. It provides facilitators with very useful information and feedback on the effectiveness of the training. It ties up directly with the objectives designed at the beginning of the planning process as it will show whether the objectives were achieved. There are four levels of evaluation. The level facilitators choose will depend on the type of information they want. Below are descriptions of the different levels of evaluation, which will guide facilitators in determining the type they will want to carry out.

Reaction evaluation

This type of evaluation aims to collect feedback from participants on: i) course content, including clarity of the course objectives, the effectiveness of instructional methods and the length and pace of instruction, ii) skills and knowledge acquired, iii) course material, including training material and visual aids, iv) facilitator(s) and resource persons, and v) workshop facilities. A sample of a questionnaire for reaction evaluation can be found in Annex 6 of this Toolkit.

Learning evaluation

The learning level evaluation examines the knowledge and skills acquired by participants. It is content-specific, and based on the performance of participants during training. The learning level evaluation may be done through: i) participation in class, ii) on-going participant evaluation throughout the activities (e.g. the application of knowledge and skills during role-play, case studies), iii) short-answer tests, iv) essays, and in-class observations.

Performance evaluation

The performance level evaluation examines the extent to which the knowledge gained and the skills acquired during the training have been transferred (or applied) to a real environment. The information for this level of evaluation may be gathered through: i) direct observation; ii) supervisors' interviews, iii) performance appraisals, and iv) participants' reports.

Results evaluation

The results level evaluation examines the impact training has had on its ultimate target group. Put another way, it analyzes whether the workshop produced the expected results (e.g. it provided an effective response to the rights at work problems faced by young people).

Instruction methods: Advantages and disadvantages

Annex

4

Instruction methods: Advantages and disadvantages

METHOD	ADVANTAGE	DISADVANTAGE
Lecture – The facilitator has full responsibility for presenting facts and principles orally. Formal lectures are mostly used when presenting information to large groups. Communication is virtually one-way (from instructor to students). Informal lectures include active student participation through the use of questions as an effective two-way communication process.	Allows facilitators to transmit information to a large group of participants in a short period of time. It also provides a good introduction and transition to other instructional techniques. For example, facilitators may use a lecture to introduce a case study, summarize the results and the knowledge gained from the case study, make a transition to the next topic, and introduce the next activity.	Places the burden of learning on the instructor and limits the opportunities for participation and peer learning. It also offers minimal feedback on whether facilitators are getting information across or whether messages are understood by participants.
Questioning – With this method, the facilitator imparts knowledge and skills by asking questions. The knowledge and skills transfer can also take place by having participants directing questions to the facilitator.	Encourages participants to become actively involved in the learning process. It gives feedback on whether facilitators are getting the right messages across. With this method, facilitators may gauge the capacity of the participants to apply the concepts being discussed.	It can be time-consuming. Facilitators should ensure that the questioning process does not lead to irrelevant topics and that it contributes to the achievement of the objectives. Another disadvantage is that it can encourage a dominant few to answer questions, and discourage the shyer types from participating.

METHOD	ADVANTAGE	DISADVANTAGE
<p>Discussion – Through discussion, trainees are prompted to participate in an open forum where they can share ideas. The forum may imply a general group discussion or interaction within smaller groups. Discussions must be purposeful, focused and lead to the achievement of the workshop objectives.</p>	<p>Provides excellent peer-learning opportunities. Participants can exchange ideas, learn from others, compare knowledge and opinions and collectively analyze the points of the discussion.</p>	<p>It can be time-consuming and may lead participants into off-track discussions. This is where effective facilitation skills are needed.</p>
<p>Demonstration – This method aims to provide a “clear picture” of a task to be learned. It is based on the principle that one learns best by doing. Participants learn physical or mental skills by performing these skills under supervision.</p>	<p>Allows participants to demonstrate their skills and get immediate feedback on whether the concepts were properly understood and correctly applied. It also enables them to develop skills and fosters self-confidence through practice.</p>	<p>It requires considerable preparation time and careful planning. Facilitators have to make sure that the demonstration and practice are closely linked to actual situations.</p>
<p>Case study – A case study is a prepared presentation of facts and/or descriptions of realistic situations that may be based on actual events. Participants are asked to discuss these facts/situations together, and devise the best course of action to take, or the solution to be found.</p>	<p>It helps to develop analytic, judgment, decision-making, and problem-solving skills. It also enhances peer-group learning because participants can observe how the case was perceived and approached by each group, thereby providing the entire class with alternative solutions to a given problem.</p>	<p>It requires time to develop a good case study. Some case studies oversimplify a problem vis-à-vis the actual situation, so that the solutions to these case studies are only partially effective, or completely ineffective, in real-life situations.</p>

Instruction methods:

Advantages and disadvantages

METHOD	ADVANTAGE	DISADVANTAGE
<p>Role-play – This is a method through which participants act out situations by assuming assigned roles. The knowledge and skills transfer takes place through simulations where participants are asked to play a role (alone or in small groups).</p>	<p>It helps participants identify with the points of view of others, their attitudes, beliefs and feelings. It allows for exploration of solutions and provides participants with an opportunity to practice new attitudes, behaviour and skills. Finally, it decreases self-consciousness and builds self-confidence in exhibiting new skills.</p>	<p>Some participants may not feel comfortable with this instructional method. To remove resistance to role-playing, the facilitators should explain the benefits of this method in the learning and practicing of new behaviour or skills and stress the exercise it is not about acting abilities but about the proper application of what has been learned.</p>
<p>Brainstorming – This is an instructional method through which all participants are asked to contribute with their ideas to solve a shared problem by considering a variety of possible solutions. Activities are tailored according to the participants' needs, i.e., the problem is one which they normally encounter in their everyday life.</p>	<p>It allows creative thinking for new ideas, encourages full participation (i.e. all ideas are equally recorded) and draws on group's knowledge and experience. It creates a spirit of cooperation among participants.</p>	<p>It can be unfocused. Participants may have difficulty getting away from known reality. If not managed well, criticism and negative evaluation may occur. Value to participants depends in part on their level of maturity</p>

METHOD	ADVANTAGE	DISADVANTAGE
Resource person – It is also possible for facilitators to make use of resource persons, i.e. someone who is experienced and knowledgeable and has a high degree of expertise in the field. He/ she may have acquired these through years of experience or through higher levels of study or research in the field. There are different ways in which facilitators may use resource persons in their workshop.	It can personalize topics and break down the audience's stereotypes.	The resource person may not be a good speaker. In some case, personalities may overshadow content.

LEARNING OBJECTIVE	CONTENT	TRAINING RESOURCES
	<p>Introduction (10 min)</p> <ul style="list-style-type: none">● Participants and facilitator● Purpose of the training activity● Learning objectives of Session 1	<p>Flip chart that lists:</p> <ul style="list-style-type: none">• Purpose of the training activity• Learning objectives of Session 1
<p>List the key features of the country's youth labour market</p>	<p>Facts on young workers (10 min)</p> <ul style="list-style-type: none">● Presentation of information on young workers in the national context.● <i>Activity 1.1. Fair workplaces (10 minutes)</i> <p>Changing labour markets, flexible forms of employment (10 minutes)</p> <ul style="list-style-type: none">● Presentation on how national labour market changed/is changing● <i>Activity 1.2. Flexibility at work: pros and cons (15 minutes)</i>	<p>Flip-chart listing the main obstacles for youth when entering the labour market</p> <p><i>Rights @work Cards on</i></p> <ul style="list-style-type: none">i. Minimum employment age (and exceptions)ii. Maximum hours of work, (including overtime)iii. Minimum wage (if applicable)iv. Rate of overtime pay (if applicable)v. Part-time workvi. Temporary workvii. Home work

LEARNING OBJECTIVE	CONTENT	TRAINING RESOURCES
Identify fundamental principles and rights at work	Fundamental rights at work (10 min) <ul style="list-style-type: none"> ● Presentation of the ILO and fundamental rights at work ● Forms and grounds of discrimination 	Preparation of a flip chart that lists: <ul style="list-style-type: none"> ● Fundamental rights at work Coloured cards on prohibition of discrimination
Define “decent work”	Decent Work (20 min) <ul style="list-style-type: none"> ● Presentation of the concept of decent work ● Activity 1.4. Decent Work millionaire (30 minutes) merged with <i>Activity 1.3. This is it! Say no to discrimination!</i> Closure (5 min) <ul style="list-style-type: none"> ● Summary of key learning 	Preparation of a flip-chart that lists the key elements of decent work. List the key learning points on a flip chart.

Annex

6

Validation questionnaire

Validation Questionnaire

Workshop: Rights@work for youth: Decent work for young people

Venue:

Dates:

Please respond to the questions listed below. Rate aspects of the workshop according to the criteria indicated in each question. Please be candid in your responses. This questionnaire is anonymous and the results will be shared only in an aggregated form. Your feedback is sincerely appreciated. Thank you.

	Yes	Mostly	More or less	Partly	No
Were the objectives, content and method of the workshop clarified before its start?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
After this workshop, I consider that:	Fully	Mostly	More or less	Partly	No
The training activity was well structured and well organized	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The facilitation was very professional	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The training activity focussed on key issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The facilitator/resource persons took into account participants' feedback	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The content delivered was appropriate and interesting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The group of participants contributed to my learning	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The learning methods were appropriate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The venue suited participants' needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

After this workshop, I consider that:	Fully	Mostly	More or less	Partly	No
The objectives of the workshop have been achieved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
What I have learned will have positive impact on my work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Very relevant	Relevant	More or less relevant	Barely relevant	Irrelevant
Overall, I consider this workshop as:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How would you improve this training activity? (Check all that apply)	
<input type="radio"/> Provide better information before training activity	<input type="radio"/> Clarify the training activity objectives
<input type="radio"/> Reduce content covered	<input type="radio"/> Increase content covered
<input type="radio"/> Update content covered	<input type="radio"/> Improve the instructional methods
<input type="radio"/> Make activities more stimulating	<input type="radio"/> Improve the organization
<input type="radio"/> Make the training activity less difficult	<input type="radio"/> Make the training activity more difficult
<input type="radio"/> Slow down the pace	<input type="radio"/> Speed up the pace
<input type="radio"/> Allot more time for the training activity	<input type="radio"/> Shorten the time for the training activity

Validation questionnaire

After this workshop, how relevant do you think the following topics are for you?	Very relevant	Relevant	More or less relevant	Barely relevant	Irrelevant
Fundamental rights at work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Decent work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Flexible labour market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Basic requirements of an employment contract	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hours of work, wages and leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pay and deductions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your rights and responsibilities regarding safety and health at work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identification and control of hazards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exercising your rights at work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Once you go back to your work or start working, what else would you require to successfully put in practice what you learned?

Which parts of the workshop were most useful and why?

Which parts of the workshop were least useful and why?

Any additional comment about this workshop?

