

## VOCATIONAL TRAINING AND APPRENTICESHIP AGREEMENTS IN SPANISH SPEAKING COUNTRIES

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INTRODUCTION. For many years, in the contemporary world, it was left up to the workers to acquire on a voluntary and individual bases knowledge, skills, abilities, and even attitudes to perform a job efficiently and effectively, considering that this was solely the obligation of the state whose institutions the workers had to attend.

Before any job training there is medieval apprenticeship systems, in which an artisan named master, undertook an apprentice to instruct him a trade. The apprentice served at the same time as an assistant.

In each guild statutes determined the form of instruction and learning, as well as the number of apprentices to be taken. This learning process could not last more than ten years.

The purpose of vocational training and apprenticeship agreements in Spanish speaking countries is to implement the previously acquired knowledge or learning of a trade.

The benefits for a worker are that he exceeds his own levels of empowerment, with the interest of improving his income. Benefits for the employer are that he has workers available who perform their job properly which are reflected in their profit, as well as in goods produced or in services rendered.

Its purpose is that an employer has properly trained workers, as well as to facilitate the employment of young people whose lack of training or lack experience is an obstacle for their employment.

"Vocational training and apprenticeship are ... the simultaneous objectives pursued by the regulation of these agreements; in them it is intended to adjust the compensation value of services rendered by apprentices, by principal lower than those of a trained worker. "<sup>1</sup>

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<sup>1</sup> Montoya Melgar, Alfredo. Derecho del Trabajo. Tecnos. Madrid. 2002. p. 585.

These training contracts include:

1. Training at work contract.

1.1. In Spain<sup>2</sup> it is that in which a recently qualified worker, who obtained an university degree, is obliged in exchange of retribution, to provide adequate services at his level of studies and at the same time this will facilitate the practice of academic knowledge, as provided in Article 11.1 of the Workers Statute (ET, in Spanish Estatuto de los Trabajadores).

Valid degrees for the contract of practices are university degrees or higher and middle level vocational training or higher.

It may be held within a four year time period immediately following the completion of studies. If disabled the time period is six years.

By general rule, it may not last less than six months nor exceed more than two years. There's an admissible trial period for hiring, which will be up to a month for qualified middle-level graduates and up to two months for graduates of higher grade.

The retribution on the first year will be at least 60% of wages for a similar regular job, the second year of at least 75%. At the conclusion of the contract, the worker is entitled to a certificate on practices done and their duration.

1.2. In Argentina<sup>3</sup> the use of youth labor apprenticeship has one-year duration. Time ending, the worker bears no compensation. While an employee gets 100% of his wages, the employer is exempt from contributing to retirement funds. Contributions to charities and the National Employment Funds (Fondo Nacional de Empleo) do not experience reduction.

Vocational training for young people differs with apprenticeships in duration, which in this case is four months to two years.

1.3 In Peru<sup>4</sup> the Industrial Training Act Procedures, Law No. 28518 (Ley sobre Modalidades Formativas) of May 23, 2005, establishes that professional internship is the approach that seeks to consolidate learning acquired during professional training, and exercise performance in a real work situation.

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<sup>2</sup> Martín Valverde, Antonio y otros. Derecho del Trabajo. Tecnos. Madrid. 2003. p. 507.

<sup>3</sup> Capón Filas, Rodolfo. Derecho del Trabajo. Librería Editorial Platense. La Plata. 1998. p.p. 180.

<sup>4</sup> <http://www.mintra.gob.pe/contenidos/archivoprodlab/ley28518.pdf> 07-08-2007.

This period may not exceed twelve months, unless the Vocational Training Center (Centro de Formación Profesional) or University rules and regulations, determine a greater extent. The school must pursue proper follow up.

It also regulates the internship at the company, regarded as a training modality that is performed in the production of business and seeks to relate the recipient with the working world and the company, which implements, updates, and contrasts what has been learned in training and informs of any existing employment opportunities and the productive process of goods and services.

1.4. Dominican Republic<sup>5</sup> Labor Code (Código del Trabajo) states that internships undertaken by students in accordance with the applicable legislation, as academic studies, do not impose any duties on the employer. The institution must take the corresponding record.

## 2. Training contract.

2.1. In Spain<sup>6</sup> it is that which an employer and an employee are bounded respectively to provide and receive proper education and training for the performance of a job, as determined by Article 11.2 of the Workers Statute.

It is foreseen for workers who do not have enough experience to engage in training contracts. The worker must be over 16 and under 21. This limit does not apply to the unemployed, the handicapped or foreigners, during the first two years of worker permit.

It's to be done by writing, in official format. The time period will be from six months to two years. Its content, according to its nature, is twofold: theoretical and educational training and employment.

Theoretical education may be given while alternating work or focusing on specific periods of time, but it cannot be less than 15% of the workday. It is taught out of the work place, ex training centers created by business organizations or unions and pre-authorized public and private centers.

Wages are left to collective bargaining with it being able to be less than the minimum wage in proportion to the effective working time.

Training should be alternate or concentrated in relation to effective work. It can be implemented at professional training centers as well as in training centers established by business organizations or unions just as in public and private centers certified by labor or educational administrations.

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<sup>5</sup> <http://www.set.gov.do/descargas/download/cod001/pdf> 13-07-2007.

<sup>6</sup> Martín Valverde, Antonio y otros. Derecho del Trabajo. Tecnos. Madrid. 2003. p. 507 .

2.2. In Argentina<sup>7</sup> policies for youth job training, under the National Employment Act, No. 24013, (Ley Nacional del Empleo), 1991, were implemented from 1993 to 2001, the "Youth Project", (El Proyecto Joven) which aimed at improving the possibilities of investment in the labor market of young people over 16, coming from low income households, through their training and orientation towards job search.

Characteristic because the employer was relieved of any obligation of payment or compensation to the intern, the Ministry of Labor and Social Security (Ministerio de Trabajo y Seguridad Social) should take out insurance to cover accidents that may be suffered as a result of the internship in the company. The company did not sign any type of contract with the intern, but signed a letter of intent accepting an internship agreement with the organization that represents him, who was responsible for the training of the intern, the company should allow intern activities by the union organization and the Ministry, while having the intern perform the tasks committed acquiring certification extended later on by the union; if the intern was not observing rules and regulations of the company regarding safety, hygiene, discipline, attendance and punctuality, the company could ask the union to waive the internship; upon completion, there was no obligation whatsoever to hire the intern. If willing to do so the company shall inform the union.

2.3. Chile's<sup>8</sup> 1977 Training and Employment Regulations (Estatuto de Capacitación y Empleo) regulates training contracts and post training employment relationship.

The training contract is one between an employer and any possible employee, which has exclusive and reciprocal obligations, first to surrender through a trained organism specific job skills to perform a specific job in such company, as an authorized training program, and secondly the compliance of such program in its established conditions.

The training program may include a practice module to be developed in the company, only when necessary for job habilitation, and not consisting of rendering personal services.

2.4. In Nicaragua<sup>9</sup> the Labor Code (Código del Trabajo) stipulates that companies in coordination with workers and organizations promote and develop activities that regulate training programs and expand knowledge, skills and abilities to workers, ensuring both male and female participation. Systematic

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<sup>7</sup> Gallo, Gustavo J. Compendio de Derecho del Trabajo y de la Seguridad Social. Abeledo-Perrot. Buenos Aires. 2001. p. 100-101.

<sup>8</sup> Walker Errázuriz, Francisco. Derecho de las Relaciones Laborales. Editorial Universitaria. Santiago de Chile. 2003. p.p. 174, 175.

<sup>9</sup> <http://www.cct-clat.org/pagweb/nicaragua/legislac/ctrab.htm> 25-06-2007.

training should be guaranteed to the worker in cases of temporary closure of the workplace caused by changing technologies of such.

The Act created for the National Training System<sup>10</sup> (Sistema Nacional de Capacitación) September 2, 1986, created this system as a subsystem of the national education system (Sistema Educativo Nacional), SINCAP. It has legal status and its own patrimony.

Schools, institutions, centers and units engaged in training at all occupational levels amongst other activities, formulating overall policies for training workers, technicians and professionals, included, to approve, track, monitor and evaluate activities; authorize certificates issued.

The Law on Promoting Youth Development (Ley de Promoción del Desarrollo Integral de la Juventud), May 9, 2001, aims to promote youth development to ensure the exercise of their rights and responsibilities, establish institutional policies and activate of the state and civil resources for young people. This regulation establishes that in educational policies there is opportunity to improve integral formation of youth through the provision of various forms of education, formal, non formal and extracurricular.

2.5. Panama<sup>11</sup> Decree Law No. 4 of January 7, 1997, reformed in 2006, which regulates the system of dual vocational training, aims to provide vocational training primarily aimed at students from 14 to 20 years old and facilitate the development of special learning programs for people over 20, as skilled manpower is required and national development needs.

The dual vocational training may be company or institution dominant.

The dual vocational training company dominant, is one in which the apprentice for most of the time is receiving basically practical training directly related to the occupation he wants to learn. The rest of the time is spent at the company where learning is combined with theory and technology.

The dual training center dominant, starts at the training center where trainees spend most of their time receiving basic vocational training, the rest of the time is spent at the company where he performs primary vocational training practices.

The apprenticeship program must have a minimum duration of one year and up to two years and a half. If an occupation requires a longer period of training it can be extended to more than two years and a half, but in no case can it be greater than three years. Knowledge given to an apprentice must be assessed periodically by testing and final exam given with established national norms.

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<sup>10</sup> <http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/nic/cii.htm> 25-06-2007.

<sup>11</sup> [http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/panvii\\_a.htm](http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/panvii_a.htm) 13-07-2007.

Every apprentice who successfully completes the training period, the National Vocational Training Institute (Instituto Nacional de Formación Profesional), created by Law No.18 on September 29, 1983, substituted by Act No. 8 on February 16, 2006, in alliance with participating companies, a certificate of qualification must be issued.

To become an apprentice it is required to be 14 to 20 years old, have no prior INAFORP certification for the aspiring occupation and meet the established requirements. The contract must be concluded in writing, and quadruplicate.

2.6. In the Dominican Republic<sup>12</sup>, the Labor Code (Código del Trabajo) states that a training contract is that for which the worker is obliged simultaneously, to provide work and receive training, and for the employer to reward this job, while providing training to carry out a job.

### 3. Apprenticeship contract.

Recommendation 60 of 1939, the International Labor Organization states that the term “apprenticeship” is applicable to any system under, which the employer is obliged by contract to employ a young worker and teach or have someone teach him a trade, during a fixed period of time, time in which the apprentice is required to work in service of the employer.

3.1. The apprenticeship contract in Argentina<sup>13</sup>, is regulated by Law 25.013. Its purpose is to teach a specialized job, emphasizing the requirement for theoretical training.

The contract must be in writing and must be registered with social security and tax organizations. It is aimed at unemployed youth from 15 to 28. Involves a training program where certificates are awarded.

Its duration is of three months up to a year. Working hours of apprentices may not exceed forty hours per week, including theory hours, observing the limits set for each working day, being it day shift, night shift or mixed.<sup>14</sup>

It is not viable if there has been a previous job with the same employer. The maximum amount is 10% of the general staff, except if there are less than ten workers.

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<sup>12</sup> <http://www.set.gor.do/descargas/download/cod001.pdf> 07-07-2007.

<sup>13</sup> Capón Filas, Rodolfo. Derecho del Trabajo. Librería Editorial Platense. La Plata. 1998. p. 185.

<sup>14</sup> Murray, Cecilia M. y Piropo, Miguel Ángel. “Limitaciones Legales a las que está sujeta la Jornada de Trabajo. Las horas extra”, en Revista de Derecho Laboral. Jornada y Descansos. Rubinzal-Culzoni, Editores. Buenos Aires. 2006-1. p.125.

3.2. General Labor Law of Bolivia, (Ley General del Trabajo), December 8, 1942<sup>15</sup>, regulates on Chapter III of Title II, Labor Contract, and Apprenticeship Contract.

Defines it as that in which the employer is obliged to teach by himself or by another or by an industry, using work from he who is learning with or without retribution, and for a period fixed time which shall not exceeding two years. Learning is complied by the business and workdays that use motor operated engines.

It must be concluded in writing. The employer must grant permission to the apprentice so that he may go to school, organizing his work schedule for this purpose. Companies that have more than 150 employees are required to absorb the costs for any worker or one of their children, to study technical improvement in local learning centers or abroad.

3.3. In Colombia<sup>16</sup> the apprenticeship contract is regulated in accordance with the provisions of Act No. 188 of December 30, 1959.

It is understood by apprenticeship contract, that in which an employee is obliged to provide service to an employer in return for which he provides the means to acquire methodical, professional and comprehensive skills for the occupation which he has been hired for, a given period of time, and agreed wages.

People over 14 who have completed basic education or can demonstrate equivalent knowledge can hold learning contract. The contracts must be celebrated in writing.

Wages for an apprentice cannot be less than 50% of minimum of that which is stipulated in the workplace for workers performing the same job.

The apprentice has, as special obligations, to attend courses and work as well as to seek higher efficiency in his studying. The employer has, as special obligations, to provide the means so that the apprentice can receive proper training; pay the agreed wages, and once having successfully completed the apprenticeship have equal considerations with the apprentice to hold a vacant position.

The apprenticeship contract cannot exceed two years in education and work. The first three months are presumed as a trial period.

Employers can only hire apprentices for the trades or occupations that appear on the lists regularly published by the Ministry of Labor, based on technical

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<sup>15</sup> <http://www.cainco.org.bo/es/doc/ley%20General%20del%20Trabajo.pdf> 07-07-2007.

<sup>16</sup> <http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/col/vii.htm> 07-07-2007.

recommendations by the National Training Service (Dirección Nacional del Servicio Nacional de Aprendizaje; SENA).

During this learning process the Social Security System of Health (Sistema de Seguridad Social en Salud) covers the trainee and the costs are covered entirely by the employer. During the practical phase, he must be affiliated to the Occupational Hazards System (Sistema de Riesgos Profesionales), which is paid by the employer.

3.4. In Costa Rica, the admission age for an apprentice can't be less than fifteen or more than twenty. Teenagers between thirteen and eighteen may be employed as "novice workers" in semi qualified occupations. Teenagers between fifteen and twenty can be employed as beginners, for qualified occupations, which are not part of learning object.

Learning in a company can be both combined and practical. In the combined way, practice and theory are combined in applicable periods at learning centers, or production stages in a company. Practical takes place directly at the workplace.

The apprenticeship contract must be concluded in writing in four copies. A salary will be paid by the employer to the apprentice: in a first, second and third stage, the equivalent of 50%, 75% and 100% respectively of minimum wage required by the occupation or specialty subject of learning. The apprenticeship contract is considered a fixed term work contract, with trial period being the first month.

All type of economic activity employers, needing 20 workers or more, shall, at the request of the IBA, recruit accordingly, using published lists by INA, a number of apprentices equivalent to 5% of the total workers in their companies. Companies using less than 20 and more than 10 employees must hire as requested by INA, at least one apprentice.

Employers, who fail to comply with the requirement to hire apprentices, are required to pay INA, for each fiscal period or fraction of the period in which failing to comply, an amount no less than the full cost of apprenticeship for the number of students assigned.

3.5. The Chile Labor Code<sup>17</sup>, (Código del Trabajo) in Articles 78 to 86, regulates the title for A Special Contract, Contract of Apprenticeship. It is defined as that in which an employer undertakes an apprentice to be provided with proper skills, given by themselves or through a third party, at a given time period under certain conditions and through an established program. The apprentice complies to follow through and to work in exchange of agreed wages. This payment cannot be regulated through collective bargaining agreements, compulsory arbitration or

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<sup>17</sup> <http://www.at.gob.cl/legislacion/1611/article-59096.html> 13-08-2007.



collective bargaining and must be freely agreed to by both parties.

Only workers under 21 can hold apprenticeship contracts. An apprentice<sup>18</sup> may be paid as compensation, less than minimum wage required by law. Any type of bargaining cannot regulate pay and work conditions for apprentices.

The employer has certain obligations: to occupy the apprentice in duties related only to its own apprenticeship program, providing proper tools; to allow corresponding supervision by the national training and employment center (Servicio Nacional de Capacitacion y Empleo); to appoint a hired employee to be a master guide to the apprentice.

The contract is valid until the apprenticeship plan is over and cannot exceed two years. The number of apprentices may not exceed 10% of those employed full time in the company.

Employers who hire apprentices are entitled to receive<sup>19</sup> resources from the National Training Fund budget, a monthly bonus of 40% minimum monthly income for an apprentice during the first twelve months of the contract, to offset the cost of in- company training, plus a one time bonus of up to ten monthly<sup>20</sup> tax units per apprentice, to finance education related costs.

3.6. Ecuador Labor Code (Código del Trabajo) regulates in chapter VIII<sup>21</sup> the apprenticeship contract. It is defined as that in which a person complies to provide personal services for a certain period of time, to another, in exchange of being taught an art, craft, skill or trade, for an agreed upon salary.

In every factory, manufacturer or textile manufacturing must admit at least 5% of apprentices and at most 15% of total employees. In work places with less than 20 hired workers, there is the obligation to admit at least one apprentice.

In case the employer is unable to personally direct the teaching process, he must appoint the person who will assume the role of the teacher.

The apprentices may at any time, obtain the category of qualified skilled operator. If the employer should not agree, the employee may ask a Labor Code judge for a case revision.

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<sup>18</sup> Walker Errázuriz, Francisco. Derecho de las Relaciones Laborales. Editorial Universitaria. Santiago de Chile. 2003. p.p. 349-350.

<sup>19</sup> Ibidem. p. 183.

<sup>20</sup> De acuerdo con el artículo 8 del DL 830 publicado en el Diario Oficial del 31 de diciembre de 1974, se definió la Unidad Tributaria como la cantidad de dinero cuyo monto, determinado por ley y permanentemente actualizado, sirve como medida o punto de referencia tributaria.

<sup>21</sup> <http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/ecu/vii-a.html> 07-07-2007.

3.7. The El Salvador Labor Code<sup>22</sup> (Código del Trabajo) regulates in chapter two the employee subject to special agreements and in chapter one, rules and details regarding the employment of apprentices are established.

It is understood by apprenticeship contract, a written agreement in which a single person or legal entity is obliged by himself or by a third party, to teach another person, the practice and skills of a trade, art or occupation, and to pay fair retribution. The approval of the Ministry of Labor and Social welfare (Ministerio del Trabajo y Prevision Social) as well as a proper registration entry is established.

Apprentices may not be employed for physically incompatible tasks or for any job other than their profession, trade or occupation for which they were employed.

Social Security regulations should apply in the apprenticeship program. The apprentice is entitled to receive a minimum wage payment. During the first year it must be no less than 50% of minimum wage, during the second year, if any, it can't be less than 75%. From the third year on minimum wage should be covered in full.

Apprentices have the same rights as any other union worker. If an employer is subject to extension or other training courses in one or more tasks or phases of his profession, trade or occupation, he shall remain as such and retain all rights and benefits arising from his individual work contract.

3.8. In Guatemala the Labor Code<sup>23</sup> (Código del Trabajo) regulates in chapter four, any job subject to special agreements and in chapter six apprenticeship work.

Apprentices are defined as those who compromise to work for an employer in return for being taught in a practical way a specific trade, art or profession, either directly or through a third person. Be paid an agreed upon fee, which may not be any less than minimum wage.

The apprenticeship contract can only be provided on a fixed term, determining the length of the education program and its gradual development, and agreed upon compensation.

The General Work Inspection (Inspección General del Trabajo) is the proper authority to ensure that the apprenticeship contract has the duration they see fit for an appropriate teaching process, according to the apprentice age and nature of the job.

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<sup>22</sup> <http://www.oit.or.cr/oit/papers/cod.elsa.shtml#-toc443732482> 13-08-2007.

<sup>23</sup> [http://portal.oit.or.cr/index.php?option=com\\_staticxt&staticfile=sst/legis/guatemala/gua\\_codigo\\_20%20trabajo.pdf](http://portal.oit.or.cr/index.php?option=com_staticxt&staticfile=sst/legis/guatemala/gua_codigo_20%20trabajo.pdf) 13-07-2007.

Once the contract is concluded the boss must present the apprentice with a certificate that states he has learned the art, trade or skill in question.

The employer may dismiss an apprentice without any liability, if he manifests inability for the art, profession or occupation in which he must be trained. The apprentice may terminate the contract by submitting a five-day prior notice.

The Labor Code also stipulates that contracts for the employment of minors, less than 14 years of age, shall be held with their legal guardians, if absent, authorization by Inspección General del Trabajo is required.

3.9 The Honduras Labor Code<sup>24</sup>, (Código del Trabajo) in June 1959, stipulates that an apprenticeship contract is that in which an employer is obliged to teach his apprentice, by himself or by another, a trade, an art or a skill while using an apprentice's work for a determined period of time. With proper retribution, this may be less than minimum wage.

This contract must be concluded in writing, if not done so, it is understood that it's regulated by rules and agreements of a labor contract. An apprenticeship contract may not last longer than a year; the corresponding authority may extend, by writing, such term, but in no case can it exceed three years.

At the conclusion of the apprenticeship contract the employer must give the apprentice a certificate indicating that he has learned the corresponding trade, art or skill.

Either party may terminate the contract with previous seven-day notice. The employer may release him at the moment paying such period. The apprentice may justifiably be absent from work, without notice, in case of his employer's violation of duties.

It is an obligation for employers to admit in each company a number no less than 5% of the total amount of workers for each trade or profession. In work places with less than 20 workers, there should be at least one apprentice.

3.10. In Paraguay its law number 213, from October 29, 1999 this establishes the Labor Code<sup>25</sup> (Código del Trabajo). In part III "Special contracts for work", chapter I regulates apprenticeship contracts.

It establishes that its one in which an apprentice is obliged to present a service to an employer in exchange for practical teaching of an art or a trade, by his employer or by another, during a determined period of time. A convenient fee should be paid, but pay may not be less than 60% of minimum wage.

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<sup>24</sup> <http://www.honduraseducacional.com/leyescodigo%20del%trabajo.htm> 03-06-2007.

<sup>25</sup> <http://www.ilo.org/dyn/natlex/docs/WEBTEX/35443/64905/593PRX01.HTM#I1t3> 07-07-2007.

Teaching can take place in the work place or any specialized institution by means of the employer or under dual system of apprenticeship.

Workers older than 18 may enter an apprenticeship contract, it must be done by writing, if not so, services rendered shall be regulated by rules and regulations of the employment contract. It shall be extended in triplicate, a copy is held by each party and a third copy is given to the proper authorities for approval and registration.

The apprentice must be considered skilled within the year of formation and as such should be tested as stipulated in the collective work contracts. If not done so, then by a special committee formed by an employer's representative an expert worker and a human resources representative.

The apprenticeship contract may not exceed a one year time period. With the exception of certain trades or professions that which for their nature may exceed the time limit for up to three years with proper authorization.

It is obligatory for employers to admit in each company with more than ten workers at least one apprentice. Children of workers, who provide their services at such work centers, shall be given preference for admission as apprentices.

3.11. In Peru<sup>26</sup>, the Law on Labor Training Modes, (Ley sobre Modalidades Formativas Laborales), law number 28518 of May 23, 2005, regulates among other things, learning, by which is understood, the mode which is characteristic for making the learning process into production units for the company, with previous initial training. In any authorized professional training center, for the development of such activity.

It regulates learning primarily in the company and learning primarily in vocational training centers.

By learning primarily in the company it's understood, one that is characteristic for taking place mainly in a formative process at the work place in designated areas and vocational schools. Learning primarily at the vocational training center is an agreement that allows the trainee as long as his is a student to apply knowledge, skills and abilities through performance in the work place.

It also regulates youth job training, by which is understood as that which is characteristic for having the formative process take place in productive units at the work place, allowing recipients to perform in a real life situation.

It is intended for young people between ages 16 and 23, with unconcluded basic education or if having concluded basic education perused no further study, to

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<sup>26</sup> <http://www.mintra.gob.pe/contenidos/archivos/prodlab/ley28518.pdf> 08-06-2007.

acquire knowledge, both theoretical and practical with the purpose of incorporating them in an economic activity in a specific occupation.

The number of participants in youth labor training programs, may not exceed 20% of the total staff in a specific occupation, nor 20% of all company employees, with a direct working link. This limit may be increased by an additional 10%, provided such increase is composed solely of young people with any disability and young mothers.

The youth training program under agreement should last accordingly to the nature of a specific occupation: no more than six months for simple jobs, which need fewer qualifications, a same time limit but no more than twenty four months, for more complex occupations.

Training should take place preferably at the work center, vocational training centers or workshops implemented at the workplace.

3.12 In the Dominican Republic by resolution 20/95 of April 19, 1995 regulations on apprenticeship contracts are issued<sup>27</sup>.

It is that in which one of the parts complies to provide his personal services to another, in exchange receiving, in addition to wages, methodical, systematic and complete vocational training. This apprenticeship is aimed at young men and women, over 14 and less than 22 years of age.

An employer can only hire apprentices for training in such trades for which specific skills and knowledge are required, content resolutions approved and published by the State Department of Labor (Secretaría de Estado de Trabajo).

The apprenticeship contract must be concluded in writing; prior to its implementation it must be deposited at the National Institute of Technical and Vocational Training, which after evaluation turns it to the State Department of Labor, for approval and registration.

The apprentice may not work over time.

At the end of the contract period, the trainee receives a professional title awarded by the National Institute of Technical and Vocational Training (Instituto Nacional de Formación Técnico Profesional), with prior assessment test for the trade and occupation in question, by an evaluation committee, composed of an entrepreneur, a monitor and an instructor.

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<sup>27</sup> [http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/rep\\_dom/vii\\_a.htm](http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/rep_dom/vii_a.htm) 08-06-2007.

3.13 The Venezuela Labor Code<sup>28</sup> (Código del Trabajo) regulates in Title V, Special Systems and in Chapter I work related with minors and apprentices.

Minors under systematic training of a specific profession in which they work and without having prior to it any formal training are considered apprentices.

Employers employing trainees must notify la Inspectoría del Trabajo, with information such as their names, ages, occupations, working hours, wages earned and other relevant data.

Time required for schooling is considered part of an apprentices working hours.

4. In Labor Law system many have been the tools that have regulated the general education of the individual. The International Labor Organization (ILO) has issued various agreements and related recognitions.

4.1 Agreement 140, on paid education license, which encourages its provision to workers who are studying. It was approved in Geneva in 1974. Mexico ratified the agreement on February 17, 1977.

4.2 Agreement 142, on the development of Human Resources, approved in Geneva in 1975. Establishes the obligations of member states to establish and develop open, flexible and complementary systems for general technical and professional education, and to provide information that includes among other things education related opportunities. This agreement was ratified by Mexico June 28, 1978.

4.3 Recommendation 150 on human resource development of June 1975. Establishes the study license and regulated access to general education and basic training for people who have never attended school or who have dropped out, it also provides measures which include part time instruction.

4.4 Recommendation 169, adopted 1984, encouraged a general education accessible to all, and that all-state formational systems be related to the education system and to the labor world.

5. In Mexico, the Federal Labor Act (Ley Federal del Trabajo), 1970, did not include the apprenticeship contract. The project of this law suppressed it, for considering that it was already regulated, it was a medieval reminiscence, and because in many cases it was the pretext of teaching that they stop paying wages to their workers or paid reduced wages.

The apprenticeship contract was a planned and supervised institution by the Federal Labor Act of 1931, which was revoked by transitory article 2 of the

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<sup>28</sup> <http://www.tsj.gov.ve/legislación/lot.html> 08-06-2007.

Federal Labor Code that entered into action, May 1, 1970. The rights acquired by the parties under these contracts, does not in imply that they cease to be valid, since the new law is not very well established, legislature simply no longer included in current legislation the chapter regarding apprenticeship contracts. Therefore it is not very clear that as of May 1, 1970 such contracts ceased to be valid, if they had been legitimate at the time that they were held, the parties were required to be and move along the lines of such contract seeing it through until its completion. Pretending otherwise would have been retroactive application of the law therefore being bias of both parties, implying a violation of their guarantees.

The current Federal Labor Law regulates training and instruction as a workers right and an employer's obligation.

Training and schooling<sup>29</sup> is founded in sections XIII and XXXI, the last paragraph of section A of Constitutional Article 123 and Articles 132, part XV-A and 153 to 153-X.

Training and schooling can be provided within or outside the company, through its own personnel, with specially hired instructors, institutions, schools or agencies or through general systems.

Institutions or schools that provide training and coaching, as instructors, must be licensed and registered with the Ministry of Labor and Social Welfare (Secretaría del Trabajo y Previsión Social).

Training and schooling should take place during working hours, unless the parties agree to do otherwise, just as in the event that a worker wishes to train in a different activity other than his occupation.

The object of training and instruction is to update and improve workers knowledge and skills to prepare them to take any vacancy or newly created position, prevent risks at work, increase productivity and generally improve the skills of workers.

Workers who assist training and courses are required to attend on time, follow instructor's directions and present exams.

Every company should establish a joint committee of training and instruction, consisting of equal numbers of workers representatives and the employer. Monitor the implementation of systems and suggest measures to perfect them.

Collective labor contracts should include clauses on employer's obligation to provide training and schooling to their employees.

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<sup>29</sup> Barajas Montes de Oca, Santiago. "Capacitación y Adiestramiento", en Diccionario de Derecho del Trabajo. Editorial Porrúa, SA-UNAM. México. 2001. p. 29-32.

Training program plans should be presented to the Ministry of Labor and Social Welfare. These plans should cover time periods of no more than four years; include all positions and levels of the workplace; indicate the stages during which training and schooling will be provided.

Employers who fail to comply with this obligation can be penalized with a fine of 15 to 315 times the general minimum wage, which is doubled if the irregularity is not remedied within the time allowed in terms of article 994, paragraph IV of the Labor Law.

Various initiatives to reform the Federal Labor Law with the purpose of incorporating the apprenticeship contract have been presented during recent years.

**CONCLUSIONS.** Training contracts, unlike the contract at trial, in which workers are required to demonstrate knowledge, skills, aptitudes and attitudes they have to perform a given activity, are those in which the employer, through various channels, provides the worker with tools he considers necessary for the proper development of their work.

This form of recruitment, which is more expensive, because the employer has to invest in worker training, also seeks that once the training period is concluded and not having acquired the required formation the contract is dissolved without any liability.

### Bibliography

Capón Filas, Rodolfo. Derecho del Trabajo. Librería Editorial Platense. La Plata. 1998.

Gallo, Gustavo J. Compendio de Derecho del Trabajo y de la Seguridad Social. Abeledo-Perrot. Buenos Aires. 2001.

Martín Valverde, Antonio y otros. Derecho del Trabajo. Tecnos. Madrid. 2003. p.p. 507 y ss; Montoya Melgar, Alfredo. Derecho del Trabajo. Tecnos. Madrid. 2002.

Montoya Melgar, Alfredo. Derecho del Trabajo. Tecnos. Madrid. 2002.

Rubio, Valentín. Derecho Laboral. Tomo I. Rubinzal-Culzoni Editores. Buenos Aires. 1999.



### Magazine Article

Barajas Montes de Oca, Santiago. "Capacitación y Adiestramiento", en Diccionario de Derecho del Trabajo. Editorial Porrúa, SA-UNAM. México. 2001. p. 29-32;

Murray, Cecilia M. y Piropo, Miguel Ángel. "Limitaciones Legales a las que está sujeta la Jornada de Trabajo. Las horas extra", en Revista de Derecho Laboral. Jornada y Descansos. Rubinzal-Culzoni, Editores. Buenos Aires. 2006-1.p. 125.

### Newsletter

Recomendación sobre el aprendizaje, R.60-Organización Internacional del Trabajo. Ginebra. 1939.

Semanario Judicial de la Federación. México. Números varios.

### Web Site

<http://www.mintra.gob.pe/contenidos/archivoprodlab/ley28518.pdf>,

<http://www.set.gov.do/descargas/download/cod001/pdf>

<http://www.cainco.org.bo/es/doc/ley%20General%20del%20Trabajo.pdf>,

<http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/col/vii.htm>,

<http://www.at.gob.cl/legislacion/1611/article-59096.html>,

<http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/ecu/vii-a.html>

<http://www.oit.or.cr/oit/papers/cod.elsa.shtml#-toc443732482>

[http://portal.oit.or.cr/index.php?option=com\\_staticxt&staticfile=sst/legis/guatemala/gua\\_codigo\\_20%20trabajo.pdf](http://portal.oit.or.cr/index.php?option=com_staticxt&staticfile=sst/legis/guatemala/gua_codigo_20%20trabajo.pdf)

<http://www.honduraseducacional.com/leyescodigo%20%del%trabajo.htm>

<http://www.ilo.org/dyn/natlex/docs/WEBTEX/35443/64905/593PRX01.HTM#I1t3>

[http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/rep\\_dom/vii\\_a.htm](http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/rep_dom/vii_a.htm),

<http://www.tsj.gov.ve/legislación/lot.html>

<http://www.cct-clat.org/pagweb/nicaragua/legislac/ctrab.htm>

[http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/panvii\\_a.htm](http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/panvii_a.htm)

<http://www.ilo.org/public/spanish/region/ampro/cinterfor/dbase/legis/ecu/vii-a.html>