Young people’s employment: Protection or participation?

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Abstract
Childhood is socially constructed, and constructions influence perceptions of appropriate work for young people. This article investigates New Zealand parents’ perspectives on young people’s involvement in paid work. The United Nations Convention on the Rights of the Child, 1989, and the International Labour Organisation C138 Minimum Age Convention, 1973, intended to protect young people, embody constructions of them as vulnerable. We argue that policymakers should consider how these constructions are reflected in legislation and international treaties and take account of research addressing the likely consequences of minimum working age legislation when they decide whether to ratify the Minimum Age Convention, 1973.

Keywords
Children, minimum age, parents’ perspectives, rights, work

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The International Labour Organisation (ILO) C138 Minimum Age Convention, 1973 (MAC) requires countries to legislate specified minimum working ages for employment. The United Nations (UN) Convention on the Rights of the Child, 1989 (CRC) provides young people\(^1\) with the right to be included in decisions that affect them. In line with the participation rights in the CRC, most recent studies of the working lives of young people are informed by young workers themselves, and most young workers would rather be protected in paid work than from it (Bourdillon et al., 2010; Leonard, 2004). Nonetheless, ‘people develop as participants in cultural communities’ (Rogoff, 2003: 3, 4), which is also recognised in the CRC. The potential harms or benefits that accrue to young people from work are related to many factors including the social and cultural context and the value placed on the work by significant others, including family (White, 1996; Woodhead, 2004). In the minority world, debate continues over whether work primarily contributes to or harms the social, psychological, educational and economic well-being of young people (Hobbs et al., 2007b; Leonard, 2004; Mortimer, 2003).

A previous quantitative New Zealand study of young people’s work, informed by the young people, found differences between cultural and socio-economic groups. This article compliments the earlier study by examining young people’s paid work through a qualitative study of the perspectives of European/Pākehā\(^2\) middle-income New Zealand parents. The findings are contextualised within current debates about young workers, the constraints of international treaties and the effects of minimum-age legislation on young people.

Many young people and their parents find work primarily beneficial for young people’s well-being (Bourdillon et al., 2010; Hobbs et al., 2007b; Mortimer, 2003), and we believe that international treaties and national legislation should focus on improving the conditions of young people’s work rather than on setting age limits for paid employment. Sociology of childhood theory suggests that childhoods are socially constructed and that young people are citizens now and competent contributors to their own lives, but the MAC follows a developmental construction of childhood as a time of age-defined immaturity (Prout and James, 1997; Smith and Bjerke, 2009).

Recognising and supporting young people’s competence and participation rights do not mean that they should not be protected from discrimination and exploitation; so, we must examine the nature and conditions of young people’s work as well as its presumed benefits or disadvantages.

**The realities of young people’s work**

While adults tend not to treat the work of young people with the same respect given to their own work, it is now widely recognised that ‘work is part of the lives of almost all the world’s children – in the USA and Britain, as much as Uganda and Bangladesh’ (Bourdillon et al., 2010), and that the work experiences of young people differ hugely within countries, as well as among them (Bourdillon et al., 2010; Mortimer, 2003; Rogoff, 2003). In New Zealand, about 80% of young people work for pay before leaving school, in regular part-time work, and/or during school holidays (O’Neill, 2010), but, as in other countries (Bourdillon et al., 2010; Mortimer, 2003), there are significant differences in the nature and hours of paid work carried out by members of diverse social and ethnic groups.
There are 68% European/Pākehā, 15% Māori (indigenous), 7% Pasifika and 9% Asian in the New Zealand population (Statistics New Zealand, 2007). European/Pākehā young people are more likely to work for pay than Māori, Pasifika or Asian young people. Students from schools in medium and high socio-economic school catchment areas are more likely to engage in paid work than students from schools in low-income catchment areas (O’Neill, 2010), and European/Pākehā students are more likely to live in high socio-economic areas.

New Zealand is a former British colony and a predominantly English-speaking society. It retains close ties to the United Kingdom and Ireland. It commonly compares itself to these and other Organisation for Economic Co-operation and Development (OECD) countries.

Young people’s paid work in New Zealand usually involves less than 10 hours a week, but about 15% of students work for more than 15 hours a week and about 6% more than 20 hours (Adolescent Health Research Group, 2008 cited in O’Neill, 2010). The percentage having worked for pay increases with age from about 5% of 9-year-olds (Gasson et al., 2003 cited in O’Neill, 2010) to 76% of those at the completion of compulsory schooling at age 16 years (Adolescent Health Research Group, 2008 cited in O’Neill, 2010).

As with youth in the United Kingdom and United States (Hobbs et al., 2007a; Mortimer, 2003), most New Zealand youth do not work out of necessity. Young New Zealand workers typically identify money as a motivation for paid work (91%), especially European/Pākehā students (96%) (Gasson et al., 2003), but only a minority of workers, mostly from low-income families, work to contribute to family income (1.5%) (Adolescent Health Research Group, 2008 cited in O’Neill, 2010). Experience is often cited as a motivation for working (40%), especially by Asian (44%) and European/Pākehā students (43%). Some students say their parents want them to work (17%). Asian students, regardless of income, were most likely to say this (29%), compared with 15% of European/Pākehā students (Gasson et al., 2003).

Unlike in many other OECD countries, in New Zealand, there is no legislated minimum age for employment or signing employment contracts (Roth, 2010). There are age restrictions on dangerous and hazardous employment, and people under 16 years of age are excluded from working between 10 p.m. and 6 a.m. and during school hours (NZ Government, 2008: para. 33).

Both in Britain and New Zealand, there is a history of young people working. In both countries, youth tend to be paid less than older workers, and those under 16 years are not covered by minimum wage legislation (Hobbs et al., 2007a; O’Neill, 2010). In Britain, youth are regarded as a source of cheap labour and may be exploited (Leonard, 2002). Many young New Zealand workers are unaware of – and some do not receive – working conditions to which they are entitled, including a written contract, holiday pay and sick pay (Gasson and Linsell, 2011).

In Britain, there is a legislated minimum age for employment, requiring that ‘to legally work children … [must] obtain a work permit from Local and Educational Authorities’; this requirement generally is ignored (Leonard, 2004). It seems then that a legislated minimum age for work has not resulted in British youth being better protected in or from work than New Zealand youth.
Consequences of age limitations

Legislation of minimum working ages often is seen as a means of reducing exploitation of young people, but it is not supported by young people themselves (Bourdillon et al., 2010; Leonard, 2004). A survey of around 1500 New Zealand school students found that most enjoyed their work and did not want the government to legislate a minimum age for paid employment; of those who did, most suggested their own age or younger as a minimum (Gasson, 2005).

Young people feel empowered by involvement in decision-making about their working lives (Bourdillon et al., 2010; Boyden, 1997; Miljeteig, 2000) because this provides them with information and opportunities to voice their problems and experiences and helps protect them from exploitation (Bourdillon et al., 2010; Boyden, 1997). Ignoring the views and experiences of young people and their families in enforcing minimum-age legislation – often to protect young people from the assumed harmful consequences of work – causes harm (Bourdillon et al., 2010; Liebel, 2007). Leonard (2002), in her Irish study, found that focusing on protecting young people from work undermines protecting them in work:

[T]he state adopts a passive protective role by excluding [young people] from certain adult occupations and limiting the number of hours they can work. However, it does little to protect them or promote their interests within occupations deemed suitable. (p. 202)

Combining school and non-harmful work often benefits young people (Bourdillon et al., 2010; McKechnie et al., 2010; Mortimer, 2003). Even when work has been deemed harmful to schooling or well-being, effective solutions have taken account of social contexts (Bourdillon et al., 2010).

Parental influences

Despite the importance of parents in shaping children’s lives, there is little research addressing parents’ perspectives on young people’s paid work. Graduated assistance from parents clearly supports children’s agency (Smith, 2002), so parental encouragement may improve children’s work experiences. Young people’s work is ‘embedded in social relationships … and … mediated by cultural beliefs and values of parents, employers and children themselves …’ (Woodhead, 2004: 330). The impact of family influence is explored in the following American research.

A US study of Wisconsin dairy farming households found that parents encouraged their children to work on the farm from age 7. Young people’s help was relied on, but parents also believed that their children benefited from the work experience and developed social skills (Zepeda and Kim, 2006). Urban parents in Minnesota (USA) valued their children’s involvement in paid work and believed it helped them develop agency and independence. They thought young people were ready for paid work from about 12 to 13 years (Mortimer, 2003).

Similarly, a study of young people aged 9–14 years in Berlin (Germany) found that parents encouraged their children into paid work to gain social and cultural capital, but paid work often was initiated by the young people themselves – sometimes against the
wishes of parents (Hungerland et al., 2007: 263). This study, like the Minnesota one, found that young people from middle-class families were most likely to engage in paid work.

The study

The present qualitative study compliments a previous quantitative study of a diverse group of about 1500 young New Zealanders’ views and experiences of work (Gasson et al., 2003; Gasson and Linsell, 2011). It provides a ‘snap-shot’ view derived from a small number of participants, which contributes to wider debates about the differing ways that childhoods are idealised and shaped in contemporary societies. As well as providing local and contextual data about young people’s work, this study is relevant to the debate about the extent to which cultural and family circumstances should influence international treaties. We sought the views and experiences of parents on the employment of young people in New Zealand, to understand how they impact on young people’s work.

The participants were predominately European/Pākehā, 4 middle-/upper-income parents, aged 40–50 years, with one or more children between the ages of 11 and 15 years (Table 1). Eight of the nine families included at least one parent in full-time skilled paid employment, such as social work, education, policy or management, with parents in one family being university students. One parent from each family was interviewed, but in two-parent families, parents often referred to their partner and presented a joint perspective.

In-depth interviews were the primary means of data collection, as they are a favoured means of ‘understanding motivations and decisions or exploring impacts and outcomes’ (Lewis, 2003: 59). Pseudonyms are used throughout to report participants’ perspectives.

Parental support

Parents from all families had engaged in some form of paid work during their own school years, and parents from seven families subsequently encouraged or helped their children into employment. Parents from two families said that they would prefer their own children not to work for money, although both had school-age children who did. They both had prevented their children from engaging in delivery work, which they believed was time-consuming and exploitative. A parent from one family believed her son’s repeated requests to do delivery work could be attributed to societal pressure leading young people to desire more than parents could provide. One 14-year-old was being paid by an outside contractor to clean her grandfather’s house for 4 hours a week. Her parents approved of the flexible hours, good pay and family supervision the work offered, and had assisted their daughter to obtain the work, but were concerned about her independence through earning her own money.

Other parents helped their children gain employment. Victoria and her partner employed their children, girls aged 14 and 15 years, for 2 or 3 hours a week in their father’s software development company to do cleaning that they had previously employed someone else to do. Rose’s two older children began their paper delivery jobs at ages 10
and 13, respectively. At their request, Rose made the initial phone calls in response to newspaper advertisements.

Parents also encouraged their children to respond to newspaper advertisements children had seen:

I said ring, and he was going to do it about 3 hours later, and I said no, they have just delivered it, ring now, and he was first to ring, and he got it.

In two families, young people acquired jobs independently of parental help, but with parental approval. Both gained their work through acquaintances, one through the pony club where she had been receiving riding lessons, with payment in the form of free lessons, and the other through a friend who was leaving a job in a local grocery store and suggested that she apply.

### Table 1. Demographic information and ages of young people working.

<table>
<thead>
<tr>
<th>Respondent’s age</th>
<th>41–45 years</th>
<th>5</th>
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<tbody>
<tr>
<td>46–50 years</td>
<td>4</td>
<td></td>
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<tr>
<td>Respondent’s gender</td>
<td>Female</td>
<td>8</td>
</tr>
<tr>
<td>Male</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Respondent’s ethnicity</td>
<td>European</td>
<td>8</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Parents in family</td>
<td>1 parent</td>
<td>3</td>
</tr>
<tr>
<td>2 parents</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Family incomeᵃ</td>
<td>NZ$40k–60k</td>
<td>3</td>
</tr>
<tr>
<td>NZ$60k–80k</td>
<td>2</td>
<td></td>
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<tr>
<td>NZ$80k–100k</td>
<td>2</td>
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<tr>
<td>NZ$100k+</td>
<td>2</td>
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<tr>
<td>Children in family</td>
<td>1 child</td>
<td>1</td>
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<td>2 children</td>
<td>5</td>
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<td>3 children</td>
<td>2</td>
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</tr>
<tr>
<td>4 children</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Total young people working (by age)</td>
<td>11–12 years</td>
<td>3</td>
</tr>
<tr>
<td>13–14 years</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>15–16 years</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>17 years</td>
<td>1</td>
<td></td>
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</tbody>
</table>

ᵃThe New Zealand median family income at the time of the research was NZ$56k (Statistics New Zealand, 2007). Family incomes did not include young people’s incomes.
Parental support within paid employment

Parents variously transported their children to and from work, helped them with their work and occasionally did the work, although in the main they regarded their child’s job as their child’s responsibility:

They are responsible … there are times when they are unwell or pushed for time with school commitments or other commitments that we will pitch in and help, but for the most part we don’t.

Mostly when parents helped out, they expected their children to pay them. They saw this as a means of developing a strong work ethic. One explained,

He then learns … he gets paid if he does it, and if he doesn’t do it, then he doesn’t get paid.

Parents said their children mostly felt positive about their jobs, and parents endorsed this, occasionally downplaying difficulties they said the young people had mentioned. One parent said her son had considered leaving his paper delivery job, and another said his son had left a similar job. Both times, it was because the young people found the commitments too demanding. One father took over the boy’s paper run for several weeks to give him time to consider whether he wanted to continue:

Over the holidays … he said he didn’t want to do it anymore. And we [parents] said, are you really sure … once you’ve lost this you don’t get it back again, … for a few weeks, his dad said well I’ll do it. So every morning his dad [did it] and made Brent pay him for doing it, rather than lose it, and then it gave Brent the opportunity … [to have] a good break, and we said, right, well now it’s decision time …

Brent decided to keep his job. In another instance, the parent expressed disappointment that his son left his paper delivery job after about 18 months without a reference because he did not like getting up early when winter set in. In this case, both parents had contributed time and effort to helping their son with his work.

Benefits of young people working

The benefits of young people’s work need to be weighed against its harms and risks, and the efficacy of interventions needs to be considered (Bourdillon et al., 2010). Seven parents believed that employment offered young people more advantages than disadvantages, including the structuring of their time, the development of a good work ethic, valuing of goods and experiences and learning about money:

It’s part of their routine.

There’s a real value in kids knowing that everything they do has a cost.

He looks after his phone … but he upgrades. He always sells his phones in their boxes with all the bits.
Parents also liked their children being involved in ‘meaningful activities’, ‘staying out of mischief’ and getting physical exercise. They valued the ‘real-life experience’ provided by employment:

It’s getting out and having a purpose … actually just having the maturity to feel like she needs to be doing something productive, other than school.

Two parents believed that the unskilled and repetitive work that young people typically performed would help their children evaluate post-school employment and references would be useful.

Paid employment enabled young people to take part in activities, pursue hobbies and buy goods their parents could not afford. Wanda, the sole adult income earner in a family with three children, explained that her daughter’s earnings meant she could ‘keep up with her mates … from quite wealthy families’, including taking part in competitive dancing and overseas trips. However, working required a high level of commitment from this young person:

She first started ironing when she was about 13, and then babysitting when she was 14, and then she was 14 when she started [at] the dairy [grocery store]. … she has really good work ethic, and she’s a really driven person. I mean she excels at school and she excels at dancing.

Employment enabled some young people to pursue relatively expensive hobbies:

It’s certainly helped him pay for his drum set and things he’s wanted for the computer.

He’s a scuba diver. He works and pays for that himself.

Although some parents thought employment might be taking time from their children’s other activities, most didn’t believe that their children were spending less time on schoolwork.

*Impact on schooling and extracurricular activities*

Young people were involved in a variety of extracurricular activities but were still expected to succeed at school:

School work is their number one big job.

I don’t think work should interfere with schooling, I don’t think it should interfere with self-development in terms of if they are exploring a particular hobby or life skill …

One parent noted that her child’s school grades had improved since starting his paper delivery job. She related this to the routine of getting up earlier in the morning and regular patterns of sleep and exercise:
Instead of getting up out of bed, quick shove the breakfast in and off to school, it is that he’s up, he’s done some exercise, he’s had some breakfast, … he might actually finish his homework, and then he’s gone to school …

Another parent was concerned about the time that her daughter spent working but allowed it to continue because her daughter’s earnings enabled her to pursue extracurricular activities, and she was excelling at school:

Last year it was quite hard, ’cause she was working up to 20 hours a week. It was also her first year of NCEA,5 but she had an exchange to France over the holidays … So she knew that she had to save money.

One parent, whose 15-year-old son had hugely enjoyed a variety of work in the tourist industry, and was more interested in his employment than schoolwork, expressed concern that he seemed not to recognise the long-term employment advantages associated with tertiary education:

He’s tired of school and he loves diving and wants to work as a guide but he’s very unaware that will be very menial work.

The two parents who were not in favour of young people undertaking paid work believed it could compromise schoolwork. One was paying for a private school education for her daughter and did not want employment to interfere with it. The other was a teacher. She stated (but not in reference to her own children),

I see the disadvantage all day every day, young people tired, bored, wanting to be somewhere else, feeling they would rather be working than at school.

**Employment conditions**

These parents’ stories confirm earlier findings that the working conditions of young New Zealanders are not optimal (Gasson et al., 2003; O’Neill, 2010). One said her 15-year-old was seen as a source of cheap labour and expected to work long hours for little pay:

They get to mop the floors and stock the freezer … while the older kids who are on the higher wages work for less hours, and really are just overseers.

In summer they are supposed to shut at 9, and then she would come home and do her homework, and her boss was really not particularly helpful … we would say two nights a week is enough, but he would just put her on more.

This employer gave young people 1 month’s trial without pay before offering them paid employment. The parent suggested extending a minimum wage to young workers rather than placing additional limits on young people’s hours of work.

Parents reported workplace discrimination against young people and believed the scarcity of appropriate jobs outside of school hours contributed to young people
tolerating low pay and poor working conditions. Most parents were unaware of their child’s entitlement to a written contract. One, who was aware of it, encouraged her son to ask for one. It was provided reluctantly towards the end of the boy’s holiday work, but he was penalised for asking for it:

[His employers at a five star resort] crossed out some things, said they had spoken to their lawyer and they didn’t need to provide morning and afternoon tea … which is pretty mean when this resort was 40 minutes away from [the nearest town] by water taxi and no road access.

The young people involved in delivery work were most likely to have contracts, but their employment conditions varied hugely. One parent compared the working conditions of her two children who were doing a similar job but for different companies:

Hers is almost like slave labour … it works out to be … four dollars an hour maximum … the reason we don’t give it away is it’s still income coming in for her, and Irish Dance is [expensive].

Another spoke of the different treatment his daughter received from separate contractors working for the same company:

The first … were pretty casual and quite supportive and understanding of small kids … these new contractors took a terribly hard line … each week there would be statements … ‘you are not doing this right …’ because my wife and I were helping we ensured it was done right … these were general messages to every kid.

Parents of young people doing delivery work also noted lack of transparency regarding their children’s payment:

One problem was there was never a pay statement … we were never too sure whether she was being paid fairly or not … and it varied each week depending on the leaflets.

The international drive to limit young people’s work is intended to protect them from harm, but because of the assumption that young people should not work, they may be excluded from the benefits other workers receive, and their work is not considered part of the ‘real’ economy. Mortimer (2003) found that when young people are in jobs geared specifically towards youth, the employer has little long-term interest.

**Independence**

Most of the parents in our study were proud of their children’s ability to get and keep jobs:

I’m pretty proud of them … I mean they’ve taken to work earlier than I did, I would never have done anything like [he] was at 10 or 11 delivering papers.
Seven parents portrayed their children as capable and competent workers who contributed to family life and society – albeit with adult support – who made their own financial decisions about money and developed responsibility and independence:

You don’t have as much say in what they actually buy or do with their money ‘cause they’ve earned it themselves, … but that’s a learning experience.

Rose thought that her 11-year-old was spending too much on sweets, but did not interfere, confident he would learn the value of saving:

If [he] wants to go down to the dairy and buy two dollars of sweets it’s … his money that he has earned and as long as I say … watch your teeth, … it won’t be like that for ever and a day. I’ve seen that with the older two, it’s not.

Some parents believed their children were already spending wisely on things the parents could not afford to buy:

[She]’s done really well at contributing towards expenses with her Irish Dance, we went to Competition Australia last year …

In contrast, the two parents who were against young people working believed young people’s spending should be monitored. This led to family disputes:

I reminded her of the rules that have always been in place about saving 50% of the money … her view was ‘right, you’re telling me how to spend my money’. And I said ‘no I’m not, I’m just telling you that you can’t spend half of it now’ … If they have money it’s power to them.

When young people earn their own money, the property rights assumptions of our society encourage them to spend as they see fit. Most parents in our study accepted this and saw the experience of managing their own money while still living at home as valuable for young people. Two parents, however, were concerned that money conferred independence too early.

**Protecting young people**

The parents from families that discouraged their children from working believed that young people should be protected from some aspects of life – from the workplace, too much responsibility and consumerism:

It’s sheltering children from becoming too old too quickly, … work does expose you to a lot of other things in life that are not always pleasant.

One expressed concern that modern society pressures young people sexually and socially to mature too quickly and miss out on a proper childhood:

Childhood should be special … a time when you were allowed to be free of certain burdens.
This mother was also concerned that young people having too much money could lead them to drug or driving problems:

That’s when some of them get cars when they are too young … or they try out the odd drug … they’ve got their own money.

She noted that money provides independence:

Kids are independent. Too independent.

Too much freedom, too early … a sense of entitlement. You know that I’m entitled. And I wonder if some of that comes from having too much money.

Parents from both families emphasised their own role in caring for and directing their children and thought that an ideal family life should be uninterrupted by children’s outside commitments. One believed that being given responsibility would not necessarily lead to responsible behaviour:

… I have difficulty trying to teach him the responsibility ethic … both my children could be given $20 … for Christmas … and they get explained that it’s got to last for two weeks of the holiday for frivolous spending … he’ll go blow it on the first day [unlike the other child] … it may be personality based.

One of these parents described relations who had encouraged their children into employment, and she disapproved of the way that children’s work influenced that family’s living arrangements and their children’s lifestyles:

For years they’ve had TVs, stereos, … in the bedroom. They’ve been able to pay for trips to Australia; they’ve bought their own bikes.

These parents believed they could better protect their children by keeping them out of the labour market.

Regulation of employment

We asked parents whether they thought there should be a legislated minimum age of employment or maximum hours of work for young people. Some at least tentatively supported a minimum age of employment, although none wanted an age above that of their own children at the time of the research. This parallels the views of the young people in our earlier research (Gasson et al., 2003).

Also like the young people in the earlier research, most parents believed the maximum hours young people should work should be decided within families because personal circumstances and the maturity of young people were different:

There is not one figure to fit every situation because … does it include unpaid work? Kids who are expected to pull their weight in the family, it’s up to them how long it takes to put the washing out or bring it in or do the ironing.
People face a huge assortment of different circumstances … if it enables the family to stay together and survive financially … then that might be a necessity for some families …

Similar views were found in Belfast (Northern Ireland), where one young person said, ‘It is up to our parents only to say no and not the government, as cases vary’ (Leonard, 2004: 51). Enforcing such legislation is problematic as shown in the United Kingdom, where most young people who work do so without the required permit.

**Legislation on young people’s employment**

Contemporary debates about young people’s work concern the reconciliation of global rules with cultural diversity and the difficulties associated with applying the principles of international conventions to diverse young people (Leonard, 2004; Myers, 2001). Also debated is the role assigned to rights; whether international rights agreements are universal or whether they are ‘helpful but imperfect instruments intended to improve life …’ and should be evaluated according to their results (Bourdillon et al., 2010: 14).

The MAC is the basic ILO convention that addresses youth employment. It prohibits the employment of people less than 15 years of age (or 14 years of age in less developed countries), with the exception of permissible ‘light’ work for people from 13 years of age (or 12 years of age in less developed countries), as long as employment does not interfere with education.

Similarly, Article 32(2) of the UN CRC requires countries to legislate a minimum age for employment, and the UN Committee on the Rights of the Child encourages countries that ratify the CRC also to ratify the MAC, thus suggesting a minimum age in accordance with the MAC (see, for instance, UN Committee on the Rights of the Child, 2003: para. 48, 2012: paras 80 and 87).

When countries ratify conventions, they are required to bring their legislation into line with their provisions, imposing decontextualised normative constructions of childhood on ratifying countries. The CRC, being the most widely ratified rights treaty in the world, is especially influential. The MAC embodies a developmental view of childhood as a time of dependency, schoolwork, play and freedom from paid work and responsibility, of ‘becoming’ and ‘preparation for adulthood’ (Reynaert et al., 2009: 521). This image emphasises the legal and moral role of parents and states to protect and control young people. The developmental view also underlies the CRC’s requirement for a minimum working age. However, the CRC presents a competing image, informed by sociology of childhood theory, that young people are articulate and competent social actors, with the right to be listened to and have their views taken into account. This view acknowledges the social construction of childhood, the diversity of beliefs about young people’s competence and the importance of young people’s perspectives.

At the urging of the ILO, the UN Committee on the Rights of the Child (1995a: para. 32, 1995b: paras 8 and 22, 1995c: para. 37), and some non-governmental organisations (NGOs), the MAC has been ratified by 153 of the 181 ILO member countries, including 30 of the 34 OECD members. Australia, Canada, New Zealand and the United States have not yet ratified.

In their respective reports to the UN Committee on the Rights of the Child, Australia and New Zealand have questioned whether a blanket minimum age is in the best interests
of young people. Like the governments of Australia and New Zealand, young people and their families question the merit of blanket minimum-age legislation (Bourdillon et al., 2010; Gasson, 2005). Young people view themselves as holders of rights, including rights to respect, to have their views taken seriously (Taylor and Smith, 2009) and to education and safe work (Beals and Zam, 2010; Bourdillon et al., 2010; Gasson, 2005; Leonard, 2002, 2004; Liebel, 2003). Their ideas about themselves and the role of work in their lives contrast with the goal of the ILO to progressively eliminate their labour.

**Conclusion**

In this study, we heard from parents in seven families who encouraged their children’s employment and from two who did not encourage youth employment but had children who were employed. A picture emerged of young people negotiating with parents in order to engage in paid work.

These stories of capable young people choosing employment and parents supporting them confirm that there are benefits to young people from paid employment, including independence, experience, the development of mature attitudes and a strong work ethic (Bourdillon et al., 2010; Gasson and Linsell, 2011; Mortimer, 2003).

The views of parents in this study were based on the reality of their children’s work experience and on their perspectives of what young people should be doing. Parents could scaffold young people’s work experiences within interdependent relationships and help them to be capable and responsible. Most parents constructed childhood without contributing to the powerlessness and vulnerability of young people, but supported their agency and competence. Such an image respects the voices and experiences of young people and acknowledges the importance of adult support in allowing them to exercise their participation rights (Smith, 2002).

There is continuing controversy about how best to address the issue of young people’s work. In the light of the CRC and international evidence that young workers are best protected when solutions take account of local contexts and the views and experiences of young people and their families, we believe that pressure to ratify the MAC is inappropriate.

New Zealand research shows that young people worked to access comparable opportunities to their wealthier peers (Gasson and Linsell, 2011). Accessing such opportunities influences the way young people see themselves, the way others see them and their friendships. ‘We tend to choose our friends from among our near equals and have little to do with those much richer or much poorer’ (Wilkinson and Pickett, 2009: 51). Participation in costly extracurricular activities can also influence life chances. When applicants are interviewed for entry to teacher education in New Zealand, they are often asked about extracurricular activities. Those who have succeeded in music or sporting activities or who have travelled overseas are advantaged. In our view, government policy should not exclude young people from life opportunities by preventing their employment, but should instead focus on ensuring that employers treat young people fairly. ‘Intervention should aim to solve children’s real troubles, not create more for them’ (Bourdillon et al., 2010: 8).

The OECD countries that have not yet ratified the MAC are faced with a dilemma: choosing between complying with international agreements or respecting young people’s
agency and participation rights. In our view, individual countries ought to establish whether the MAC would actually serve the interests of their young citizens before ratifying it, and evidence should include local research that has taken account of the experiences of young people and their families.

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**Notes**

1. In the context of rights, we generally use the term ‘young people’ rather than ‘children’ to highlight that young people are people and therefore entitled to rights.
2. The term Pākehā is commonly used to refer to ethnically European New Zealanders.
3. As per International Labour Organisation (ILO) C138 Minimum Age Convention, 1973 (MAC), people under 13 years (in some places 14 years) are prohibited from even light work with a few exceptions, for example, education or entertainment work or work for family.
4. Other studies investigating the views of Māori, Pasifika and Asian parents are in progress.

**References**


