

## **A FORMAÇÃO PROFISSIONAL DAS JUVENTUDES BRASILEIRAS: AVANÇOS E PERSPECTIVAS NAS INTERLOCUÇÕES ENTRE EDUCAÇÃO E TRABALHO**

### **FORMACIÓN PROFESIONAL DE LA JUVENTUD BRASILEÑA: AVANCES Y PERSPECTIVAS EN LAS INTERLOCIONES ENTRE LA EDUCACIÓN Y EL TRABAJO**

### **VOCATIONAL TRAINING OF BRAZILIAN YOUTH: ADVANCES AND PROSPECTS IN THE INTERLOCUTIONS BETWEEN EDUCATION AND WORK**

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**RESUMO:** O presente texto tem como objetivo discutir a formação profissional de jovens no Brasil, em especial jovens aprendizes, conforme o preconizado pela lei nº 10.097/2000. A metodologia utilizada foi a de revisão bibliográfica e documental, com autores no campo da sociologia, da economia e da educação. Partindo de uma leitura histórica, buscou-se analisar a evolução das políticas de trabalho voltadas a este público e as ações educacionais a elas relacionadas. Este estudo resultou na percepção de que a visão assistencialista vai, ao longo da história, dando espaço a uma noção de proteção integral, com atenção especial dada ao Estatuto da Criança e do Adolescente e mais recentemente ao Estatuto da Juventude. A ação educacional voltada aos jovens tem buscado atualmente o desenvolvimento de competências não somente profissionais, mas também humanas, que compreendem os jovens como cidadãos, pertencentes e atuantes na sociedade.

**PALAVRAS-CHAVE:** Juventudes. Formação profissional. Trabalho. Educação profissional. Inclusão Social.

**RESUMEN:** Este texto tiene como objetivo analizar la formación profesional de los jóvenes en Brasil, especialmente los jóvenes aprendices, según lo recomendado por la ley 10.097 / 2000. La metodología utilizada fue la de revisión bibliográfica y documental, con autores en el campo de la sociología, la economía y la educación. A partir de una lectura histórica, buscamos analizar la evolución de las políticas de trabajo dirigidas a este público y las acciones educativas relacionadas con ellas. La visión del bienestar pasa por la historia dando paso a una noción de protección integral, con especial atención al Estatuto del Niño y el Adolescente y más recientemente al Estatuto de la Juventud. La acción educativa dirigida a los jóvenes busca actualmente el desarrollo de habilidades no solo profesionales, sino también humanas, que entiendan a los jóvenes como ciudadanos, pertenecientes y activos en la sociedad.

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**PALABRAS CLAVE:** *Jóvenes. Formación profesional. Trabajo. Educación profesional. Inclusión social.*

**ABSTRACT:** *This text aims to discuss the professional formation of young people in Brazil, especially young apprentices, as recommended by law 10.097/2000. The methodology used was that of bibliographic and documentary revision, with authors in the field of sociology, economics and education. From a historical reading, we sought to analyze the evolution of work policies aimed at this audience and the educational actions related to them. The welfare view goes through history giving way to a notion of integral protection, with special attention given to the Child and Adolescent Statute and more recently to the Youth Statute. The educational action aimed at young people is currently seeking the development of skills not only professional, but also human, which understand young people as citizens, belonging and active in society.*

**KEYWORDS:** *Youths. Professional qualification. Work. Professional education. Social inclusion.*

## **Introduction**

Formation towards work is a constant issue when it comes to youth education in Brazil. Including Brazilian youth in the formal labor market, especially the socially vulnerable, seems to be a challenge present in government agendas in recent decades. This inclusion aims to reduce the ills of social inequalities that exist in our country, allowing access to work and education for new generations.

The purpose of this text is to discuss the aspects involved in the professional formation of young workers in Brazil, having as a backdrop the educational policies and actions for this public over the decades. The methodology used was the bibliographic review, in which it was sought to understand, through a historical analysis of policies and laws, the advances found in this area, which aimed, more and more, to guarantee an integral professional formation, covering the social, economic, educational and psychological dimensions of young people's lives.

We started this discussion by presenting several views on the historical place of youth work in Brazil and the movements in the educational field that accompanied them. In an assistentialist view, young people were seen as a social problem, which should be kept constantly busy, performing mechanical and, at times, rudimentary functions in companies. For young people, work would be the only way to escape criminality and social exclusion. The use of this workforce, in many moments, was seen as a means of reintegration of young deviants,

considered as delinquents. To poor young people who could not study, was left the work. Sometimes precarious and without rights.

Such views were accompanied by conceptions of education, which only considered professional practice focused on praxis, that is, concrete action, to the detriment of understanding the social role of education in the lives of young people. These conceptions prevailed for a long time, even driving many actions by the government and civil society. But this was changing, giving space to the conception of the young worker as a professional in development, who needs to be protected in an integral way, with an education focused on his formation as a citizen, inserted in a society that he is able to understand and to transform.

### **Review of policies on youth work in Brazil**

According to Felícia Picanço (2015), the presence of youth as a workforce is remarkable in the recent history of Brazil. In her analysis, different roles related to the condition of being young have been constructed over the decades, mainly, from a high socioeconomic inequality, often fed by the very condition of being a young worker. This author draws attention in her discussion, to the concept of Decent Work (DW) and to the precariousness in which young people have historically been inserted into the world of work. Without an effective concern as to the modes and mechanisms of this insertion, the younger ones were being taken to subhuman work situations, far from what would be considered decent work.

In Brazil, the work of children, adolescents and young people has always been strongly present. In addition, the pattern of occupational insertion of young people is marked by precariousness. Such precariousness can be understood in two ways: it is both a tendency to be in the worst occupations in the labor market, as well as having the worst pay and unstable labor relations when compared to adults in similar occupations (PICANÇO, 2015, p. 571).<sup>3</sup>

According to Picanço (2015), young people who are more likely to work are those belonging to the poorest families and, sometimes, less educated. Even though more educated and less socioeconomically vulnerable young people also aim to enter the labor market, it is relevant to note that, for them, insertion usually occurs later (around 20 years old) and with greater power of choice as to the type of work to be developed. The poorest young people enter

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<sup>3</sup> No Brasil, o trabalho das crianças, adolescentes e jovens sempre esteve fortemente presente. Além disso, o padrão de inserção ocupacional dos jovens é marcado pela precariedade. Tal precariedade pode ser entendida de duas formas: trata-se tanto da tendência a estar nas piores ocupações no mercado de trabalho, quanto ter a pior remuneração e relações de trabalho instáveis quando comparados aos adultos em ocupações semelhantes (PICANÇO, 2015, p. 571).

work earlier and in worse conditions. In this sense, according to Picanço, “work among young people appears as an element that produces and reproduces inequalities in several aspects” (2015, p. 569).

According to Laís Abramo (2013, p. 41), “Brazilian youth is a working youth”. Presenting 2009 PNAD/IBGE data, she points out that more than 34 million adolescents or young people in the country worked or were even looking for formal or informal job opportunities. For this author, there is a growing effort on the part of young people to combine work and study, and the democratization of access to school and the presence of young people in high school has not eliminated experiences in the field of work.

Young people are still prone to early entry into work, however, those who belong to families with higher incomes are still those who have the best rates in obtaining better quality jobs. This aspect ends up fostering inequality, as young people from more impoverished families are left with the worst jobs, which require less qualification and, consequently, pay less. In this way, “raising schooling and improving its quality is a central aspect for building a decent work trajectory” (ABRAMO, 2013, p. 41) for Brazilian youth.

According to Silvio Bock (2010), youth work is aimed at the children of the poorest classes, with no space in the field of educational policies and the training of labor in Brazil for discussions, for example, on topics such as professional choice. We should also add that the concern, for a long time, was to offer job vacancies, without pointing to other issues related to the lives of young workers. The poor young person must work, with work as a central element in their lives, while other issues and themes such as arts, sports and leisure, appear as peripheral. Therefore, they are neglected by public policies and government agendas for youth.

The impoverished people of the Brazilian nation were left with the fate of precocious work, and when a professional qualification was considered, learning skills to perform a trade always appeared as a second-line alternative (BOCK, 2010, p. 19).<sup>4</sup>

It is possible to observe that youths, belonging to the most financially wealthy classes in Brazilian society, prolong their academic life and increasingly delay their entry into the formal labor market, with a view to their better qualification. Poor youths, on the other hand, are almost forced, at an early stage, to seek jobs, often informal and precarious, in order to guarantee basic items for their survival. For Bock (2010), while the children of the wealthy

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<sup>4</sup> Às pessoas empobrecidas da nação brasileira restava o destino do trabalho precoce, e quando uma qualificação profissional era cogitada, sempre aparecia como alternativa de segunda linha o aprendizado de habilidades para o desempenho de um ofício (BOCK, 2010, p. 19).

classes will occupy the best jobs in the future, possibly better paid, there will be, for the poorest young people, underemployment. According to this author, we have not been concerned, as a society, with educational and human formation, constituting real proposals that take into account different contexts of life of the youths of this country.

Dayrell (2007) highlights how the world of work appears in an expressive, symbolic and affective way, in the way that many youths experience their youthful condition. Work, like school, makes it possible for young people to experience their youth, and also to integrate with a social group.

It should be noted that the designation of working youths, used in this work, integrates young people who work with a specific social group, but which does not eliminate or overlap, with the other groups that are also part of it. The author points out that the changes that have occurred in the world and in work relations, combined with the different ways of insertion and posture of young people, are building youths in a dynamic and continuous process.

[...] it is necessary to situate the mutations that have been occurring in the world of work that, in Brazil, has been changing the forms of insertion of young people in the market, with an expansion of open unemployment rates, with the displacement and the generation of jobs with precarious work conditions, which mainly affect young people from popular classes, delimiting the universe of experiences and their field of possibilities (DAYRELL, 2007, p. 1108).<sup>5</sup>

Based on the review of several studies in the youth field, Picanço (2015) highlights that there are many factors that lead young people to work. For example, not only the fact that it can contribute to family income, but also the achievement of a certain autonomy. It is possible to emphasize that the association between poverty and the entry of young people into the labor market has more complex cultural features, as this entry is configured, in the social understanding, as an almost compulsory reality in the lives of poor young people. “For many adolescents and young people, working is part of the definition and life expectancy, whether due to the autonomy process (“having my own money”) or, as is recurrent in the statements, “to help at home” (PICANÇO, 2015, p. 571). Poor young people are expected to enter work earlier.

Considering the different circumstances and reasons that lead young people to choose work, even if this option is not often brought to consciousness, as a real possibility of choice,

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<sup>5</sup> [...] é necessário situar as mutações que vêm ocorrendo no mundo do trabalho que, no Brasil, vem alterando as formas de inserção dos jovens no mercado, com uma expansão das taxas de desemprego aberto, com o desassalariamento e a geração de postos de trabalho precários, que atingem, principalmente, os jovens de camadas populares, delimitando o universo de experiências e seu campo de possibilidades (DAYRELL, 2007, p. 1108).

we always observe the existence of very different individual and family conditions and conditions, it is not possible to make single generalizations about these. But, above all, what is evident in the field of youth work, when not properly protected by effective public policies, is its potential to reproduce socio-cultural patterns that keep young people vulnerable.

Helena Abramo (2005) draws attention to the differences between youth work in different regions of the country. There is not a single reality of conditions, however, both in large urban centers and in rural areas, we observe situations of precariousness. As each context presents itself, some young people are subjected to work from childhood, without formal registration and in situations still analogous to slave labor. Without remuneration, work is exchanged for food, without guaranteeing the continuity of studies, as well as their rights.

Abramo (1997) highlights the fact that the vast majority of government actions, aimed at young people, have as a background the discourse of resocialization. Most of these actions are aimed at young people at a social disadvantage or at risk (for society and for themselves), as it has been called, even those involved in drug trafficking, acts of violence or those subjected to sexual exploitation. and the street situation.

It can be said that most of these programs are centered on seeking to tackle the social problems that affect youth, (whose cause or fault lies in the family, society or the young person, depending on the case and interpretation), but, basically, taking young people themselves as problems on which it is necessary to intervene, to save them and reintegrate them into the social order (ABRAMO, 1997, p. 26).<sup>6</sup>

Professional capacitation programs and referrals to the job market were also devices used in the process of re-socializing youth, especially with regard to youths in situations of vulnerability. In addition to their good intentions, in most of these programs, what is sought “is a containment of the real or potential risk of these boys, by their removal from the streets or by the occupation of their idle hands” (ABRAMO, 1997, p. 26) .

Young people, when not assisted and properly occupied, are in themselves, according to this thought, a potential risk to good social order. In this way, occupying, even their minds, becomes necessary. We believe that, in many cases, the work and vocational formation precocious offered to young people, lead this. For Abramo (1997), governmental initiatives, through the creation of laws and proposals, that encourage youth work, are shown in essence, as a reproduction factor of dimensions of social inequality. Since young people, still in

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<sup>6</sup> Pode-se dizer que a maior parte desses programas está centrado na busca de enfrentamento dos problemas sociais que afetam a juventude, (cuja causa ou culpa se localiza na família, na sociedade ou no próprio jovem, dependendo do caso e da interpretação), mas, no fundo, tomando os jovens eles próprios como problemas sobre os quais é necessário intervir, para salvá-los e reintegrá-los à ordem social (ABRAMO, 1997, p. 26).

formation, are compelled to divide their daily routine between work, school and still often, domestic obligations, we then observe the maintenance of a cycle of social exclusion.

The work, often precarious, does not offer conditions for development, the school proves to be unattractive and disconnected from the real world, generating more vulnerability and with no prospect of improvement for the future. However, in view of this situation, it is necessary to create better working conditions for young people, with attention to their insertion in companies. As Picanço (2015) points out, even though it is an ambiguous condition of inclusion and exclusion, youth work also reveals itself as a factor of social transformation.

### **An overview of youth professional education policies**

In a historical reading, we can take as a starting point, in this study on the professional education of young Brazilians, the Consolidation of Labor Laws (CLT, Portuguese initials) promulgated through Law no. 5,542/43 (BRASIL, 1943). The fourth chapter of the CLT (art. 402 to 441) deals with the protection of the work of minors, where it is possible to find guidelines on the hiring of young people, summarizing the legislation, which had hitherto existed.

The enactment of the CLT, as a law that guaranteed the conquests of the rights of workers in general, and of young people in particular, had as one of its objectives to modify the framework of the terrible working conditions encountered by young people. Until then, the working hours were long in the factories, the dangerous and unhealthy jobs or those that threatened physical and moral integrity, common. In addition to the very early start, as occurred in rural areas, as pointed out by Picanço (2015). This discussion also shed light on the low level of education of young Brazilian workers, the abandonment of formal education and the lack of concern, by employers and government policies, with the professional and educational formation of this workforce.

The hovering idea, consistent with the nation project outlined at the time, was the need to form qualified labor and guarantee this qualification, even if, still, in the field of technical apprenticeship, to future generations in favor of growth from the country. According to Ricardo Fonseca (2015, p. 86), the “origin of the apprenticeship contract goes back to the 1937 Constitution, when the *Estado Novo*, personified in Getúlio Vargas, aimed to start industrialization in Brazil”.

With the CLT, in 1943, the employment contract for adolescents aged 12 to 18 years was regulated, safeguarding the recent rights acquired by other workers. The creation of the

National Learning Services, in 1946, also guaranteed these young workers the advent of a professional qualification, offered to all in qualified professional formative institutions.

For Fonseca (2015), great merit is due to this process that took place in the country, with the guarantee of work for young people in the CLT and the concern with their professional formation, made possible by the tripod company-service-apprentice/family. However, the country's rapid industrialization has in many cases turned into a process of increasing social inequalities and injustices, to which young workers have continued to be exposed.

The Getulist model, however, became insufficient, since the plural and urban society, massive and globalized in the 21st century, started to demand new guidelines, surpassed that were the processes of the industrial society, which were converted by the demand of the so-called “post-industrial society” or “knowledge society” (FONSECA, 2015, p. 86).<sup>7</sup>

The original text of the CLT (1943) was changed and adapted at different times, according to the historical advances or setbacks of Brazilian society itself. In the social field, discussions about youth were gaining ground, with special attention to the themes of work and education. The guarantee of access to more qualified jobs, as well as access and permanence in formal education were constant guidelines.

Law no. 229/67 (BRASIL, 1967), in the midst of the military regime, proposed several changes in the CLT, including in the field of child labor. In this text, we can also observe the work authorization from the age of 12, as long as their attendance at school is guaranteed, ensuring their formation, at least, at the primary level. The functions to be performed by young people at work should be of a light level and not be harmful to their health and normal development (BRASIL, 1967). We draw attention to the question of normality cited by the text of the law. When defining certain standards for the development of young workers, as being normal, the law considers (or disregards) other development possibilities that may be presented to youths as out of normal. So, there are limits to this discussion.

In 1987, Law no. 94,338/87 (BRASIL, 1987), instituted the Good Boy Program (*Programa Bom Menino*), which revolved around the initiation of work for the assisted minor. This decree regulated art. 4 of Law no. 2,318/86 and according to Picanço (2015), made it possible for employers to start not paying the labor charges related to young workers. According to the author (2015, p. 573), the general rules pointed out by the program were that the subjects:

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<sup>7</sup> O modelo Getulista, porém, tornou-se insuficiente, visto que a sociedade plural e urbana, massiva e globalizada do século XXI, passou a exigir novas diretrizes, superados que foram os processos da sociedade industrial, que se converteram pela demanda da chamada “sociedade pós-industrial” ou “sociedade do conhecimento” (FONSECA, 2015, p. 86).

“a) attend school; b) were minors assisted in an irregular situation; and, c) for work on a 4-hour daily journey without any social security connection”.

Companies should admit at least 5% of young people, according to the proportion of employees. Young people should be paid a scholarship (work initiation scholarship), with a recommendation not to be less than 50% of the current minimum wage. It could be noted in the work card, without being considered an employment relationship.

These movements, according to Picanço (2015), went in the opposite direction of the international experiences that were already configured at the time. While Brazil continued to encourage the hiring of young people, even with exemptions from companies, other countries pointed to greater investment in the schooling process for young people and, consequently, in an extension of work inactivity. In these countries, the pressure exerted to start early professional life is left aside, leaving young people to study, volunteer work, summer work (on vacation) or part-time jobs, that do not harm their school life.

For authors like Picanço (2015) and Márcio Pochmann (2000), there is no concern in Brazil until the end of the 1980s of the 20th century with the eradication of child and youth work. The workforce of children, adolescents and young people has shown itself to fluctuate throughout history, sometimes being more evident in numbers, with large contingents, and sometimes more invisible, without great importance. There were, therefore, no effective public policies and no more precise regulation of work for this public. On the contrary, there was, socially, an incentive to hire young people, mainly from the poorest strata, both in urban and rural areas.

Pochmann (2000) also points out that, among many employers in the country, there was always the idea that young people are less prepared professionals for jobs and therefore less productive as well, generating resistance to these hires. This author highlights that qualification can be a determinant for the potential entry of younger populations into the world of work. However, there are other social and economic factors present in this process, and young people are always the most affected by the oscillations in the labor market and in the political changes in the country, due to their lack of professional experience and because they are at the beginning of their careers.

With the process of redemocratization of the country during the 1980s, which culminates with the promulgation of the Federal Constitution of 1988 (BRASIL, 1988), we see new meanings emerging in the care of children, adolescents and youth. The constitution, considered the most citizen in history, alters the minimum age for entering the labor market, in

addition to guaranteeing young people (as with all individuals), rights never before obtained in the country's history.

With regard to conditions and age, “night, dangerous or unhealthy work for minors under eighteen and any work for minors under fourteen is prohibited, except as an apprentice” (BRASIL, 1988, art. 7). This text was subsequently changed by the constitutional amendment no. 20 of 1998, which prohibits “night, dangerous or unhealthy work for children under eighteen and any work for children under sixteen, except as an apprentice, from fourteen years” (art. 1).

The prohibition of work for minors under 14 in any situation, being only allowed from that age (young people between 14 and 15 years old) as an apprentice, sheds new light on the field of youth work, demarcating the limits of childhood and the growing concern with monitoring the ways in which young people enter the world of work. Their rights are guaranteed as developing subjects, as students and also as workers, with special attention to factors, social, psychological, economic and individual. Young people of 16 and 17 year olds are allowed to work on other types of contracts. But until they turn 18, they must be assisted by the legal guardian.

In 1990, an important milestone in guaranteeing the rights of children and adolescents was the approval of the Statute for Children and Adolescents (ECA, Portuguese initials). Law no. 8,069/90 (BRASIL, 1990), which assumes the principle of full protection, gives all children and adolescents civil, political, economic, social and cultural rights with priority and special attention. Chapter V of the ECA - From the Right to Professionalization and Protection at Work - reaffirms the prohibition of work for minors under the age of 14 and deals with the forms that work policies for youth in Brazil should be built, focusing on their educational and learning aspects.

In its articles 68 and 69, ECA brings important considerations to the educational field, in the construction of professional formation courses that become essential to young workers.

Art. 68. The social program that is based on educational work, under the responsibility of a governmental or non-governmental non-profit entity, shall ensure that the adolescent participates in capacitation conditions for the exercise of paid regular activity.

§ 1 Educational work means work activity in which the pedagogical requirements relating to the student's personal and social development prevail over the productive aspect.

§ 2 The remuneration that the adolescent receives for the work done or the participation in the sale of the products of his work does not disrupt the educational character.

Art. 69. Adolescents have the right to professionalization and protection at work, observing the following aspects, among others:

I - respect for the peculiar condition of a person in development;

II – professional capacitation appropriate to the job market (BRASIL, ECA, Art. 68/69, 1990).<sup>8</sup>

In this scenario, Fonseca (2015) draws attention to the historical process that took place in Brazil, of a rupture in a minority doctrine, represented by a merely assistentialist vision aimed at needy young people. With the ECA in 1990 and the Apprenticeship Law in 2000, there is a doctrine in favor of the comprehensive protection of adolescent apprentices, which, inspired by international trends, brought significant advances to education to the field of job protection.

When reflecting on the paths taken in the care of youths in our country, we realized that these paths, most of the time supported by interests of the capital, in a few moments were dedicated to the understanding of youths as subjects of their time and holders of a generational identity own. We must be aware that each generation of young people reveals the difficulties and inconsistencies of their time, as well as their advances and progress.

Telling this story, through laws and historical facts, also seems to us to be a way of narrating the trajectories of youths and those who fight for their rights. Since any change is only possible from the constant struggle and clash, held in different spaces.

In this studied scenario, it is important to highlight that, when looking at youth and their manifestations, as a problem that must be neutralized through work and education, the existence and emergence of a creative and transforming potential is prevented, which we identify as characteristic youth.

### **Professional learning: paths to comprehensive protection**

The employment insertion of young people in Brazil has served different economic and political interests, according to the current historical moment. From the 2000s, with the consolidation of ECA and other government policies, the eminence of youth social movements, we see the possibility of building new meanings for this social practice. In addition to guaranteeing youth access to job openings, it is also necessary to ensure their development in a

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<sup>8</sup> Art. 68. O programa social que tenha por base o trabalho educativo, sob responsabilidade de entidade governamental ou não-governamental sem fins lucrativos, deverá assegurar ao adolescente que dele participe condições de capacitação para o exercício de atividade regular remunerada.

§ 1º Entende-se por trabalho educativo a atividade laboral em que as exigências pedagógicas relativas ao desenvolvimento pessoal e social do educando prevalecem sobre o aspecto produtivo.

§ 2º A remuneração que o adolescente recebe pelo trabalho efetuado ou a participação na venda dos produtos de seu trabalho não desfigura o caráter educativo.

Art. 69. O adolescente tem direito à profissionalização e à proteção no trabalho, observados os seguintes aspectos, entre outros:

I - respeito à condição peculiar de pessoa em desenvolvimento;

II - capacitação profissional adequada ao mercado de trabalho (BRASIL, ECA, Art. 68/69, 1990).

full and healthy manner, through professional qualification and fairer forms of work in terms of decent work.

Law no. 10,097 of December 19, 2000 (BRASIL, 2000), known as the Professional Apprenticeship Law, emerged as a proposal to ensure, in an assured manner, the inclusion of young Brazilians in the formal labor market. According to Francisco de Moraes (2012), for a long period, there was a decline in the demand for professional learning in the country, mainly due to the few labor inspection efforts and the little invested in formative policies. The law guarantees young people aged 14 to 24 the possibility of entering the labor market as a young apprentice, providing them with basic professional formation.

Considering the historical impasses that crossed the relationship between youth and work, the law that changes the text of the CLT of 1943, reaffirms the right to professionalization provided for in the Federal Constitution of 1988, in the Statute of the Child and Adolescent (ECA) of 1990 and, more recently, in the Youth Statute, promulgated as law in 2013 (BRASIL, 2013)

Law no. 10,097/00, incorporating the doctrine of comprehensive protection for adolescents, amended the CLT. By preserving the previous model, it proposed its renovation, aiming to improve it and make it compatible with the needs of millions of teenagers who live in the most varied corners (FONSECA, 2015, p. 86).<sup>9</sup>

The Professional Learning Law (BRASIL, 2000) aims to guarantee access to adequate qualification, aiming at continuing the studies of young people who often leave schools in order to work.

Studies show that unemployment and turnover are much higher among young people - not because they don't know what they want or because the market doesn't want them, but because, in the vast majority of times, the entry into the labor market happens in a precarious way, without access to adequate qualifications and with days that discourage the continuity of studies (BRASIL, 2014, p. 9).<sup>10</sup>

In its initial text, Law no. 10,097/00, provided for the hiring of young apprentices up to 18 years of age, according to the age established by ECA. As of 2005, with Law no. 11,180 (BRASIL, 2005), this age is increased with the possibility of hiring young people as apprentices

<sup>9</sup> A Lei nº 10.097/00, incorporando a doutrina da proteção integral dos adolescentes, alterou a CLT. Ao preservar o modelo anterior, propôs a sua renovação, visando, com isso, aperfeiçoá-lo e torná-lo compatível com as necessidades de milhões de adolescentes que vivem nos mais variados rincões (FONSECA, 2015, p. 86).

<sup>10</sup> Estudos demonstram que o desemprego e a rotatividade são muito maiores entre os jovens – não por que eles não sabem o que querem ou por que o mercado não os queira, mas por que, na grande maioria das vezes, o ingresso no mercado de trabalho se dá de forma precária, sem acesso à qualificação adequada e com jornadas que desestimulam a continuidade dos estudos (BRASIL, 2014, p. 9).

up to the age of 24. This change occurred as an alternative for the reduction of the unemployment rates that are increasing among the youngest and also to meet the diverse demands of the world of work, which is increasingly competitive and demanding with regard to qualifications and experiences. It is important to note that this maximum age limit does not apply, according to the law, to people with disabilities.

The guidelines referenced in these laws understand the young person as a being in development, recommending that, in addition to exercising professional activity in the context of a formal company, the young person must take a formative course offered by an educational institution. This technical-professional formation, according to Law no. 10,097, refers to “theoretical and practical activities, methodically organized in tasks of progressive complexity developed in the work environment” (BRASIL, 2000, art. 428).

Such activities must be organized by companies and qualified entities, through learning programs. The activities developed by young people in companies must preserve their condition of learning and follow the Brazilian Classification of Occupations (CBO), according to the company's follow-up. The young person must have an Activity Plan to be followed, described in his employment contract. The nature of the young apprentice's contract is different.

Apprenticeship contract is the special employment contract, adjusted in writing and for a fixed period, in which the employer undertakes to ensure that those over 14 (fourteen) and under 24 (twenty-four) years are enrolled in a methodic technical-professional apprenticeship program, compatible with his physical, moral and psychological development, and the apprentice, to perform with zeal and diligence the tasks necessary for this formation (BRASIL, 2005, art. 3).<sup>11</sup>

This employment contract cannot exceed 2 years, being signed between the company, the young person (in the presence of the legal guardian when a minor) and endorsed by a educational institution of technical and professional formation. Young people are guaranteed to receive an hourly minimum wage, according to their weekly working hours, which may not exceed 30 weekly hours, in a maximum of 6 daily working hours divided between the company and the formation course, according to the days established in the contract.

The Apprenticeship contract can only be finalized before the deadline in cases of insufficient performance or the student's inadequacy to work, due to serious indisciplinary lack

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<sup>11</sup> Contrato de aprendizagem é o contrato de trabalho especial, ajustado por escrito e por prazo determinado, em que o empregador se compromete a assegurar ao maior de 14 (quatorze) e menor de 24 (vinte e quatro) anos inscrito em programa de aprendizagem formação técnico-profissional metódica, compatível com o seu desenvolvimento físico, moral e psicológico, e o aprendiz, a executar com zelo e diligência as tarefas necessárias a essa formação (BRASIL, 2005, art. 3º).

(as described in the CLT itself), due to unjustified absences at school that imply his loss of the school year or at the request of the apprentice himself, it is not necessary for him to comply or pay prior notice. In cases of insufficient performance or inadequacy, companies should, in view of the educational and formative nature of the youth's contraction, carry out constant monitoring and feedback actions, and the formative institutions are also responsible for this monitoring. The termination can only be carried out through an appraisal report prepared by the formative entity.

The law also establishes in its text the mandatory hiring of apprentices by all companies, setting the percentage to be considered.

Establishments of any nature are required to employ and enroll in the courses of the National Learning Services a number of apprentices equivalent to at least five percent and a maximum of fifteen percent of the workers in each establishment, whose functions require professional capacitation (BRASIL, 2000, art. 429).<sup>12</sup>

All young people, within the aforementioned ages, who are enrolled in regular education or who already have completed high school and who have not been young apprentices under a 2-year contract may apply for the young apprentice vacancies. School enrollment and attendance are aspects that should be considered when hiring and maintaining young people in apprenticeship programs. The selection of young people for jobs is up to the companies themselves or to the entities that lend themselves to this end. The MTE (Ministry of Labour and Employment) is responsible for monitoring compliance with the law, through visits to companies and formative institutions.

The National Apprenticeship Services are, according to the law, the qualified institutions to offer the programs and they must have the primacy in the choice and enrollment by the companies. Companies can only enroll young people in other institutions if they do not find vacancies in the former.

The resolution of the National Council for Rights and Adolescents (CONANDA) (BRASIL, 2001) deals with non-profit entities (NPE) with the objective of assisting adolescents and professional education. NPE, which historically played an important role in the formation of young people and were essential in the reformulation of the employability and qualification laws for young people, must have an adequate structure for carrying out apprenticeship

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<sup>12</sup> Os estabelecimentos de qualquer natureza são obrigados a empregar e matricular nos cursos dos Serviços Nacionais de Aprendizagem número de aprendizes equivalente a cinco por cento, no mínimo, e quinze por cento, no máximo, dos trabalhadores existentes em cada estabelecimento, cujas funções demandem formação profissional (BRASIL, 2000, art. 429).

programs and comply with all the legal norms foreseen. However, in the field of educational formation, there seemed to be a gap, mainly due to the lack of guidelines that minimally establish the paths to be followed by this formation, thus guaranteeing, according to the laws, the integral development of young people. Ordinance no. 723 of 2012 from the MTE (BRASIL, 2012), aimed to create a National Register of Professional Learning (CNAP) and a National Catalog of Professional Learning Programs (CONAP), in addition to defining the operational and pedagogical guidelines of the programs.

In a historical analysis, it is possible to understand that the first need was to guarantee decent working conditions, in the face of social inequalities and precarious working conditions, from which poor young people continued to be excluded. On the occasion of the advances in the field of conquering rights, there was an obligation to hire young people in all companies and their concomitant enrollment in a professional capacitating course. Later on, we see, then, the concern of the laws not only with the insertion of young people, but also with a human and scientific formation properly contextualized.

The courses linked to the professional capacitation program should include (BRASIL, 2012) young people in their integral development, enabling young people to learn and reflect on their professional practice in the company and their professional insertion in the context of a more wide society. In addition to discussing their activities in the company that they should go to, according to the segment in which they operate, young people should study content that includes their formation in social, human and citizen aspects, aiming at their insertion in a society, in which they are able to intervene and transform. Thus, the work of young people in the company must be concomitant with their educational background at the educational institution.

We then highlight the role of educational formation in the development of the young apprentice, who is capable of generating a reflection on his performance and an *on-the-job formation*.

The theoretical and practical dimensions of the apprentice's formation must be pedagogically articulated with each other, in the form of formative itineraries that enable the apprentice to develop his citizenship, to understand the characteristics of the world of work, the technical-scientific foundations and technical-technological activities specific to the occupation (BRASIL, MTE, 2012, art. 10 § 1º).<sup>13</sup>

<sup>13</sup> As dimensões teórica e prática da formação do aprendiz devem ser pedagogicamente articuladas entre si, sob a forma de itinerários formativos que possibilitem ao aprendiz o desenvolvimento da sua cidadania, a compreensão das características do mundo do trabalho, dos fundamentos técnico-científico e das atividades técnico-tecnológicas específicas à ocupação (BRASIL, MTE, 2012, art. 10 § 1º).

This new idea, according to Fonseca (2015), provides a revolution in professional learning, as it is no longer linked, as in the past, to specific professions or trades. Therefore, competences that are considered basic to the execution of any work are sought, in line with the constant changes in the world of work and that must be thought out in a methodical and progressive way.

Formation should seek to alternate experiences, theories and practices, in order to generate a constant dialogue between both fields. “The right to professionalization, a priority for adolescents and young people and essential for adults and people with disabilities, assumes strategic relevance at the time when the so-called “knowledge society” is experienced (FONSECA, 2015, p. 96).

In this perspective, the curricular guidelines drawn up, aim at the development of young people as workers and citizens, excelling for their social and professional aspects. Special attention is given to youths who present themselves in situations of vulnerability and to young people with disabilities.

Regarding the content to be addressed during the formation courses, it is possible to find the following proposals.

a) Oral and written communication, reading and comprehension of texts and digital inclusion; b) Logical-mathematical reasoning, notions of interpretation and analysis of statistical data; c) Brazilian cultural diversity; d) Organization, planning and control of the work process and teamwork; e) Notions of labor and social security rights, health and safety at work and the Child and Adolescent Statute - ECA; f) Human rights, with a focus on respect for sexual orientation, race, ethnicity, age, religious belief or political opinion; g) Fiscal education for the exercise of citizenship; h) Alternative forms of job and income generation with a focus on youth; i) Financial education for the consumption of information about the market and the world of work; j) Prevention of the use of alcohol, tobacco and other drugs; k) Education for sexual reproductive health, with a focus on sexual rights and reproductive rights and gender relations; l) Public security policies aimed at adolescents and young people and; m) Encouraging individual and collective, permanent and responsible participation, in preserving the balance of the environment, with a focus on defending environmental quality as an inseparable value of the exercise of citizenship (BRASIL, MTE, 2012, art. 10 III).<sup>14</sup>

<sup>14</sup> a) Comunicação oral e escrita, leitura e compreensão de textos e inclusão digital; b) Raciocínio lógico-matemático, noções de interpretação e análise de dados estatísticos; c) Diversidade cultural brasileira; d) Organização, planejamento e controle do processo de trabalho e trabalho em equipe; e) Noções de direitos trabalhistas e previdenciários, de saúde e segurança no trabalho e do Estatuto da Criança e do Adolescente - ECA; f) Direitos humanos, com enfoque no respeito à orientação sexual, raça, etnia, idade, credo religioso ou opinião política; g) Educação fiscal para o exercício da cidadania; h) Formas alternativas de geração de trabalho e renda com enfoque na juventude; i) Educação financeira para o consumo de informações sobre o mercado e o mundo do trabalho; j) Prevenção ao uso de álcool, tabaco e outras drogas; k) Educação para a saúde sexual reprodutiva, com enfoque nos direitos sexuais e nos direitos reprodutivos e relações de gênero; l) Políticas de segurança pública voltadas para adolescentes e jovens e; m) Incentivo à participação individual e coletiva, permanente e responsável,

In a general analysis, the established contents present a wide variety of themes to be addressed in the formation of young people. These revolve, sometimes around a more specific professional capacitation, even if not linked to a single job, now they go in the direction of what we can call a citizen formation.

At this moment, content such as: cultural diversity, ECA, Human Rights with a focus on respect for sexual orientation, race, ethnicity, age, religious belief or political opinion, education for sexual and reproductive health, gender relations and the environment are of greater attention. Such themes seem to emerge through the social discussions that appear on the public scene today.

As for the profile of the teachers in charge of teaching the theoretical activities of the learning programs, there is no specificity of capacitation and experience in the law. Institutions are expected to have a duly qualified technical-teaching staff and resources to support the execution of the programs. At the end of the course, a young professional will be awarded a professional qualification certificate.

Each institution, whether the National Learning Services or non-profit, builds its learning program in a particular way, respecting these operational and pedagogical guidelines. The contract term may be different (not exceeding the 2 years allowed), as well as changes in the ways of approaching the course's curriculum structure and weekly workload.

The teaching action itself changes, as do the teaching and learning strategies and the young people's autonomy, the rigidity or flexibility with which the young person is treated, among other aspects. However, we believe that the core of all programs offered at these institutions must be the same: to enable conditions of access to work and meaningful learning for young people in a situation of social vulnerability, with a view to their full formation, as a worker and citizen.

Apprenticeship is an institute that creates opportunities for both the apprentice and the companies, as it prepares the beginner to perform professional activities and have the discernment capacity to deal with different situations in the world of work. At the same time, it allows companies to capacitate qualified labor, something increasingly necessary in an economic scenario in permanent technological evolution (BRASIL, 2014, p. 11).<sup>15</sup>

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na preservação do equilíbrio do meio ambiente, com enfoque na defesa da qualidade ambiental como um valor inseparável do exercício da cidadania (BRASIL, MTE, 2012, art. 10 III).

<sup>15</sup> A aprendizagem é um instituto que cria oportunidades tanto para o aprendiz quanto para as empresas, pois dá preparação ao iniciante de desempenhar atividades profissionais e de ter capacidade de discernimento para lidar com diferentes situações no mundo do trabalho. Ao mesmo tempo, permite às empresas formarem mão de obra qualificada, algo cada vez mais necessário em um cenário econômico em permanente evolução tecnológica (BRASIL, 2014, p. 11).

We agree with the above position, but we emphasize that, despite the double benefit (apprentice-company), in our analysis, some companies do not have the express intention of developing young people as workers and citizens, recognizing them only as hiring quotas established by law. Even without denying the advances already achieved, it is necessary to recognize the limitations and move forward in the search for effective inclusion processes, through new methodologies and strategies that aim at the greater participation of young people in companies and in professional formation programs.

More recently, we have the approval of the Youth Statute (EJ, Portuguese initials), which through Law no. 12,852/13 (BRASIL, 2013), provided for the rights of young people (aged 15 to 29) and public policies for this age group. In its session III, the EJ deals with the young people's right to professionalization, work and income, safeguarding in art. 14 that youth work must be “carried out under conditions of freedom, equity and security, adequately remunerated and with social protection”.

In a first analysis, it is possible to argue that the Youth Statute points to the trends already outlined in other laws, reaffirming the State's duty to guarantee the conditions of access to decent work, with a view to the qualified formation of new generations.

## **Final considerations**

The changes in the work world and in the professional inclusion of young workers have not occurred apart from changes in the area of education. On the contrary, work and education demonstrate close relations in the Brazilian historical path. Both are factors of transformation and social control. Therefore, capacitating qualified and reflective professionals for an action, each time contextualized and innovative, seems to be a constant challenge.

Brazilian education, in its most general aspect, as well as, specifically, professional education, were developed from constant discussions and clashes, generated in the social and academic environment, being influenced by economic and political changes. “The history of Brazilian education is necessarily a history of hegemony, of struggle between dominant and dominated classes and, consequently, of the interests of each one” (SANTOS, 2010, p. 35) and this has an important impact on the professional education of our youth. Such interests appear printed in government proposals, in national and international documents, aimed at the construction of the models of education and school, presented here.

The transformations in Brazilian education, mainly from LDB/96, bring important changes to the field of professional education. It advances from a proposition focused on the

technical, towards a concept of a critical subject capable of intervening in his social environment and in the world of work.

The teaching action in professional education must be configured through constant mediation, which can lead students to the development of the skills necessary for their professional performance. The reflection on their role, on the professional that is being formed, for which world and society complement their performance.

According to Vera Candau (1995), school and education should have the role of humanizing people, leading them to acquire knowledge and values, with a view to achieving full exercise of citizenship. Thus, the formation of young people for the world of work should not be focused exclusively on the values of the market and capitalism, which pressure, hegemonically, for a utilitarian formation, in the search for economic results. We understand that, in addition to capacitating qualified labor for the exercise of various functions in companies, the professional formation of young apprentices needs to form for reflection and criticism, as well as for social transformation. "It is necessary to build a school that forms children and young active builders of society, capable of living in everyday life, in different social spaces, a conscious, critical and militant citizenship" (CANDAU, 1995, p. 15).

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