

Knowing your Rights

Employment issues facing young people



*based on the evidence and
research of Perth Citizens
Advice Bureau*

by Sarah Mitchell, Social Policy Volunteer

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Perth Citizens Advice Bureau is one of the 61 member bureaux that form Scotland's largest independent advice network. CAB advice services are delivered using service points throughout Scotland, from the islands to city centres.

The CAB Service aims:

to ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their need effectively

and equally

to exercise a responsible influence on the development of social policies and services, both locally and nationally.

The CAB Service is independent and provides free, confidential and impartial advice to everybody regardless of age, disability, gender, race, religion and belief and sexual orientation.

Content

INTRODUCTION.....	PAGE 3
CONTEXT AND BACKGROUND.....	PAGE 4
RESEARCH.....	PAGES 5-9
PERTH CAB'S CAMPAIGN.....	PAGES 10-11
SURVEY RESULTS.....	PAGES 12-19
CONCLUSION AND RECOMMENDATIONS.....	PAGES 20-21

Introduction

With approximately three in ten people under 25 claiming Job Seekers Allowance (JSA) in Scotland, and a staggering 79% increase in those 18-24 year olds claiming JSA from 2009-2010, it is clear that employment is an issue which has disproportionately affected young people in recent years.¹ Moreover, previously, under the Employment Rights Act of 1996, section 94-95, employees with more than one year's continuous service had the right to contest unfair dismissal. However this has been recently increased to two years which spells bad news for young people.

The total population of Perth and Kinross has increased by 7% from 2001-2010. This is higher than the Scottish national average, which has only seen an increase of 2%. In comparison with other local authority areas, Perth and Kinross has the fifth fastest growing population in Scotland. Perth and Kinross's population growth is causing a variety of problems for its inhabitants, with employment problems being amongst them. The unemployment rate and out of work benefit claimant count for Perth and Kinross has steadily increased since 2007.² The particular wards with the highest unemployment rate are Tulloch, North and South Inch, and North and South Letham.³

The labour market profile figures for Perth and Kinross show that although the highest number of JSA claimants are aged between 25-49, the greatest percentage of persons claiming JSA as a proportion of the resident population of that age group, are 18-24 year olds. This coupled with the fact under 25s make up only 13% of the workforce, shows that unemployment disproportionately affects young people in Perth and Kinross.⁴ Moreover, from 2000 to 2010, although the number of school leavers in Perth and Kinross has steadily increased from 1,358 to 1,428, the number of those seeking work has increased from 6.7% to 9.7%.⁵

These statistics clearly show unemployment amongst young people is a significant local issue. Worryingly, evidence from Perth CAB suggests that some local employers may be taking advantage of this situation: young clients report unfair dismissal, unclear or in some cases no written contracts, and uncertainty about pay entitlement, holidays, and notice periods. In addition, young people are an under-represented client group in the bureau, so we can assume that many young people are struggling with employment issues without knowledge of the laws there to protect them, or the advice and information organisations such as citizens advice bureaux can provide.

This report and surrounding campaign aims to emphasise to young people the importance of knowing their employment rights, and raise awareness locally of the hardships they can face. The campaign will also alert young people to the Citizens Advice Service so that they know where to access advice when needed, and ensure they do not suffer through a lack of knowledge of their rights.

Context and Background

Employment is the second biggest issue young people presenting at Perth CAB seek advice on, the first being benefits. There has been national acknowledgement of employment issues such as redundancy, dismissal cases and unemployment, but an analysis of these issues through a localised angle has not been developed for Perth and Kinross, despite it being a locally evident issue.



Initial findings from Perth CAB's client record data show that young people are under-represented in Perth CAB's client base, but we know that a high percentage of young people in Perth and Kinross are struggling to find work and are more likely to be in receipt of JSA. This could suggest unmet need, which led Perth CAB to undertake research into the issues young people face in the workplace, and in doing so, aim to raise the profile of the bureau so that young people in need of advice, know where to go.

Note: Unless stated otherwise this report defines young people as those aged 16-24 years old.

Statistics show that 5.3% of those aged 18-24 in the Perth and Kinross area are claiming Jobseeker's Allowance (JSA). This percentage exceeds other age groups in the district, with only 2.4% of 25-49 year olds, and 1.2% of 50-64 year olds in receipt of the benefit. The total JSA claimant count in Perth and Kinross is 2.4% of working age population (16 to 64). Whilst this is lower than the national average of 4.2% in Scotland, the age distribution of JSA claimants shows that the percentage difference between young JSA claimants and other age groups in Perth and Kinross is higher than average.⁶

	<i>Perth and Kinross (%)</i>	<i>Scotland (%)</i>
<i>Total 16 - 64</i>	<i>2.4</i>	<i>4.2</i>
<i>Total 18 - 24</i>	<i>5.3</i>	<i>8.8</i>
<i>Total 25 - 49</i>	<i>2.4</i>	<i>4.4</i>
<i>Total 50 - 64</i>	<i>1.2</i>	<i>2.2</i>

Table 1: JSA claimants by age duration (July 2012)

So we know that unemployment is higher than average among young people in the district, making it important that when young people do find employment, they understand their rights and responsibilities giving them greater chance of staying in employment.

Evidence from Perth CAB shows that employment issues are high amongst young people, second only to benefits issues.

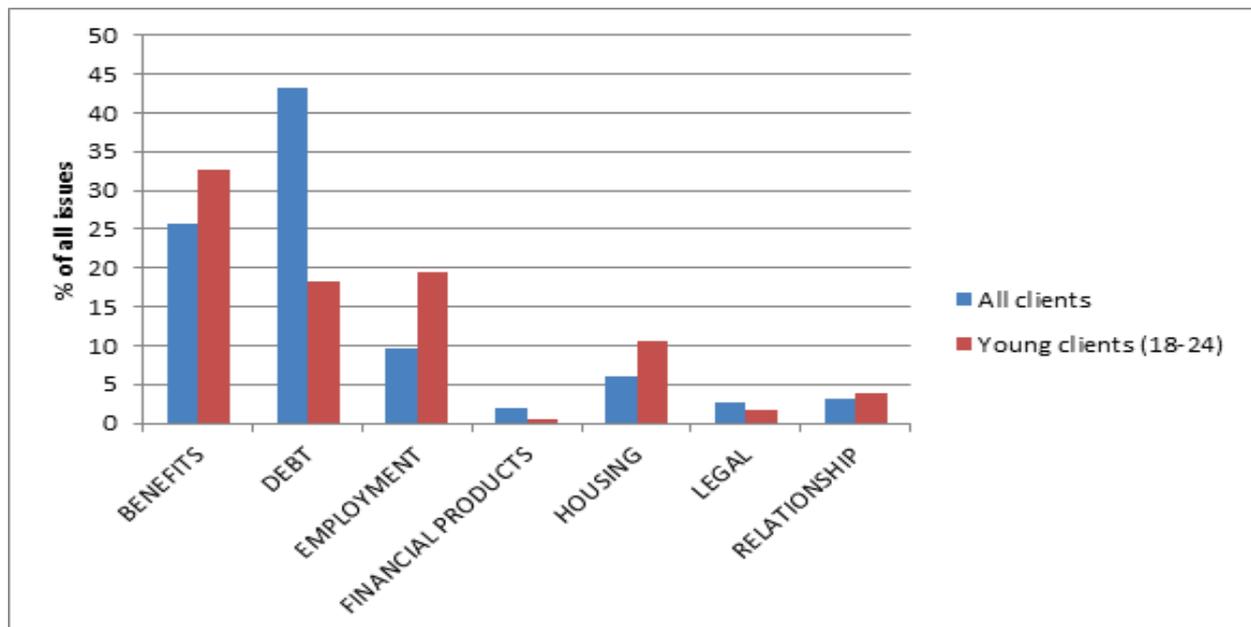


Figure 1: Percentage of issues advised on at Perth CAB, 2011-12

Looking at the statistics and case evidence from the bureau in greater detail shows a snapshot of the employment issues experienced by young people.

Unfair Dismissal

Dismissal is a major issue for young people seeking employment advice from the bureau. In 2011/12, a breakdown of the employment issues young people sought advice on shows that dismissal made up 28% of all enquiries.

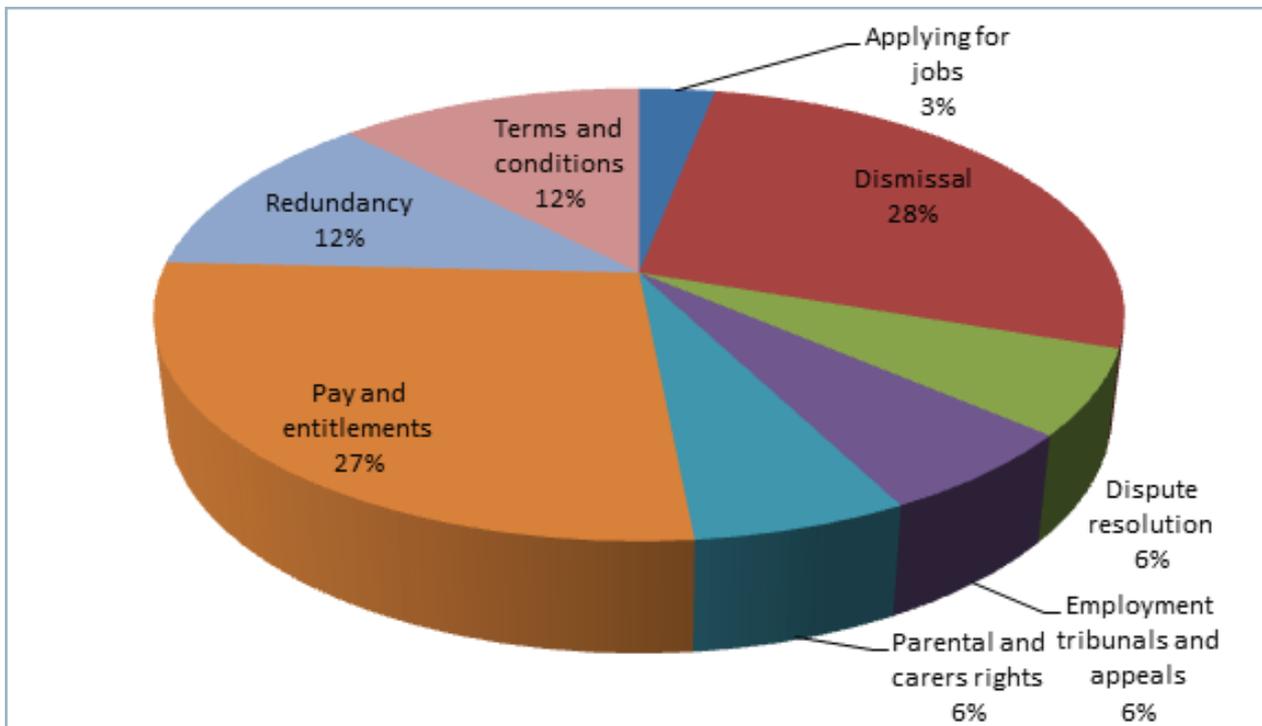


Figure 2: Young people's employment issues, 2011/12

When looking at the case records of eight of the young people more closely, three were dismissed after only a matter of days. A further three were dismissed after having worked for their employer for up to a year. Recent changes to the Employment Rights Act of 1996 lengthening the period of time an employee must work before they can qualify for unfair dismissal makes it increasingly difficult for employees who have only worked a short period of time to issue a formal complaint regarding poor working practices.

With no right to claim unfair dismissal, employers have greater leverage to dismiss an employee with less experience than other longer serving employees. Consequentially, young people are often singled out by employers as an easy category to lay-off. Law firm Lewis Silkin published a report investigating age discrimination and the effect of raising the unfair dismissal qualifying period concluding that although affecting all age groups to some degree, young people would be disproportionately so. Previously nearly half of all under 20s qualified for unfair dismissal rights, but Lewis Silken predicted this would reduce to just one in five. The law firm's data obtained from ONS clearly shows that young people will suffer the greatest from this legislative change.⁷

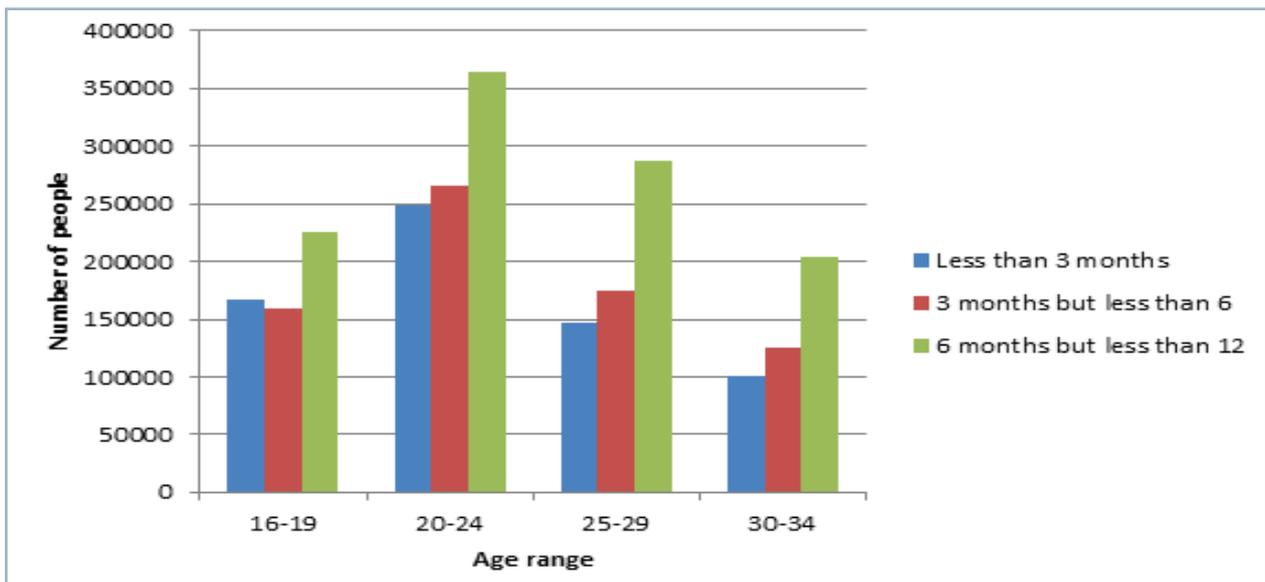


Figure 3: Average length of service by age

In Scotland, young people have been disproportionately affected by redundancies and dismissals, especially since the economic recession. In the first half of the recession, there was an increase in youth unemployment, taking it to over twice the rate experienced by adults aged 25-49.⁸ This increase is locally evident in Perth and Kinross with the numbers of young people aged 18-24 on Job Seekers Allowance rising from 280 in March 2008, to 625 in May 2012, a rise of 123%.⁹

Despite the relatively low numbers of young people who contact the bureau, evidence shows that young people as a demographic are more likely to seek advice on a dismissal issue than older clients. This may be because young people are more vulnerable to dismissal, and because they are often unsure about the rules surrounding dismissal due to a lack of knowledge of their employment rights.

- ▶ **A young client was awaiting a written contract after a verbal agreement with his employer. The client was dismissed after only 5 days work, for which he was not paid, despite his hourly rate having been agreed at £6.20.**
- ▶ **A client was dismissed after only one day's work, with no pay, and feels that he was owed £52 in wages. There was a verbal agreement between the employer and employee, but no written contract had been drafted.**
- ▶ **A young client worked for ten days before being sacked. He was unaware that he did not qualify for pay in lieu of notice and was therefore not entitled to any pay. The client was confused and upset, as he is not fully aware of his rights or what he is entitled to.**

Informal contracts

A recurring theme of Perth CAB's case studies is that the young clients have no formal contract with their employers. Many had verbal agreements with their employer, but did not have a written contract. The majority of these young people were dismissed after a very short working period, and a verbal agreement was the only binding notion between the employee and employer. This suggests that these young people were dismissed before they were fully aware of the terms and conditions of employment present in a written contract.

Although verbal contracts are legally binding, they make it significantly more difficult for employees to prove the agreement if they choose to formally dispute dismissal. A verbal contract can therefore be used as a means of limiting the ammunition used by the employee to raise grievances against the employer, weakening the support of grievance claims, restricting workers' rights and fuelling unfair treatment in the workplace.

Informal contracts can also leave young employees vulnerable to disagreements over pay. Problems with pay entitlement affected half of the young people whose cases formed the qualitative basis for the report. Those affected were often paid less than the amount stated at time of employment. Evidence shows that employers are capitalising on young people not being aware of entitlement pay in lieu of notice, and should receive payment for any holiday entitlement outstanding.

- ▶ **A 20 year old client was offered a job at £5.93 per hour. He signed a contract but was not given a copy. He was paid in cash but did not receive wage slips. When he left he was not given a P45. Since leaving he has worked out that he was paid the National Minimum Wage of £4.92 per hour, despite his contract stating higher.**
- ▶ **A young Polish client is owed two weeks wages (£350) and holiday pay. The client had been employed for at the hotel for 5 months and did not take any time off during that time. The client did not sign a contract and her employers have said that as she was on an "extended trial period", she would receive £235 instead of £585. The client said that many are in the same situation; some have worked for two years without receiving a contract.**

Unawareness of employment rights

The over arching reason for the majority of these young peoples' issues, is an unawareness of their statutory employment rights. Uncertainty over reasons for dismissal, not fully understanding their contract, or in some cases never seeing their contract, and not knowing about pay entitlements all lead to young people missing out on earnings and experience. It is evident from the young people studied here that they have suffered from a lack of communication between them and their employer regarding their employment rights and the employer's responsibilities. The potential inexperience and naivety in young employees can therefore lead to greater vulnerability to poor working practices.

Evidence from Perth CAB shows how some employers take advantage of this lack of knowledge. Young people report of employers who neglect to fully inform them of their rights and who abuse the system by withholding pay, enforcing overtime and unfair dismissal.

- ▶ **A 20 year old client has been employed as an engineer for 4 months after his previous employer went into receivership. He is in the final year of his apprenticeship but his new employers have not given him a contract, nor recognised his indenture. He has not received his wages for last month, and no pay slips for two months. He has just come home from work after being on a job away from home from 8am and returning home at 3am in the morning. The client has been working all over Scotland but only being paid when he reaches the location, and not from Perth. He plans to hand in his notice and wants to know more about his rights and help getting back his unpaid wages and overtime.**

Case studies from Perth CAB, although compelling in what they show, do not represent a large proportion of the youth community in Perth and Kinross who are either unaware of where to get advice, or are too intimidated to ask for help. More generally, government research has shown that "only half of those who experience a problem at work seek advice, and only two in five of these take action".¹⁰ From the clients analysed in this particular study, almost all were either confused by, or unaware of their employment rights. This may be the result of inexperience, or could be due to a deliberate withholding of information and lack of clarity on the part of the employer.

Perth CAB's campaign

The initial evidence presented in the briefing paper *Knowing your Rights: Employment issues facing young people* showed that based on case studies and statistics, problems in the workplace are a significant issue for young people in the Perth and Kinross area. It was clear that there were a great number of young people out there who were either not aware of the help on offer, or were perhaps too intimidated to approach an organisation such as a citizens advice bureau. As a result, there may be a plethora of potential claimants whose experiences the research could greatly benefit from, and so Perth CAB launched a campaign in order to further investigate the experiences of young people in the workplace.

The aim of the campaign was two-fold: to gather more evidence from local young people on the issues they have experienced in the workplace, and to find out how much they feel they know about employment rights. The campaign also sought to raise the profile of Perth CAB locally, and highlight young peoples' knowledge of their rights as an important issue that needs addressing.

In order to gather more evidence on this issue, a survey was promoted in the bureau, by other local organisations, and by local media asking young people for their views on employment issues.

In order to raise the profile of the bureau and highlight in-work problems and unemployment as two major issues for young people, Perth CAB embarked on a local publicity campaign involving local politicians, councillors, and local media.



Pictured: Social Policy Volunteer Sarah Mitchell (left), MSP John Park (centre), Bureau manager Sandy Watts (right)

Launch event

Perth CAB held a launch event for the campaign attended by local organisations, Perth and Kinross Council, Citizens Advice Scotland and Skills Development Scotland and bureau members, all willing to offer their support for the campaign. MSP for Mid Scotland & Fife John Park and MSP for Perth & North Perthshire Pete Wishart also attended the event, with the survey being officially launched by John Park.



Pictured: MSP John Park (centre left), Bureau manager Sandy Watts (centre right), Social policy volunteer Sarah Mitchell (right), MP Pete Wishart (far right)

In his introduction, John highlighted the importance of the work undertaken by Perth CAB:

- ▶ **As a former trade union activist, I am delighted to support the campaign. It is worrying that some of the commonest issues being raised with Perth CAB are about unfair dismissal and pay. I am concerned that in the current job market, young people are being exposed to exploitation or unfair employment practices. That is why I would encourage anyone experiencing problems in the workplace to seek advice from their local bureau or trade union. We know that many businesses are responsible employers and work well with their staff and I hope that they will also welcome this campaign to stamp out unscrupulous practices which can impact so negatively on young people's experience of the jobs market.**

The event prompted John to lodge a parliamentary motion welcoming the campaign and Sarah's plight to raise awareness among young people of their employment rights.

Survey results

The aim of the survey was to find out from young people how much they knew about their employment rights, the issues they had come up against in the workplace, and if they knew where to get advice from when needed. The survey ran for one month and was promoted in local media, using social media, and we also attended Freshers' Week asking young people for their experiences and views. 151 responses were received and the main findings are summarised below.

Employment status and sectors

We asked respondents to list all sectors they have worked in and unsurprisingly, accommodation and food services and retail came out on top with 56 and 63 respectively.

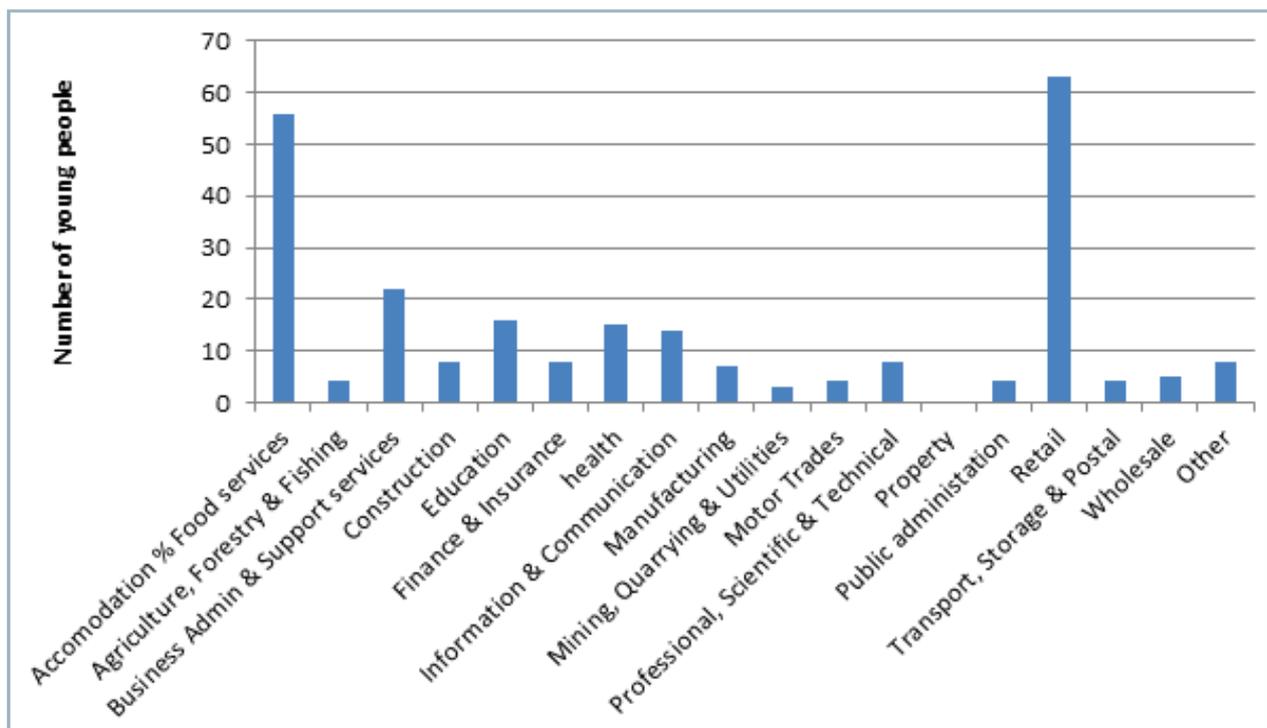


Figure 4: Distribution of employment sectors

When asked about employment status, the majority of young respondents stated they were working part time and/or studying which is characteristic of hotel, restaurant, bar, and shop work. So we can assume that the majority of respondents have part time, temporary employment in these sectors.

Unfair treatment in the workplace

Respondents were asked if they had ever felt unfairly treated in the work place. 26% said that they had and many of the reason given for this concerned their age. Respondents felt they were treated differently from older employers and asked to do tasks that others did not want to do. Young respondents felt they were picked on and blamed for things that went wrong.

A common reason given for feeling unfairly treated on account of their age centred around pay. The National Minimum Wage is dependent on age, and respondents felt that being paid less for the same job was unfair. Respondents also felt that there is an expectation for young employees to work harder than the older employees despite being paid less:

- ▶ **At 16/17 I was paid over £1 an hour less than the older employees in a large supermarket chain whilst doing the same job. However I was expected to work harder than the older, full time employees. This was contractual, but it was unfair due to the expectation to work harder.**

Access to advice

In order to find out if young people knew about the advice available to them, we asked if they had heard of the Citizens Advice Bureau, and if so, if they would be likely to seek advice there.

When asked if they had heard of the Citizens Advice Bureau, 74% said that they had. Those that had heard of the CAB were asked if they were likely to ask for advice there and 60% said they would go the CAB for advice. The reason the majority gave for this positive answer was because they had been to the CAB for advice before. Respondents commented on the friendly, trustworthy, helpful, and excellent service they had received. Young clients of Perth CAB appreciated the free, local, and accurate advice they were given.

40% of those who had heard of the CAB said they would not go there for advice. Reasons for this answer included not understanding what the bureau does, being nervous about seeking advice and 'scared of the consequences'. Others said they would not use the service as they preferred other sources of advice such as online advice. A few gave family support, or knowledge from further education such as legal training as their reason for not needing the CAB service.

What this suggests is that for those without support networks, more needs to be done to highlight the work of the CAB. The survey results show that young people may be aware of the bureau, but do not know about the Citizens Advice Services's guiding principles of free, confidential, and impartial advice.

- ▶ **I would prefer free advice rather than paid advice.**
- ▶ **I'm not sure what to expect when approaching the CAB so would be too nervous to seek advice.**
- ▶ **I'm too shy and scared of the consequences.**

This shows that more should be done to inform young people about the support available to them, and to explain the Citizens Advice Service so that they do not feel intimidated about seeking advice, or are worried about the consequences.

Do you feel you are fully aware of your employment rights

When asked if they thought they were fully aware of their employment rights, 52% said that they did not. When asked for the reason for their answer, many said that they were not fully aware of their employment rights as they had never had them fully explained, and did not know where to get information about employment rights. Some said that employment rights were not an issue they had ever thought about, and did not feel it was an issue that was widely publicised.

Many said that their uncertainty was due to inexperience of the workplace, having just started employment, and 'being new'. The link between unawareness and unfair treatment is made by one respondent:

- ▶ **I am now, but was not aware a few years ago, and felt I was unfairly treated.**

There is also a telling distinction between part and full time work: young people do not expect to be informed about their rights in part time employment.

- ▶ **As I have always had part time jobs like most young people, I have never had anyone fully explain those [employment rights] to me.**
- ▶ **As I have never had a proper secure job, I don't know much about employment rights.**

Uncertainty regarding temporary and permanent employment and how employment rights differ is apparent as one young law student states:

- ▶ **I am a law student and touch on employment law occasionally yet I still do not seem to know what my rights are. For a student, you should probably have a vague idea of what minimum wage is for your age/experience, but I do not think this is publicised enough. For temporary work it is completely unclear what benefits or wage you are supposed to receive, never mind how much tax you are supposed to pay. I worked in two separate places full time and paid and for one I was taxed £500 and the other I was not taxed at all. Overall I would say my employment rights are not clear for young people and they should be made known.**

Interestingly, those that said they were aware of their rights did so because they had researched them themselves. Reasons given were reading their employment contract, and finding information online. Not one mentioned being taught about their employment rights at school or being advised by their employer.

Employment rights 'quiz'

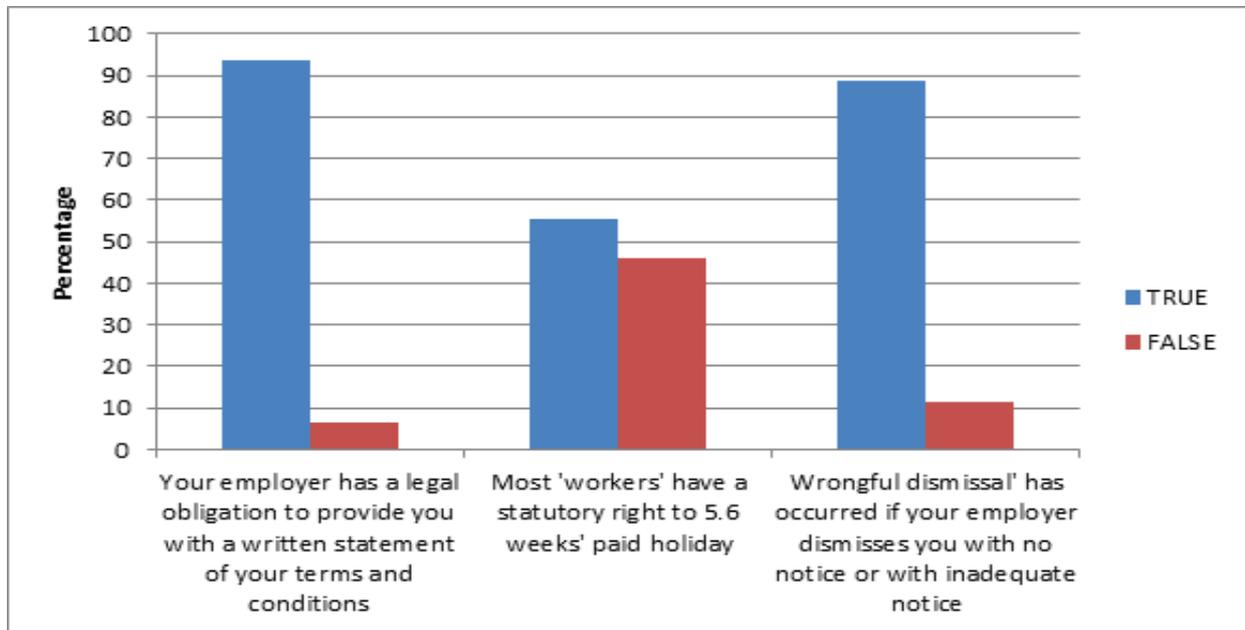


Figure 5: Employment rights - multiple choice quiz

Respondents were asked to answer three questions about their employment rights. The majority of young people knew that they should receive a written statement of their terms and conditions. However, looking at the survey results and details given for unfair employment practices, many were contractual issues such as working too many hours or not being given the number of hours stated in their contract:

- ▶ **I have done a lot of unpaid hours at my most recent job. I worked for 4 months and never received a contract (I asked informally for one and they said they didn't have one to give me).**
- ▶ **Have to work extra hours with no pay but too scared to fight it in case I lose my job.**

The fear felt by young people perhaps explains why contractual issues are common despite young people knowing their employer is in the wrong. As one young apprentice states:

- ▶ **I know employer should not be doing this but scared to do anything about it because I won't get apprenticeship anywhere else very hard to come by.**



The question concerning holiday pay was the one most respondents were unsure of. This highlights how confusion over employment status can have an impact on young people being treated fairly in the workplace. Holiday pay is an issue that has been highlighted through evidence from Perth CAB, it is clear that this is an area where young people would benefit from knowing more.

The final question asked was about wrongful dismissal. A high percentage of respondents knew what constituted wrongful dismissal, but again this knowledge does not appear to stop issues with dismissal happening. This again may suggest that whilst they know some employers' practices are wrong, they do not have the knowledge or confidence to assert themselves when faced with unfair employment practices. One young respondent states:

- ▶ **I feel that given my age being 20, it is hard to be listened to at times but I think this is a general thing that happens when you are young. It is difficult to get your point across.**

Do you think there is more that can be done to inform young people of their rights?

88% of respondents said that they thought more needed to be done to inform young people of their employment rights making it an important issue for young people in Perth and Kinross. When asked to give a reason for their answer, 39% said that there is a general lack of knowledge amongst young people on their rights.

Answers included it being a subject which is not addressed, that young people do not know about their rights until they are employed, that more should be done to prepare young people for work, and that young people are not aware of the support and information available. Respondents offering suggestions as to how this can be addressed, gave solutions such as more advertising but using methods accessible to young people such as Facebook and Twitter.

From the answers given, it is evident that young people feel the responsibility of educating them in employment rights and the preparing them for the workplace lies with school, colleges and university. 31% of those who expanded on this issue said that employment rights were only touched on briefly or not mentioned at all at school, and that they feel this was not adequate preparation.

- ▶ **I think that it would be useful to cover some of the main rights in social education at school. That was fairly lacking at our school because the main focus was on getting into uni. It's an ideal time to start talking about these rights because most people are starting part time or summer jobs.**
- ▶ **Should be taught more at school to give young people a better chance of understanding the "world of work" before they go out to seek employment.**
- ▶ **More preparation for employment in general is needed in schools, including employment rights, especially for those who go straight from secondary school into employment.**

Many thought that organisations such as Citizens Advice Bureau could play a role in educating young people along with the schools.

- ▶ **Perhaps sessions run by CAB or another body in schools around S4 where people are either leaving for full time employment or continuing education but perhaps needing a part time job would be useful.**
- ▶ **There needs to be more access of information available to young workers as not everyone would have heard of CAB and I feel that information events should be held to help get young people aware of what services are available to them. I think that in Schools it would be a good idea to put up fliers regarding the CAB and that higher education pupils those seeking work or working part time should have leaflets perhaps or have someone come into the schools and talk with this group of pupils to make sure that when they leave school to gain employment they are aware of where to go if they have trouble when they are at work.**

11% of those who thought more should be done to inform young people of their rights in the workplace felt that the onus was on employers, and that young workers should be told about their rights when starting. Respondents said that often employers were not clear about the employee's rights and responsibilities, that written contracts should be explained verbally to cement understanding, and that employers should not assume that their young workers will know about their employment rights.

Conclusion

Many recent publications have pointed to the future implications of high youth unemployment: young people, especially those with poor qualifications, are more likely to be trapped in insecure, poorly paid employment.¹¹ Young people who are unable to find employment can suffer from confidence issues making it harder to find and sustain employment and locking them in a vicious circle. Lack of confidence can develop into more severe mental health issues such as depression, alcoholism and substance abuse issues.

Young people often view themselves as “inbetweeners”, as they feel that they are over qualified for half of the jobs advertised, and under qualified for the other half.¹² As a result, it is very difficult for many young people to find a job, and when they do, their lack of experience makes them an easy target for redundancy, dismissal, pay cuts, and cuts in working hours.

It is clear that youth unemployment is a major issue in Scotland and that it has a detrimental effect on young people. Evidence from Perth CAB shows that employment issues are the second highest issue young people seek advice on, suggesting that young people who find work can face a range of problems.

Perth CAB’s research to find out more about the issues young people face in the workplace has added weight to the argument that more needs to be done to prepare young people before entering employment. The high level of response shows that employment is a big issue for young people in Perth and Kinross. The overarching issue for young people is an unawareness of their rights in the workplace. Evidence shows a direct link between inexperience in the workplace and feeling unfairly treated by employers. Young respondents admit to not being fully aware of their employment rights, but feel that the importance of knowing about their rights has not been explained to them, and that they would not know where to access information on this topic if the need arose.

The survey results show that whilst some were aware of their employment rights, their lack of experience in dealing with unfair employers can lead to unfair treatment continuing. It seems that young people are more likely to put up with being badly treated and discriminated against and often feel that they have no choice but to put up with it. They are scared of the consequences, and do not know how to contest bad working practices. Another factor in accepting unfair practices is that young respondents know how hard it is to gain employment in the current economic situation, and will therefore put up with employers taking advantage.

The survey also looked into young people’s knowledge and view of advice organisations particularly Perth Citizens Advice Bureau. Whilst most were aware of the bureau, there was confusion surrounding what the service was. It is important that young people realise that citizens advice bureaux across the country are free,

confidential, and impartial organisations that give advice on a range of issues to ensure that people do not suffer through a lack of knowledge of their rights.

When asked if more needed to be done to inform young people of their rights, the vast majority said yes, believing that more information and guidance about employment rights should be provided in schools to prepare young people for entering the workplace.

The results show that young people want to be taught about their rights as they understand how important this information is. They want more focus to be given on preparation for the workplace. Suggestions on how to do this were that schools, colleges, and universities should adopt an active approach to educating them on these rights, rather than assume young people will know where to look for advice when required. Whilst many have the capability and support to do this, many do not.

Recommendations

We are urging local decision makers to work towards ensuring that young people are informed of their rights before entering the workplace, as we strongly believe prevention is better than cure.

Perth CAB believe that a positive and informed start in working life will give young people the confidence to be able to assert themselves in the workplace if ever faced with unfair treatment. We know that many businesses in Perth and Kinross are responsible employers who treat their employees well and fairly, and we hope that the private, public, and third sector organisations in Perth and Kinross can work together to stop unfair practices which can impact so negatively on young people's experience of the jobs market.

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Perth CAB is a member of The Scottish Association of Citizens Advice Bureaux: Scotland's largest independent advice network. CAB advice services are delivered using service points throughout Scotland, from the islands to city centres.

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The CAB Service is independent and provides free, confidential and impartial advice to everybody regardless of age, disability, gender, race, religion and belief and sexual orientation.

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