

EDUCATION-TO-WORK TRANSITION AND THE RISK OF EXPLOITATION: INSIGHTS INTO WORK-INTEGRATED TRAINING OF LAW STUDENTS AND RECENT LAW GRADUATES

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Abstract: *Law graduates are entering a progressively competitive labour market, marked by the expectation of many employers to recruit “work-ready” job candidates. This imposes significant pressure on law students to gain work experience even before graduation, often through unregulated, unpaid, or underpaid open-market traineeships, which can be exploitative and socially exclusive for students from low socio-economic backgrounds. Furthermore, qualification processes exacerbate the precarious position of many recent law graduates, since completing the training stage is necessary for entry into regulated legal professions. Simultaneously, the proliferation of different pathways to acquiring work experience creates two parallel worlds of work for young people: those undergoing unpaid training often receive little or no protection. At the same time, those fortunate enough to secure an apprenticeship contract enjoy the full catalogue of labour rights. The hybrid nature of these activities is particularly concerning, since it complicates their legal qualification, alongside the risk of exploiting and discriminating against young people based on age and socio-economic status. The article aims to highlight the most pressing challenges associated with work-integrated learning and training for law students and graduates, particularly the risk of labour exploitation through university-controlled work-integrated legal learning, open-market traineeships, legal apprenticeships, and volunteering. In conclusion, the author underlines the need for labour rights to transcend the preferential treatment of specific categories of young people based on their contractual status or socio-economic background, by extending the personal scope of labour legislation to encompass all law graduates. Alongside desirable normative development, the conclusion provides a concise set of proposals for the design of complementary public policies, as well as measures through which universities and other stakeholders could contribute to improving the position of law students and graduates while acquiring the best possible education and training for independent professional practice.*

Key words: *Young Persons; Law Students; Recent Law Graduates; Work-Integrated Training; Labour Exploitation; Discrimination*

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1. INTRODUCTION

Young people are facing growing challenges in making a smooth transition to independent living. Among these challenges, those associated with the transition from education to the world of work are particularly significant, as education and employment

importantly shape the entire life trajectory of individuals. This is not only because they are the key processes through which individuals develop their personalities, but also because of the close link between educational outcomes, the labour market, and social class.¹ In this context, precarious employment, unemployment, and social exclusion emerge as particularly pressing issues, which make young workers one of the most vulnerable groups in society.² Young workers frequently encounter difficulties in finding and retaining employment, especially in positions that correspond to their level of education, needs, and interests. However, youth unemployment is just the tip of the iceberg, beneath which multiple layers of labour market disadvantage lie, including underemployment, wages insufficient to ensure a decent standard of living, and undeclared work. At the same time, young people are under increasing pressure to obtain work experience, based on the conviction that it is crucial for securing a (quality) job.³ Employers often regard work experience as "implicit accreditation" of a job candidate's ability to apply both formally and informally acquired knowledge and skills.⁴ Some authors describe this trend as "pseudo-mandatory" work experience for graduates, raising serious concerns about fairness and equal opportunity, especially since not all students can afford to take unpaid traineeships, or underpaid traineeships and apprenticeships, nor do they have access to the social networks necessary to secure training opportunities that are not publicly advertised.⁵ Negative experiences when entering the labour market can further lead to insecurity and social marginalisation, as well as employment in low-paid or poor-quality jobs, often culminating in poverty for these individuals.⁶

Despite notable differences across countries, key features of contemporary labour markets include high youth unemployment rates and a decline in the quality of youth employment. This decline mainly results from many young people working under non-standard employment contracts and contracts that do not establish an employment relationship, as well as from undeclared work. These forms of engagement often serve as the only opportunity for young people to enter the labour market for the first time. In this regard, it is important to highlight that the situation of young workers largely depends on the legal framework of their employment. Appropriate legal rules must balance, on the one hand, the need for young people to have legal certainty and protection against labour exploitation, and, on the other hand, the interest of the state in providing employers with enough incentives to hire inexperienced workers. Nevertheless, it should be noted that employers frequently use subsidised youth employment as a means to obtain cheap

¹ Ellu Saar and Péter Róbert, 'Introduction to Handbook on Education and Labour Market' in Saar Ellu and Róbert Péter (eds), *Handbook on Education and Labour Market* (Edward Elgar Publishing 2025) 1 <https://doi.org/10.4337/9781803923987.00007> accessed 20 August 2025.

² Recommendation CM/Rec(2016)7 of the Committee of Ministers to member states on research on young people's access to rights, adopted on 28 September 2016, Explanatory memorandum, para. 6.

³ For example, a 2020 study conducted in the UK found that one-third of employers admitted they were "not very likely" or "not at all likely" to recruit graduates without prior work experience (Anne Hewitt and others, 'Weighing the Cost of Expectations that Students Complete Legal Work Experience' (2022) 32 *Legal Education Review* 109, 128 <https://doi.org/10.53300/001c.38777> accessed 20 August 2025).

⁴ Mandatorising prior work experience as a prerequisite for roles where such a requirement is unwarranted by the job's complexity or responsibility can amount to indirect discrimination, placing recent graduates in a situation that could be described using the title of Heller's famous novel *Catch-22* – a vicious cycle of "no experience, no job; no job, no experience" (Chi Kin Kwan and others, 'Internship: Breaking the Vicious Unemployment Cycle for Vulnerable Youth' (2025) 169 *Children and Youth Services Review* 1, 2 <https://doi.org/10.1016/j.childyouth.2025.108122> accessed 20 August 2025).

⁵ Hewitt and others (n 3) 111.

⁶ International Labour Organization (2012). *The Youth Employment Crisis: Time for Action*. Geneva: International Labour Conference, para. 78.

labour. Consequently, even young people engaged in state-supported youth employment schemes often face little or no prospect of continued employment with the same employer after wage and social insurance contribution subsidies.⁷ The situation is further exacerbated by, among other factors, the lack of legal regulation regarding traineeships (internships), as well as the prevalent belief that unpaid work by young people – whether during their education or while gaining necessary experience to secure employment – is legitimate and acceptable.⁸ Given the proliferation of legal grounds for on-the-job training and the broad discretion afforded to employers in determining the format of the training, young graduates typically lack genuine autonomy in making career choices or in planning their personal lives.⁹

These challenges also apply to law graduates, as reconciling academic legal education with professional legal practice can be particularly demanding: while presenting numerous opportunities for both professional and personal development and learning, it is also accompanied by considerable risks. Legal education, training, and qualification processes often involve uncertainty, high costs, and unequal access, all of which contribute to the precarious position of many young law graduates. This is especially evident in the case of mandatory work experience, a prerequisite for admission to regulated legal professions, primarily due to the prolonged transition from education to employment and the myriad pathways to acquiring such experience: while some law graduates undergo the training stage within the framework of an employment relationship, others participate in unpaid traineeships or volunteer, with minimal or no protection under labour and social security law.

This article aims to highlight the most pressing challenges related to the organisation and regulation of transitions of young law graduates to work, as well as to systematise and critically examine existing knowledge on this topic, with particular attention devoted to the risk of labour exploitation. The analysis focuses on two main research problems: work-integrated learning of law students and work-integrated training of recent law graduates, while identifying causal connections between the law and contemporary societal and economic developments. The research methodology includes the analysis of scientific literature and doctrinal legal analysis, as well as contextualising the regulation of work-integrated training, while the axiological method is used to assess applicable norms (and regulatory gaps) in light of social justice, solidarity and other values that lie at the core of labour law. The conclusions of the article therefore provide a concise set of proposals for possible solutions to the identified problems, primarily with regard to the desirable normative development of work-integrated legal learning and training, and, to a limited extent, to the direction of the design of complementary public policies. These are followed by proposals for measures through which stakeholders could contribute to improving the position of law students and graduates. It is hoped that these findings may serve as a starting point for further research in this field and contribute to broader debates on traineeships. This is particularly important given that

⁷ European Foundation for the Improvement of Living and Working Conditions. (2013). *Working Conditions of Young Entrants to the Labour Market*. Dublin: European Foundation for the Improvement of Living and Working Conditions. Available at: https://www.eurofound.europa.eu/sites/default/files/ef_files/docs/ewco/tn1306013s/tn1306013s.pdf accessed on 9 August 2025.

⁸ Ljubinka Kovačević, *Zasnivanje radnog odnosa [Entering into employment Relationship]* (Pravni fakultet Univerziteta u Beogradu 2021) 460.

⁹ Caroline Casey and Anne Mountd-Zimdars, 'Legal Apprenticeships: Enhancing Capabilities, Wellbeing, and Diversity in the Profession?' (2024) 50(4) *British Educational Research Journal* 1878, 1885 <https://doi.org/10.1002/berj.4003> accessed 20 August 2025.

recent years have been marked by initiatives of national legislators and international and regional organisations aimed at abandoning the structurally discriminatory assumption that young people's work is less valuable, as well as at revising existing legal frameworks that deepen inequalities among young people depending on their contractual status or socio-economic background. This is all the more relevant as, within academic debate, these issues have attracted less attention than other recent initiatives, such as those relating to platform work.

2. WORK-INTEGRATED LEARNING AND TRAINING OF LAW STUDENTS

2.1 University-Controlled Work-Based Legal Learning

The past few decades have seen a surge in practical legal education activities. Law faculties around the world have increasingly focused on equipping their students with practical knowledge, skills, and work experience. Consequently, practical legal training has become a mandatory component of legal education, alongside the purely theoretical or academic study of law.¹⁰ These efforts are aimed at enhancing future lawyers' professional capabilities and connections, as well as their ability to find and retain jobs and advance in their professional careers.¹¹ This is especially critical as law graduates enter an increasingly competitive labour market, characterised by a mismatch between the number of law graduates and the availability of graduate-level positions,¹² with many employers seeking to recruit "work-ready" graduates.¹³ In this regard, some authors describe work experience as the "new job currency," while traineeships are referred to as the "new degree."¹⁴ This creates considerable pressure on young people to acquire work experience even before graduation. The ambition to excel in both academic studies and work-based learning and training can become a source of stress and other mental health issues, especially since research shows that law students and lawyers experience adverse mental health at higher rates than the general population.¹⁵

Practical legal education activities can take various forms. The most prominent of these are legal clinics, which have become an official part of the curriculum at many law schools worldwide. Additionally, universities organise traineeships, placements in law firms, and projects with third-party institutions, or collaborate with employers to provide students with work-integrated learning as a formal part of their studies.¹⁶ Universities focus on the content of such activities, aiming to ensure that students acquire new

¹⁰ Alysia Blackham, 'Equality Law Protection for Legal Education: Internships, Volunteering and Clinics' (2024) 34(2) *Legal Education Review* 1, 2 <https://doi.org/10.53300/001c.115466> accessed 20 August 2025; Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) 42(2) *Journal of Law and Society* 173, 174 <https://doi.org/10.1111/j.1467-6478.2015.00704.x> accessed 20 August 2025.

¹¹ Anne Hewitt, 'The Resource Implications of Work Integrated Learning and Legal Clinics in Australian Legal System: Managing Workload, System Support and Recognition' (2023) 3(2) *International Journal of Clinical Legal Education* 4, 6-7 <https://doi.org/10.19164/ijcle.v3i2.1323> accessed 20 August 2025; Francine Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) 25(1) *International Journal of Clinical Legal Education* 147, 148 <https://doi.org/10.19164/ijcle.v25i1.696> accessed 20 August 2025.

¹² Jill Alexander, 'Modelling Employability through Clinical Legal Education: Building Confidence and Professional Identity' (2023) 57(2) *The Law Teacher* 135, 139 <https://doi.org/10.1080/03069400.2023.2179306> accessed 20 August 2025.

¹³ Alex Nicholson, 'The Value of a Law Degree – Part 4: A Perspective from Employers' (2022) 56(2) *The Law Teacher* 171, 181 <https://doi.org/10.1080/03069400.2021.1936396> accessed 20 August 2025.

¹⁴ Hewitt and others (n 3) 109.

¹⁵ Hewitt and others (n 3) 112.

¹⁶ Hewitt (n 11) 4, 5.

knowledge and skills relevant to their future legal practice.¹⁷ However, in providing practical legal education, universities sometimes overlook the need to ensure adequate protection for students engaged in such activities.¹⁸ In this regard, some authors rightly highlight the danger of perceiving practical legal education solely as a beneficial activity, failing to adequately consider the context of its implementation, since work-integrated learning experience may incur unpaid transportation costs and expenses related to meeting workplace dress codes.¹⁹ Moreover, “the legal profession has sometimes been accused of exploiting law students who need work experience”.²⁰ However, the risk of exploitation is not linked to the absence of remuneration, given that students receive academic credit points for these activities, as they do for all other courses. Instead, the risk of exploiting their vulnerability manifests itself through the risk of deterioration of learning and training conditions and violations of students’ human rights, such as the right to dignity, the right to health, or the right to protection from inhuman or degrading treatment. This can be manifested in exhaustion due to an unjustifiably high number of working hours or unreasonable workloads, as well in to “poor-quality placements, with inadequate supervision and training which may also constitute exploitative or illegal unpaid work”.²¹ Furthermore, it extends to the potential violation of students’ dignity, not only through the actions of the university and its staff, but also through legal practitioners involved in teaching within legal clinics or supervising students’ externally organised activities.²² Labour legislation often includes vague provisions and “legislative precariousness,” resulting in a distinct vulnerability for students due to their explicit exclusion from protective legislation, a lower level of protection, or the fact that students cannot be fully subsumed under either educational legislation or labour legislation. Fortunately, in many countries, anti-discrimination legislation in principle includes students and trainees within their personal scope. Moreover, higher education laws consistently address the protection of students against discrimination and harassment during activities organised, supervised, or assessed by the university. This is especially relevant because of the potential risks arising from interactions with legal clinic clients, clients of employers where students engage in traineeships, and other persons with whom students meet while acquiring practical knowledge.²³ However, many legal systems are marked by critical legal gaps, especially with regard to third-party harassment and discrimination.²⁴

¹⁷ Job applicants in the legal profession are routinely expected to possess, in addition to knowledge of the law, hard skills related to legal analysis, legal reasoning, legal research, and legal drafting, as well as soft skills pertaining to self-management, teamwork, business and client awareness, problem-solving, communication and literacy, and the use of information technology (Penny Childs and Nigel Firth, ‘You’re Hired!: Bridging the Gap between Law Student Career Aspirations and Employment Opportunities’ (2010) 3 *The Plymouth Law & Criminal Justice Review* 142, 143).

¹⁸ Blackham (n 10) 20.

¹⁹ Melinda Shirley and others, ‘The Challenge of Providing Work-Integrated Learning for Law Students – the QUT Experience’ (2006) 10 *International Journal of Clinical Legal Education* 134, 137 <https://doi.org/10.19164/ijcle.v10i0.81> accessed 20 August 2025.

²⁰ Hewitt and others (n 3) 111.

²¹ Hewitt (n 11) 13, 14.

²² For example, approximately 6% of university students in Australia have been exposed to harassment during their work experience placements, see Blackham (n 10) 3.

²³ Blackham (n 10) 4, 5.

²⁴ Blackham (n 10) 20.

2.2 Open-Market Traineeships

Apart from the structured university-controlled traineeships for academic credit points, there are also traineeships available on the open labour market, organised independently of the university.²⁵ Given that employers expect new employees to have prior work experience, law students face increasing pressure to participate in some form of work-integrated training during their studies, although traineeships may be undertaken not only by students but also by graduates and other jobseekers.²⁶ According to the Council Recommendation on a Quality Framework for Traineeships, an open-market traineeship represents

a limited period of work practice, whether paid or not, which includes a learning and training component, undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to regular employment.²⁷

This indicates that traineeships are complex: their first component involves

performing actual or mock tasks or assignments, shadowing or observing a more experienced worker, or performing menial tasks for those who have secured a position in the occupation or profession.²⁸

This work is performed under the employer's instructions and supervision, which makes the traineeship similar to an employment relationship.²⁹ However, traineeships typically

²⁵ Shirley and others (n 19) 135.

²⁶ Traineeships can take many different forms, including mandatory work experience, which must be undertaken as a requirement for admission to legal practice. Furthermore, traineeships can be organised as a component of active labour market programs designed and implemented by the government and public employment service to support unemployed persons.

²⁷ Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships [2014] OJ C 88/1, para. 27.

²⁸ Andrew Stewart and others, 'The Nature and Prevalence of Unlawful Unpaid Work Experience in Australia. (2018) 31(2) *Australian Journal of Labour Law* 157, 161; Helme (Joanna Helme, 'The Problems and Paradoxes with the EU's Regulation of Traineeships: A Way Forward' (2024) 53(4) *Industrial Law Journal* 679, 691 <https://doi.org/10.1093/indlaw/dwae022> accessed 20 August 2025) criticises the term "menial tasks," claiming that it has a stigmatising tone and refers to "so-called low-skilled, administrative, back-room roles." This is particularly significant in the context of the classification of trainees as workers in Court of Justice of the EU case law, since such classification requires that a trainee perform "real and genuine" work. As it stands, employers are incentivised to assign menial tasks while being disincentivised to offer remuneration to prevent the activities from being perceived as real and genuine.

²⁹ There is no consensus in national courts' case law or in the literature about whether subordination can be considered a reliable criterion for distinguishing between traineeship and employment relationship. Authors who argue that this is not possible point out that the employer issues orders and instructions, as well as organises, evaluates, supervises, and regulates the work of trainees. Critics of this view emphasise that not every power relationship necessarily produces legal subordination, at least not to the extent found in an employment relationship (Dirk Baugard, 'Les stages. Lois et décrets 2006' (2012) 3) *Droit social* 238, 240-241). In our opinion, this creates an almost subtle distinction between the employer's prerogatives over employees and trainees, which is particularly apparent with disciplinary prerogatives. The employer cannot sanction trainees for failing to perform professional tasks, demonstrating poor cooperation with mentors, or other shortcomings. However, this view is qualified by situations where the employer may, in accordance with contract law rules, initiate the termination of the traineeship contract if the other party's conduct is serious enough to justify unilateral termination. Thus, the employer may sanction the trainee by excluding them from the work environment, which is the most severe disciplinary sanction. Still, the employer does not have other sanctions available, nor can they apply them progressively and individually, as is typical of disciplinary prerogatives that ensure the enterprise's proper functioning, correct the behaviour of an employee who violates work discipline, and serve as a preventative measure for other workers (Ljubinka Kovačević, 'Pojam radne prakse i pravni položaj praktikanata – važnija radnopravna pitanja' [The Notion of Traineeship and Legal Status of Trainees – Key Labour Law Issues] in JS Perović Vujačić (ed), *Sudski postupak – pravda i pravičnost*

do not grant access to the full range of work resources available to employees, and regardless of their abilities, trainees are unable to achieve the same level of independence and efficiency at work as employees.³⁰ Consequently, trainees should not be entrusted with permanent or temporary job tasks, but only specific professional assignments, always under the supervision of the employer.³¹ In some cases, a traineeship is not limited to observing the work process and simulating professional tasks, but also includes real or productive work. Still, even then, the primary goal of the traineeship is not to place the trainee's working capacity at the disposal of the employer³². In that sense, the second component of a traineeship involves learning and training, which aligns traineeships with educational instruments designed for similar purposes.³³ Trainees are taught and trained within the framework of a programme specifically designed to develop skills and practical knowledge.³⁴ This is important because any form of work may also result in acquiring or enhancing specific skills and competencies. However, a traineeship does not involve an extensive learning and training programme, like a legal apprenticeship, which provides training in all the competencies required to independently perform the legal profession, and ensures that the apprentice acquires all necessary skills in a structured manner.³⁵

Traineeships are often unpaid or underpaid, making them unaffordable for many young people, especially when considering the high costs of education, the travel and accommodation expenses, and living costs faced by many students from low socio-economic backgrounds, particularly those from rural or remote areas.³⁶ Additionally, many law students struggle to secure traineeship placements, particularly due to the informal nature of traineeships, including the lack of any obligation for employers to advertise them publicly, alongside the lack of necessary connections to attain preferential

[Court Proceedings – Justice and Fairness] vol 2 (Kopaonička škola prirodnog prava – Slobodan Perović 2022) 595, 596).

³⁰ Baugard (n 29) 241; in contrast, Estonian case law asserts that trainees perform work in the same way as employees, thus entitling them to remuneration based on subordination, the expectation of compensation for performing work practice, and work for the benefit of the employer. It is emphasised that acquiring knowledge and skills and receiving remuneration are not mutually exclusive. Despite this interpretation of the applicable legislation, in reality, traineeships are often unpaid (Annika Rosin and Merle Erikson, 'A Trainee Right to a Wage: The Estonian Situation with Comparative Insights from Slovenia, the United States of America and Finland' (2014) (3) *European Journal of Social Law* 189, 200, 204–205).

³¹ A similar reasoning was adopted by the U.S. Supreme Court, which identified as the key trait that distinguishes a traineeship from an employment relationship the fact that the trainee's work serves only their own interest, thereby providing no immediate advantage for the employer. In 2011, jurisprudence was modified in favour of the view that courts should assess, on a case-by-case basis, a trainee's entitlement for compensation for work. This is accomplished through the "primary beneficiary approach," which requires the court to determine, in each individual case, whether the primary beneficiary of the traineeship agreement is the trainee or the employer. For example, the employer is deemed the immediate beneficiary of the traineeship if it organises training that is specifically and closely aligned with the enterprise's operations, making the skills and practical knowledge gained by the trainee largely or wholly irrelevant for employment with another employer. In other words, the trainee would only benefit from the traineeship if employed by the organising employer (Baugard (n 29) 242, 243; Debra D. Burke and Robert Carton, *The Pedagogical, Legal and Ethical Implications of Unpaid Internships* (2013) 30(1) *Journal of Legal Studies Education* 99, 111; cf. Seth Goldstein, *Beyond Experience: The Hidden Costs of Internships and the Call for Legal Reform* (May 24, 2024) 17, 28 <http://dx.doi.org/10.2139/ssrn.4930215> accessed 20 August 2025).

³² Andrew Stewart, 'The Nature and Prevalence of Internships' in Andrew Stewart and others (eds), *Internships, Employability and the Search for Decent Work Experience* (Edward Elgar Publishing 2021) 20 <https://doi.org/10.4337/9781800885042.00009> accessed 20 August 2025.

³³ Annika Rosin, *Labour Law Protection of Trainees* (PhD thesis, University of Turku 2017) 11.

³⁴ Stewart (n 32) 23.

³⁵ Stewart (n 32) 22.

³⁶ Hewitt and others (n 3) 113.

access to high-quality or, in some cases, any traineeship at all.³⁷ This ultimately means that traineeships are socially exclusive, while this issue is even more pressing for law students who support their education through paid employment and would need to give up such employment to complete a traineeship.³⁸ There is also a risk that, owing to challenges in balancing traineeships with studies, numerous students may lower their overall academic grade average, thereby impairing their prospects of finding quality jobs in the future. International students also face similar barriers, with some countries imposing restrictions on obtaining visas for those undertaking unpaid work, making it difficult for them to replace paid part-time employment with an unpaid traineeship.³⁹ In this context, we agree with the caution that traineeships “can be exploitative, with too many young people moving between several badly paid or unpaid” traineeships; moreover, there is mounting evidence that traineeships outside formal education are “frequently replacing quality employment for young people.”⁴⁰ The risk of exploitation is particularly associated with traineeships where young individuals lack rights to remuneration, health insurance, or working conditions comparable to those of employees.⁴¹ The academic literature also identifies several exploitative practices not yet mentioned, such as unreasonable workloads, unethical tasks, and engaging in risky activities without proper information.⁴² Traineeships characterised by such deficiencies tend to have a minimal impact on the employability of young people. Consequently, it may be concluded that unpaid or poorly paid traineeships, which are unregulated, “have the potential to depress wages and conditions for those in work and contribute to the exploitation of young people”.⁴³

The risks associated with traineeships have been highlighted in the Resolution on the Youth Employment Crisis, in which International Labour Organization (ILO) member states were called upon to consider the possibility of

regulating and monitoring apprenticeship, internship and other work-experience schemes, including through certification, to ensure they allow for a real learning experience and do not replace regular workers.⁴⁴

The need for legal regulation and supervision of traineeships to prevent abuse has also been affirmed at the European Union (EU) level, where half of all young people aged 15–34 complete a traineeship each year.⁴⁵ This has been addressed by means of the European Parliament Resolution, which warns that young people should be protected

from those employers – in the public and private sector – who, through work experience, apprenticeship and traineeship schemes, are able to cover their essential and basic

³⁷ Hewitt and others (n 3) 113.

³⁸ Hewitt and others (n 3) 113.

³⁹ Hewitt and others (n 3) 114, 115; Tesseltje de Lange, *Regulating the International Mobility of Students and Trainees: From Cosmopolitanism to Migration Management?* (European Migration and Diversity Discussion Paper 2025) 10, 11 <https://epc-web-s3.s3.amazonaws.com/uploads/ckeditor/2025/07/09/international-student-mobility-dp-v3.pdf> accessed 29 August 2025.

⁴⁰ Recommendation CM/Rec (2016)7 of the Committee of Ministers to Member States on young people's access to rights, adopted on 28 September 2016, para. 41.

⁴¹ Hewitt and others (n 3) 112.

⁴² Stewart and others (n 28) 162.

⁴³ Stewart and others (n 28) 161.

⁴⁴ International Labour Organization (2012). *The Youth Employment Crisis: Time for Action*. Geneva: International Labour Conference, point 26e.

⁴⁵ Helme (n 28) 679.

needs at little or no cost, exploiting the willingness of young people to learn without any future prospect of becoming fully established as part of their workforce.⁴⁶

Meanwhile, the Recommendation on a Quality Framework for Traineeships warns about the detrimental effects of low-quality traineeships, especially those with substandard learning outcomes and the lack of “solid and meaningful” tasks.⁴⁷ However, the Recommendation does not require compensation for trainees, nor does it clearly define their employment status. This ambiguity is reflected in the legislation of the EU Member States, where this issue is often unregulated or, when addressed, national laws are typically fragmented. In practice, this

gives rise to a paradoxical situation in which trainees are not informal since they exist in law, yet the substance of a traineeship is informality. This paradox then translates into tangible hardships: young people may enter a traineeship, believing it to be a legitimate title, only to find out that they are not guaranteed basic protections under EU law.⁴⁸

The need to address these issues is evidenced by a recent initiative from the European Parliament, which asserts that “most trainees should be classed as workers with additional rights to learning and training at work” – a solution that should be welcomed as progress compared to the current “learning component minus workers’ rights” approach.⁴⁹ This initiative has been followed by the Commission’s draft directive, which encompasses only trainees with worker status, and a Recommendation that applies to trainees both with and without worker status.⁵⁰

The issue of “bogus” traineeships has also been examined within the practice of the European Committee of Social Rights. The European Youth Forum submitted a collective complaint against Belgium concerning the widespread practice of unpaid traineeships, contending that the right of workers to receive remuneration sufficient to ensure a decent standard of living for themselves and their families, as well as the right of young workers and apprentices to a fair wage or other appropriate allowances, had been violated due to vague legal definitions and other ambiguous provisions in the Belgian Volunteer Rights Act (2005).⁵¹ These ambiguities facilitated the extensive use of unpaid traineeships in the open market, often under the guise of volunteering contracts. While the aforementioned law does not regulate traineeships, volunteering was often misused as a low-cost alternative to paid employment. Moreover, the complainant pointed to Belgium’s failure to provide effective and systematic labour inspections to detect and prevent the misuse of volunteering, particularly practices involving the replacement of regular employees with unpaid volunteers or trainees with no right to compensation. Finally, the complainant argued that unpaid traineeships result in discrimination against young people who cannot afford the luxury of working without pay

⁴⁶ European Parliament resolution of 6 July 2010 on promoting youth access to the labour market, strengthening trainee, internship and apprenticeship status (2009/2221(INI)) [2011] OJ C 351/29, preamble, para. 25.

⁴⁷ Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships [2014] OJ C 88/1, paras. 4, 8.

⁴⁸ Helme (n 28) 689.

⁴⁹ Helme (n 28) 679; see: European Parliament resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union [2024] OJ C 484/1.

⁵⁰ Proposal for a Council Recommendation on a Reinforced Quality Framework for Traineeships COM(2024) 133 final; Proposal for a Directive of the European Parliament and of the Council on Improving and Enforcing Working Conditions of Trainees and Combating Regular Employment Relationships Disguised as Traineeships COM(2024) 132 final.

⁵¹ European Youth Forum (YFJ) v Belgium, Complaint No 150/2017 (European Committee of Social Rights, 8 September 2021).

for extended periods. The Committee ultimately concluded that the trainees were not workers and therefore not entitled to remuneration, since the primary purpose of a traineeship is education, whereas the purpose of employment is remuneration.⁵² However, the Committee found that “bogus” trainees did qualify for protection as workers. The Committee also found a violation of the right to remuneration, among other reasons, due to the labour inspectorate’s failure to act proactively in this area. This is especially important given that young workers are often unaware of their rights or unwilling to initiate proceedings against employers, typically out of fear that doing so might jeopardise their employment prospects. Helme⁵³ argues that the Committee’s approach does not meaningfully contribute to improving the status of trainees, as

the hollow status of a trainee conveys no rights or entitlements, only the legitimatisation of informality [...] The bogus traineeship approach continues to complicate the matter, by misdiagnosing the issue. Instead of calling out the smokescreen, that is, the unregulated nature of traineeships, it furthers the hollow status of a trainee by defining bogus traineeships without offering a positive vision of what a non-bogus traineeship looks like. Better regulation is therefore needed to address the problems and paradoxes of the current regime and prevent the tangible hardship resulting from it.

3. TRAINING OF LAW GRADUATES

3.1 *Legal Apprenticeships*

Given the differences across legal systems, it is not easy to identify uniform patterns regarding the legal status of recent law graduates. Nevertheless, the training stage is necessary to qualify for regulated legal professions. In that respect, young individuals who have obtained their law degrees must undergo mandatory professional training to gain access to legal practice. That work-integrated training can take the form of a legal apprenticeship or traineeship,⁵⁴ and serves as “a meaningful vehicle for the development and transference of occupational skills, knowledge and understanding”.⁵⁵ Legal apprenticeship refers to a training system wherein law graduates develop their skills and knowledge while simultaneously working for an employer.⁵⁶ This form of learning “from work, at work” enables graduates to gain experience in several legal fields, develop essential legal skills, explore their professional interests, and bridge the gap between academic education and professional legal practice. Moreover, the successful completion of a legal apprenticeship is a prerequisite for access to a qualifying examination organised by the state for those aspiring to work in the judiciary, which further means that the ultimate goal of the apprenticeship is a recognised qualification.⁵⁷ Moreover, those pursuing a career at the bar, after passing the general exam organised by the state, work and train to develop specific skills required for the profession, such as legal research, drafting, and professional ethics, as well as to gain courtroom experience. Upon successfully completing this final training stage, they become eligible for admission to the bar and may qualify as fully authorised advocates after passing the qualifying

⁵² Helme (n 28) 692.

⁵³ Helme (n 28) 679.

⁵⁴ This form of traineeship cannot be qualified as open-market traineeship.

⁵⁵ Alison Fuller and Lorna Unwin, ‘Reconceptualising Apprenticeship: Exploring the Relationship between Work and Learning’ (1998) 50(2) *Journal of Vocational Education & Training* 153, 154.

⁵⁶ Caroline Hood, ‘Law Firms as Learning Environments: Are Higher Apprenticeships in Law an Emerging Face of Clinical Legal Education in England?’ (2025) 32(2) *International Journal of Clinical Legal Education* 4, 5.

⁵⁷ Helme (n 28) 694.

exam. Similar employment arrangements may also be organised for training in other regulated legal professions.

In this sense, it may be concluded that apprenticeships are “formal vocational and education training schemes, offering adequate remuneration and a recognised qualification”.⁵⁸ However, unlike other labour rights, which they fully exercise, apprentices’ salaries may be lower, as the primary purpose of their employment relationship is to acquire the necessary skills for independent professional work, while earning a salary is a secondary objective of this type of employment relationship:

the justification for apprenticeships is that the reduced remuneration is compensated through a regulated qualification, which ensures that a genuine learning component takes place whilst preventing exploitation.⁵⁹

Nevertheless, despite these differences, earning a salary and exercising other labour rights make legal apprenticeships the most favourable form of work-integrated training for law graduates, as they provide them with economic security until they obtain the qualification necessary for independent legal practice.⁶⁰

3.2 *Volunteering of Law Graduates*

In the broadest sense, volunteering is associated with activities undertaken by an individual without the expectation of financial compensation and motivated by philanthropic or charitable intentions:

First, voluntary activity is not undertaken primarily for financial reward, although reimbursement of expenses and some token payment may be allowed and even recommendable to facilitate access of individuals from all economic backgrounds. Second, it is undertaken voluntarily, according to an individual’s own free will. Third, voluntary activity brings benefits to people other than the volunteer, although it is recognised that volunteering brings significant benefit to volunteers as well.⁶¹

This definition reveals that volunteering shares some similarities with apprenticeship, especially when volunteering happens under the auspices of an organisation, where the volunteer participates in the “work process” and follows the instructions and directions of the volunteering organiser. The key difference is that a training stage is organised for the benefit of the apprentice, who seeks to develop skills, practical knowledge, and work experience. Similarly, trainees give up their time to pursue employment opportunities and future salaries, unlike volunteers, who dedicate their time to altruistic activities without any expectation of future payment.⁶² This ultimately means that work-integrated training is undertaken to improve employability, whereas volunteer work involves activities of general interest conducted for the common good or for the benefit of others, although it is acknowledged that volunteering also contributes to the personal development and skill-building of the volunteer.⁶³

⁵⁸ Helme (n 28) 684.

⁵⁹ Helme (n 28) 698.

⁶⁰ Casey and Mount-Zimdars (n 9) 1880.

⁶¹ International Federation of Red Cross and Red Crescent Societies, Inter-Parliamentary Union and United Nations Volunteers, *Volunteerism and Legislation: A Guidance Note* (2004) 8 <https://www.ipu.org/file/917/download> accessed 1 August 2025.

⁶² Helme (n 28) 700; Paul McKeown, ‘Law Students’ Attitudes towards Pro Bono and Voluntary Work: The Experience at Northumbria University’ (2015) 22(1) *International Journal of Clinical Legal Education* 6, 8, 10.

⁶³ Martin Gruber-Risak and Sascha Obrecht, ‘Under What Conditions Do Volunteers Escape Being Qualified as Workers?’ (2024) 15(2) *European Labour Law Journal* 232, 233.

Ultimately, this means that “categorising trainees as volunteers based solely on the willingness (or voluntariness) of the trainee to work is a misinterpretation of the idea of a volunteering – and runs the risk of exploitation”.⁶⁴ Therefore, it is unacceptable for law graduates to be engaged under a volunteering contract, although some countries permit the completion of the mandatory training stage through volunteer work by law graduates. This, for example, is the case in the Republic of Serbia, where the Law on the Organisation of Courts and the Law on the Public Prosecution Service stipulate that a law graduate can be admitted for training at a court or public prosecutor’s office without entering into an employment relationship, in order to gain work experience and meet the requirements for taking the state (judiciary) exam.⁶⁵ These individuals are explicitly referred to as “volunteers” in this legislation, while the Law on the Bar uses the term “apprenticeship volunteer”.⁶⁶ Nonetheless, even the latter law fails to provide a robust framework for regulating this matter. What is more, from a labour law perspective, the term “apprenticeship volunteer” is unacceptable: the individual is labelled as an “apprentice” insofar as they are undergoing training for independent professional work, and as a “volunteer” insofar as their work is uncompensated. This constitutes an untenable legal construction resembling a sort of hybrid mythological creature. Moreover, in Serbian judicial practice, not only do individuals volunteer to gain work experience to qualify for the state exam, but even law graduates who have already passed this exam serve as judicial assistants in courts and public prosecution offices in a volunteer capacity.⁶⁷ At the same time, we must remain aware of the harmful effects of volunteering on the professional development of staff in courts and public prosecution offices. Recent research results point to grave challenges in recruiting and retaining lawyers within the Serbian judiciary.⁶⁸ These problems are associated mainly with the unpaid professional training stage, alongside low salaries and limited opportunities for career advancement, affecting both early-career practitioners and mid-career legal professionals. These factors act as barriers for graduates from lower socio-economic backgrounds, which further undermines the judicial system by depriving it of a new generation of legal professionals, while the workload typically handled by junior staff becomes an excessive burden on mid-career lawyers. Moreover, the lack of apprentices results in career stagnation for mid-career professionals, diminishing their prospects for workplace mentorship and intergenerational exchange – processes that benefit both mentors and mentees.⁶⁹

Finally, recent law graduates who “volunteer” to acquire experience and transition from academic education to professional legal practice should be distinguished from law

⁶⁴ Helme (n 28) 700.

⁶⁵ Law on the Organisation of Courts (Official Gazette of the Republic of Serbia, No. 10/23), Article 69; Law on the Public Prosecution Service (Official Gazette of the Republic of Serbia, No. 10/23), Article 137.

⁶⁶ Law on the Bar (Official Gazette of the Republic of Serbia, No 31/11 and 24/12), Article 62, para. 1.

⁶⁷ Vanja Bajović, Ana Knežević Bojović and Jelena Kostić, *Analiza položaja sudjskih pomoćnika u Srbiji, sa preporukama za njegovo unapređenje* [Analysis of the Position of Judicial Assistants in Serbia, with Recommendations for Its Improvement] (Beogradska konferencija pravnika 2019) 13 <https://www.ustp.rs/img/analiza-polozaja-sudjskih-pomocnika-NACRT-FINAL-Jun-2018.pdf> accessed on 29 August 2025.

⁶⁸ Mila Đorđević, Milica Vlajić and Miodrag Jovanović, *Percepcija o praktičnim pravnim znanjima i veštinama stečenim tokom studija i pripravnčkog rada* [Perception of Practical Legal Knowledge and Skills Acquired during Studies and Apprenticeship] (CEPRIS 2025).

⁶⁹ Jacqueline Kinghan, ‘Recruitment and Retention of Lawyers: Addressing the Challenge of Mid-career Recruitment and Retention of Lawyers in Civil Society Organisations’ (The Baring Foundation, London) 20 https://cdn.baringfoundation.org.uk/wp-content/uploads/BF_Recruitment-retention-of-lawyers-V4.pdf accessed 8 August 2025.

graduates who volunteer for charity, civic, religious, or humanitarian reasons.⁷⁰ Such volunteering should also be differentiated from *pro bono* (*publico*) work, which refers to legal advice or representation provided by lawyers in the public interest through legal aid programmes for those unable to afford such services when alternative means of funding are unavailable.⁷¹ This distinction is underlined by the landmark judgment of the European Court of Human Rights in *Van der Mussele v. Belgium*, which involved a pupil advocate called upon to provide free legal services to assist indigent defendants (pupillage is a prerequisite to entry on the register of *avocats*). The applicant contended that this work could be deemed forced labour, since refusal could have led to his removal from the roll of pupils or denial of his application to the Register of Advocates. The Court found that these consequences constituted a threat of a penalty, aligning with the broadly accepted definition of forced labour under ILO Forced Labour Convention No. 29. However, it concluded that providing free legal services to poor defendants did not impose an excessive or disproportionate burden relative to the advantages associated with the applicant's future practice as an advocate, given that he had sufficient time to undertake paid work. The Court concluded that these services "did not fall outside the ambit of the normal activities of an *avocat*" and that they aided his professional training.⁷² This indeed reflects the traditional understanding of the role of lawyers, specifically their commitment to serving the public good, while their monopoly over legal service provision positions them optimally to provide assistance where it is most needed.⁷³

4. LEGAL EDUCATION-TO-WORK TRANSITION AND THE RISK OF LABOUR EXPLOITATION

Labour law offers various definitions of work, with widely accepted ones based on the distinction between subordinated and independent work (*summa divisio*). Moreover, a common classification differentiates between paid and unpaid work, the work of employees and public officials, as well as work and education.⁷⁴ Still, the concept of work is one that is continuously evolving, making it impossible to define its boundaries with mathematical precision. This is exemplified by unpaid work-integrated training, as well as work-integrated training conducted for compensation below standard salaries, which are deemed acceptable by courts and state agencies tasked with protecting the rights of young workers in some foreign jurisdictions.⁷⁵ The main argument is that young persons lack work experience, and that the skills and practical knowledge gained through work-integrated training serve as adequate counter-prestation for the tasks performed

⁷⁰ However, some individuals engage in unpaid work for non-profit organisations with a dual purpose: to help others and to enhance their own employability. In such cases, their work should be regarded as volunteering only if its nature is primarily altruistic, see Stewart and others (n 28) 160.

⁷¹ Vinny Kennedy, 'Pro Bono Legal Work: The Disconnect between Saying You'll Do It and Doing It' (2019) 26(3) *International Journal of Clinical Legal Education* 25, 28.

⁷² *Van der Mussele v Belgium* App no 8919/80 (ECHR, 23 November 1983), para. 39.

⁷³ Part of the literature calls to reconsider this traditional notion of an advocate, primarily taking into account the tendency to transform the practice of law into a business: "a once elite and learned profession is now operating in a competitive cut-throat business environment, much like any other business and profession" (Ingo Forstenlechner and Fiona Lettice, 'Well Paid but Undervalued and Overworked: The Highs and Lows of Being a Junior Lawyer in a Leading Law Firm' (2008) 30(6) *Employee Relations* 640, 641). More precisely, it concerns the matter that if law firms operate purely as a business, *pro bono* work is deemed an undesirable activity, unless it serves self-promotional purposes, especially if law firms aim to present themselves to the public as socially responsible entities, see Kennedy (n 71) 34, 37.

⁷⁴ Alain Supiot, 'Le travail en perspectives: Introduction' (1996) 135(6) *Revue internationale du Travail* 663, 668.

⁷⁵ Rosin and Erikson (n 30) 205.

for the employer.⁷⁶ However, learning and training need not exclude rights such as remuneration, limited working hours, annual leave, health and safety at work, and respectful treatment of workers.⁷⁷

Among the arguments most frequently cited in support of mandatory payment for the training stage, the prevention of labour exploitation stands out as the most significant. In this regard, it is crucial to recall that exploitation leads to a person being placed in a more disadvantageous position than they would have been in had they received fair treatment.⁷⁸ More precisely, it involves the abuse of a person's vulnerable position for the purpose of profit generation,⁷⁹ where the intent to exploit manifests itself in the denial or restriction of labour rights, or in the imposition of working conditions that violate applicable legal standards. Understood in this way, labour exploitation implies the gap, to the worker's detriment, between the work performed and the benefit obtained, facilitated by the worker's dependency on the employer. Exploitation occurs when an individual has no other real or acceptable option but to submit to exploitation. This vulnerability can manifest in various ways and may relate to any hardship that compels an individual to accept exploitative working conditions. Employers may, in turn, use different means to exploit workers' labour (and vulnerability), including the introduction and maintenance of severely unfavourable working conditions. The case of unpaid training for law graduates reveals that their vulnerable position stems from the fact that the completion of the training stage is a prerequisite for taking the state exam, which, in turn, is a requirement for entering regulated legal professions. Consequently, numerous law graduates feel that they have no other choice but to consent to exploitation through unpaid traineeships or "volunteering," where such exploitation is evident in the denial of remuneration, their exhaustion through long working hours and heavy workloads, and the deprivation of a range of rights that would be afforded to them had the employer decided to implement the work-integrated training within the framework of an employment relationship.⁸⁰ The status of young workers is exacerbated by the absence of effective legal remedies in certain legal systems. This situation is compounded by their lack of financial resources to pursue legal action or their reluctance to initiate proceedings against their employer due to fear of retaliation. Such retaliation could mean losing the opportunity to be employed by the same employer after training or being denied a letter of recommendation.⁸¹

⁷⁶ Phillip C. Rothschild and Connor L. Rothschild, 'The Unpaid Internship: Benefits, Drawbacks, and Legal Issues' (2020) 10(2) *Administrative Issues Journal* 1, 3.

⁷⁷ Helme (n 28) 699.

⁷⁸ Matt Zwolinski and Alan Wertheimer, 'Exploitation' in Edward N. Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Summer 2017 edn) <https://plato.stanford.edu/archives/sum2017/entries/exploitation/> accessed 20 August 2025.

⁷⁹ Virginia Mantouvalou, 'The Right to Non-exploitative Work' in Virginia Mantouvalou (ed), *The Right to Work – Legal and Philosophical Perspectives* (Hart Publishing 2015) 49.

⁸⁰ According to Helme (n 28) 680: "reports of death from exhaustion and hunger from living on 'ramen noodle diets' underscore the risk of exploitation." The author refers to the case of a trainee who allegedly suffered a heart attack due to overwork and exhaustion. The phrase "ramen noodles only" budget refers to the minimum cost of living required to meet the basic needs of a single young person in the EU. This budget totals €1,028 per month and, according to research conducted by Moxon, Bacalso, and Dolidze (Dan Moxon, Cristina Bacalso and Salome Dolidze, *The Costs of Unpaid Internships* (European Youth Forum 2023) 2, 6, 11 <https://www.youthforum.org/files/231114-DP-CostUnpaidInternships.pdf> accessed 12 August 2025), represents the most direct cost to a young person undertaking an unpaid traineeship. Considering these individuals typically lack access to social protection benefits to offset these costs, it is clear that unpaid traineeships are affordable only for those young people who can rely on familial financial support, substantial personal savings, or concurrent paid employment.

⁸¹ European Youth Forum, *Workers' Rights for the 21st Century* (European Youth Forum 2024) 10 <https://www.youthforum.org/files/241103-PP-WorkersRights.pdf> accessed 11 August 2025.

Furthermore, it is often emphasised that paid trainees are more committed to acquiring practical knowledge and skills, as financial compensation enhances their motivation and engagement during the training period. Additionally, financial support eliminates the need to find a second job while “volunteering.” Moreover, individuals participating in paid training are more likely to secure employment with the host organisation upon the completion of their training, as employers frequently treat apprenticeships and paid traineeships as a form of pre-employment assessment of prospective workers’ competencies.⁸² Paid training is particularly important for young people from less developed areas, who might not otherwise be able to cover the costs of accommodation and transport, especially as traineeships are typically conducted in larger cities.⁸³ The same applies to other categories of young workers who, due to financial hardship, cannot afford to undertake unpaid training for extended periods. Finally, there is a broader need to ensure the proper functioning of the labour market: preventing employers from meeting their long-term labour needs by engaging young workers without salary is essential to avoiding unfair competition.

Nonetheless, even paid apprenticeships and traineeships can lead to precariousness if poorly remunerated. It is unacceptable for remuneration to be set below the level needed to cover basic living expenses, particularly as this forces law graduates to take on additional jobs to support themselves, which endangers their health and well-being due to excessive working hours.⁸⁴ Ultimately, this means that law graduates seeking full-time unpaid traineeships must choose between income loss during the traineeship or efforts to balance paid employment with training hours that may seriously endanger their health and safety.⁸⁵ However, this is not a viable solution for trainees with high workloads and prolonged hours without commensurate compensation, nor for those with caring responsibilities or health conditions that hinder their ability to endure such levels of exhaustion. In this regard, the view that traineeships represent an “archetype” of precarious work, alongside pseudo-volunteering, seems justified.⁸⁶ This is especially true given that unpaid or poorly paid traineeships contribute to labour market segmentation and the institutionalisation of discrimination against young people.⁸⁷ The European Parliament recently highlighted this issue, condemning the practice of unpaid traineeships as a “form of exploitation of young workers, and a violation of their rights,” and calling for the establishment of “a common legal framework to ensure fair remuneration for traineeships and apprenticeships in order to avoid exploitative

⁸² Paula McDonald, Andrew Stewart and Damian Oliver, ‘Challenging the Assumptions Supporting Work Experience as a Pathway to Employment’ in Andrew Stewart and others (eds), *Internships, Employability and the Search for Decent Work Experience* (Edward Elgar Publishing 2021) 83.

⁸³ In that sense, the Committee of Ministers of the Council of Europe highlighted the need to ensure, in particular through legislation, that traineeships represent a secure and legal form of employment and a viable entry point into the labour market for young people from “disadvantaged neighbourhoods.” Committee of Ministers of the Council of Europe, Access of Young People from Disadvantaged Neighbourhoods to Social Rights, Recommendation CM/Rec(2015)3 (21 January 2015), appendix, para. a), point II.

⁸⁴ CJ Ubanyionwu, ‘Young Lawyers and Challenges of Pupillage in Nigeria’ (2025) 2(2) *Journal of Customary and Religious Law* 130, 136.; Moxon, Bacalso and Dolidze (n 80) 5.

⁸⁵ Moxon, Bacalso and Dolidze (n 80) 8.

⁸⁶ Bernd Waas, ‘Rights and Obligations in the Context of Internships and Traineeships: A German Perspective’ in Andrew Stewart and others (eds), *Internships, Employability and the Search for Decent Work Experience* (Edward Elgar Publishing 2021) 113 <https://doi.org/10.4337/9781800885042.00016> accessed 20 August 2025.

⁸⁷ Julia López López, ‘Traineeships and Systemic Discrimination against Young Workers’ in Andrew Stewart and others (eds), *Internships, Employability and the Search for Decent Work Experience* (Edward Elgar Publishing 2021) 331.

practices.”⁸⁸ Additionally, in some countries, the widespread reliance on unpaid work placements has led to the formation of organisations dedicated to exposing the precarious nature of unpaid traineeships and the increasing demands placed on students by educational institutions to engage in unpaid work during their studies, such as the Canadian Intern Association and Students Against Unpaid Internship Scams in Canada,⁸⁹ and Brussels Interns NGO (Blngo) in Belgium.⁹⁰

At the same time, it is crucial to acknowledge that the remuneration level should reflect the opportunity apprentices and trainees have to gain experience, skills, practical knowledge, and contacts with employers and their clients that are relevant for developing their professional careers, improving their employment prospects with the same or different employer, and becoming familiar with the demands of a particular job or profession.⁹¹ Furthermore, it is essential to prioritise access to training programmes for as many individuals as possible, a goal that may be challenging to achieve if remuneration is set too high.⁹² Ultimately, remuneration should also reflect the volume and quality of the work performed by trainees and apprentices. In relation to this, the ILO Quality Apprenticeships Recommendation No. 208 stipulates that remuneration for apprentices must be “adequate,” meaning that it should allow them to support themselves and reflect their contribution to the work process.⁹³ This latter criterion aligns with the stance of the ILO Committee of Experts on the Application of Conventions and Recommendations, which asserts that the principle of equal pay for work of equal value implies that apprentices and trainees

should only be paid at a differentiated rate where they receive actual training during working hours at the workplace. In general, the quantity and quality of the work performed should be the decisive factors in determining the wage paid.⁹⁴

Conversely, the Council Recommendation on a Quality Framework for Traineeships does not explicitly require remuneration for traineeships, while the European Commission has recently concluded that the Quality Framework for Traineeships should be complemented by “fair remuneration” as an additional quality element.⁹⁵ Similarly, the European Youth Forum’s Quality Charter on Internships & Apprenticeships asserts that decent remuneration must not fall below the EU poverty threshold of 60% of the median income or the national minimum wage, whichever is more favourable, “in accordance

⁸⁸ European Parliament resolution on empowering European youth: post-pandemic employment and social recovery (2021/2952(RSP)), point 15.

⁸⁹ Andrew Langille, ‘Lost in Transition: The Regulation of Unpaid Labour During School-to Labour Market Transition in Ontario’ (2015) 4(1) *E-Journal of International and Comparative Labour Studies* 1.

⁹⁰ European Youth Forum (YFJ) v Belgium, Complaint No 150/2017 (European Committee of Social Rights, 8 September 2021), para. 21.

⁹¹ Jenny Julén Votinius and Mia Rönmar, ‘Internships and Apprenticeships in Sweden: Collective Bargaining and Social Partner Involvement’ in Andrew Stewart and others (eds), *Internships, Employability and the Search for Decent Work Experience* (Edward Elgar Publishing 2021) 145 <https://doi.org/10.4337/9781800885042.00018> accessed 20 August 2025; cf. López López (n 87) 324.

⁹² Klaus Müller, *The Quality of Traineeships in the EU: European Added Value Assessment* (European Parliamentary Research Service 2022) II. [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/699459/EPRS_STU\(2022\)699459_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/699459/EPRS_STU(2022)699459_EN.pdf) accessed 3 August 2025.

⁹³ International Labour Organization, Quality Apprenticeships Recommendation, 2023 (No 208): Guide for Policymakers (International Labour Office 2024) 42 https://www.ilo.org/sites/default/files/2025-05/Quality_Apprenticeships_WEB.pdf accessed 11 August 2025.

⁹⁴ CEACR, Minimum Wage Systems: General Survey of the Reports on the Minimum Wage Fixing Convention, 1970 (No 131) and the Minimum Wage Fixing Recommendation, 1970 (No 135), Report III(1B) (International Labour Conference 2014), para. 188.

⁹⁵ European Commission, Evaluation of the Council Recommendation on a Quality Framework for Traineeships SWD(2023) 10 final (European Commission 2023), 51, 52.

with the tasks performed by the intern and the working hours (with overtime to be additionally compensated).⁹⁶ Moreover, a recent publication by the European Youth Forum affirmed that all traineeships outside formal education must be paid in accordance with national minimum wage legislation and relevant collective agreements, based on the conviction that trainees “perform work that entitles them to be treated on an equal basis as other workers”.⁹⁷ This further means that trainees are entitled to the full minimum wage because, similar to employees, they operate under the employer’s instructions. The training purpose of the traineeship is considered

an internal fact which is objectively difficult to prove and which in the past had led to considerable problems of presentation of evidence and proof to identify abusive fictitious internships. Consequently, internships and employment relationships are so close that the legislature is entitled to treat them equally in certain respects,

including with regard to the right to minimum wage.⁹⁸

It can be concluded that the training stage without remuneration, or with only minimal compensation, transforms the work of recent law graduates into a new form of precarious employment. The amount of compensation for completing this stage should reflect the fact that law graduates, through work-integrated training, can gain the opportunity to acquire work experience, skills, practical knowledge, and professional contacts relevant to their career development. They can also gain access to the state examination(s), regulated legal professions, a more robust professional résumé, and better employment prospects with the same or different employers, as well as the chance to become familiar with the requirements of the position and the legal professions more broadly.⁹⁹ Moreover, in assessing the compensation for their work-based training, the principle of equal pay for work of equal value must be taken into account. The compensation should reflect the quantity and quality of the professional tasks performed, regardless of the fact that the working hours of trainees and volunteers are not entirely spent on professional duties but also include time devoted to learning and training activities.

5. TRAINING STAGE AND RISK OF DISCRIMINATION

Different categories of youth have different needs, capacities, and expectations, so approaches to addressing youth unemployment must also vary. For example, there are gender-related differences, as girls are frequently directed towards lower-paid jobs that offer limited opportunities for career advancement.¹⁰⁰ Additionally, the problem of unpaid traineeships, which seriously undermines young people’s opportunities to gain work experience and improve their employability, disproportionately affects young women, who are less likely to be paid than their male counterparts in the EU.¹⁰¹

⁹⁶ European Youth Forum, European Quality Charter on Internships & Apprenticeships, Article 3.

⁹⁷ Jenny Ng, *High Quality or Unpaid and Unregulated? Uncovering National Internship Policies in Europe* (European Youth Forum 2022) 6 https://www.youthforum.org/files/Internship-Policies-Report_v3.0.pdf accessed 2 August 2025.

⁹⁸ Waas (n 86) 113, 129.

⁹⁹ Nevertheless, trainees may not necessarily get the aforementioned benefits, and the likelihood of achieving them are particularly small in the case of low-quality unpaid traineeships.

¹⁰⁰ International Labour Office, ABC of Women Workers’ Rights and Gender Equality (International Labour Office 2007) 201 https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_087314.pdf accessed 11 August 2025.

¹⁰¹ Helme (n 28) 680.

Furthermore, a significant number of female trainees experience sexual harassment.¹⁰² The risk of multiple discrimination against young workers does not end there. Particularly vulnerable groups include youth with disabilities, minority youth, young migrant workers, and others. It is also essential to recognise that, alongside unskilled and low-skilled young workers, highly qualified young individuals face significant challenges while joining the labour market. This occurs despite the prevalent assumption that higher levels of education and training automatically translate into higher employability,¹⁰³ a notion contested by the situation of law graduates.

In both academic literature and the practice of the Committee of Ministers and the Council of Europe, the issue of the unpaid training stage has been examined through the lens of discrimination risks on the grounds of both age and socio-economic status. In this context, special attention is drawn to the challenges faced by young persons who lack financial support from their families, "during a period of transition when they are taking on new responsibilities and duties but are also subject to discrimination by virtue of their youth" in the labour market.¹⁰⁴ In this sense, there is a request for the young persons to be "properly compensated" in order to support their right to autonomy and to a decent standard of living, as well as to protect equal opportunities,¹⁰⁵ especially since "inherent complexity of unpaid experience" can be reflected in a complex and confusing "patchwork of (potential) legal coverage under equality law".¹⁰⁶ Additionally, the lack of labour rights for trainees constitutes an important feature of "systemic age discrimination," which further complicates the already unfavourable position of young people on the labour market.¹⁰⁷

A similar view was expressed in a decision issued by the European Ombudsman in response to a complaint by a young Austrian who had completed an unpaid traineeship at the EU Delegation in Asia. The Ombudsman concluded that unpaid traineeships are discriminatory towards young people of modest financial means, as they represent a privilege available only to those with sufficient economic resources. In this sense, the arrangement of unpaid traineeships reinforces the social exclusion of youth from disadvantaged backgrounds, who, due to poverty, are unable to seize such valuable opportunities for developing their skills and knowledge. This, in turn, limits their prospects of securing quality employment. This decision prompted the European External Action Service to suspend its unpaid traineeship programmes. At the same time, it was

¹⁰² Helme (n 28) 681.

¹⁰³ Benoit Cart, Alexandre Léné and Marie-Hélène Toutin-Trelcat, 'The Evolution of the Training-to-Work Transition for Apprentices in France Over the Last Twenty Years' (2019) 141 *Training & Employment* 1, 3.

¹⁰⁴ Recommendation CM/Rec (2016)7 of the Committee of Ministers to Member States on young people's access to rights, adopted by the Committee of Ministers of the Council of Europe on 28 September 2016, paras. 13 and 41. Research conducted by Moxon, Bacalso and Dolidze (n 80, p. 10) shows that young people from households with the lowest economic status are four times less likely to report the ability to afford unpaid traineeships compared to those from households with medium economic status, and eight times less likely than their peers from households with the highest economic status. The most vulnerable categories of young people in this context include those living in single-parent households, persons with disabilities, migrants, young people whose parents possess lower education levels, and those from low-work-intensity households.

¹⁰⁵ Recommendation CM/Rec (2016)7 of the Committee of Ministers to Member States on young people's access to rights, adopted by the Committee of Ministers of the Council of Europe on 28 September 2016, para. 41.

¹⁰⁶ Alysia Blackham, 'Working at the Edges of Legal Protection: Equality Law and Youth Work Experience from a Comparative Perspective' in Andrew Stewart and others (eds), *Internships, Employability and the Search for Decent Work Experience* (Edward Elgar Publishing 2021) 320 <https://doi.org/10.4337/9781800885042.00029> accessed 20 August 2025.

¹⁰⁷ Helme (n 28) 680.

concluded that unpaid traineeships within EU delegations constitute maladministration, as they fail to make traineeship opportunities within the EU equally attractive to all outstanding candidates.¹⁰⁸

Taken together, these factors result in traineeships primarily benefiting a privileged minority of students and graduates, particularly those living in large urban centres, those with family connections to employers, or those who come from families able to support them financially during the training stage.¹⁰⁹ Moreover, it is not uncommon for these individuals to complete two or even more high-quality traineeship programmes, further deepening the inequalities among law students – inequalities that are likely to have a lasting impact on their employability after graduation.¹¹⁰ In this regard, it seems reasonable to conclude that the practice of unpaid traineeships may still amount to indirect discrimination against various social groups with protected characteristics. As has been noted,

effectively the use of unpaid internships serves to clearly exclude young people from more marginalised backgrounds, unfairly limiting their access to specific roles and potentially whole sectors.¹¹¹

6. TRAINING OF LAW GRADUATES

Law graduates are entering an increasingly competitive labour market, where many employers expect to recruit “work-ready” job candidates. This creates pressure on law students to gain work experience even before graduation through legal clinics, university-controlled traineeships, placements in law firms, and projects with third-party institutions. When it comes to these university-controlled activities, the risk of exploitation is not linked to the absence of remuneration, given that students receive academic credit points. Instead, the exploitation of their vulnerability can manifest through excessive working hours, harassment or violations of other students’ human rights. This is particularly significant given that students cannot be fully subsumed under either educational legislation or labour legislation. Similar risks are also connected with open-market traineeships organised independently of the universities. Namely, open-market traineeships are often unregulated, unpaid, or underpaid, rendering them potentially exploitative and generally having a negligible impact on the employability of young people. Moreover, they tend to be exclusive for young persons from low socio-economic backgrounds, especially when considering the high costs of education, along with the travel and accommodation expenses. This issue is particularly pressing for law students who support themselves during their studies through paid employment, as they would have to give up such employment to undertake a traineeship, or risk seriously jeopardising their well-being due to excessive working hours. Furthermore, there is a risk that traineeships may be used by employers to replace “regular” workers, exploiting the willingness of young people to learn without any future prospect of becoming their employees.

When it comes to recent law graduates, we should start from the fact that the coherence of legal professions relies on a standardised educational experience, whereas the performance of specific jobs and functions is reserved only for persons who are

¹⁰⁸ European Ombudsman, Decision in case 454/2014/PMC concerning the European External Action Service’s practice of offering unpaid traineeships in EU Delegations (21 September 2017).

¹⁰⁹ Hewitt and others (n 3) 116.

¹¹⁰ McDonald, Stewart and Oliver (n 82) 79.

¹¹¹ Moxon, Bacalso and Dolidze (n 80) 12.

qualified to practise the legal profession according to national law.¹¹² This includes the mandatory training stage and the successful completion of exam(s) administered by the state, which ensures readiness to perform complex work tasks within the judiciary and other sectors. Specifically, equipping law graduates for independent professional work is a prerequisite not only for meeting the current and future needs of these young persons, employers, and the labour market, but also for building and protecting the rule of law.¹¹³ In many states, fulfilling the requirements for engaging in the legal profession presents a particular challenge owing to the extended transition of law graduates from education to employment. Additionally, the proliferation of pathways for acquiring work experience presents challenges of its own by creating two parallel worlds of work for recent law graduates. Those undergoing unpaid training are often provided with little or no protection, while those who enter into an employment relationship enjoy the full catalogue of labour rights. This bifurcation of training opportunities is especially problematic given that employers are left with discretionary prerogatives to decide whether the training stage will be paid or unpaid. In practice, this frequently results in law graduates performing unpaid work, due to employers' efforts to reduce costs.¹¹⁴

The classification of recent law graduates as volunteers is equally problematic because their work-integrated training is undertaken with the desire to improve employability and does not involve traditional volunteering activities done for the common good or to the benefit of others, although they also contribute to skill-building. Ultimately, this reflects a misinterpretation of the idea of a volunteering and risks exhausting young workers through long working hours and heavy workloads, while also depriving them of a range of rights they would be entitled to had they entered into an employment relationship. All these situations carry the risk of labour exploitation, because law graduates often have no other real or acceptable option but to consent to unpaid training or "volunteering," since the completion of the training stage is a necessity for their access to regulated legal professions. The situation of recent law graduates can be further aggravated by the lack of effective support from workers' representatives and labour inspectorates,¹¹⁵ as well as by the lack of financial resources to pursue legal protection of their rights, or by hesitation to initiate proceedings against employers due to fear of retaliation. Consequently, it can be argued that young law graduates are among the most vulnerable members of the legal community.¹¹⁶

It can be concluded that unregulated, unpaid, and underpaid non-university-controlled work-integrated training represents precarious work that contributes to labour market segmentation and the institutionalisation of discrimination based on age and socio-economic status against young people. Therefore, it is reasonable to assert that a combination of high expectations for practical experience and discrimination restricts the

¹¹² Johannes Riedel, 'Training and Recruitment of Judges in Germany' (2013) 5(2) *International Journal for Court Administration* 42.

¹¹³ Ljubinka Kovačević and Mila Đorđević, 'Prelazak diplomiranih pravnika iz sveta obrazovanja u svet rada: Problem pripravnštva i „volontiranja“ u pravosuđu' [The Transition of Law Graduates from the World of Education to the World of Work: Problems of Apprenticeship and "Volunteering" in Judiciary] in Predrag Trifunović (ed), *Aktuelni problemi u teoriji i praksi građanskog, privrednog, radnog i porodičnog prava* [Actual Problems in Theory and Practice of Civil, Commercial and Family Law] (2025) 243.

¹¹⁴ Caroline Hood and Chris Simmonds, 'The Solicitor Apprenticeship' (2022) 56(3) *The Law Teacher* 420, 421.

¹¹⁵ Marc Steiert, *The EU and the Regulation of Young People's Work Transitions – Individuation, Governance and Quality* (ETUI aisbl 2025) 24 <https://cadmus.eui.eu/server/api/core/bitstreams/2715d861-cac7-467b-874b-c5422e3784a3/content> accessed 12 August 2025; cf. Nicola Deleonardis and Michela Turollo, 'Trade Unions and Young People: Tools for Their Protection and Employability' (2024) 13(3) *E-Journal of International and Comparative Labour Studies* 24, 28-29.

¹¹⁶ Blackham (n 10) 21.

diversity of those able to enter the legal profession.¹¹⁷ The hybrid nature of work-integrated training presents further challenges, raising sensitive questions about the value of such training and its role in shaping the professional and personal identity of law graduates. Answers to these questions are essential for the legal regulation of work-integrated training for law graduates. Namely, we believe that these forms of training should be regulated to ensure quality in law graduates' access to decent work, while lawmakers should proceed from the presumption that, although the skills and practical knowledge gained through training serve as a form of compensation for the tasks they perform for the employer, training need not be exclusive of labour rights. Therefore, the "structurally discriminatory narrative that young people's work is different and less valuable" should be abandoned, while when arranging different work experience schemes, "young people who engage in economic activity should, in principle, have access to the same labour rights as others".¹¹⁸

This article concludes by underlining the need to move away from privileging specific categories of young people based on their contractual status or socio-economic background.¹¹⁹ Instead, all law graduates should be afforded equal labour rights during their training stage, including the right to decent remuneration, social security, and access to rights enforcement, with an extension of the personal scope of labour legislation to include them, and, where necessary, an adaptation of certain labour law norms to their needs and the peculiarities of their training.¹²⁰

These legislative interventions should be complemented by the orientation of educational and employment policies towards providing skill-building opportunities and knowledge relevant to enhancing the employability of young people. At the same time, employment policy and tax policy should be directed towards the introduction of effective support and assistance measures for young people (such as well-designed career guidance, subsidies for financing remuneration for young workers, and tax incentives for employing young people without prior work experience).

These efforts should be complemented by the sustained commitment of universities and law faculties to continuously improve their study programme curricula, inter alia in light of the requirement that students should not be overburdened, and that, through mandatory and optional courses, they should be able to acquire knowledge and skills conducive to finding and retaining quality jobs in the future. Furthermore, it is necessary to recognise the crucial role of risk management in relation to discrimination, harassment, unjustifiably long working hours, and poor-quality placements of law students during university-controlled learning and training activities. The effective management of these risks may prevent work-based learning and training from being distorted into exploitative work. In this regard, universities and law faculties should adopt the measures necessary to prevent the occurrence of, or to put an end to, violations of students' human rights. Such measures should be designed on the basis of an analysis of the situation at the relevant university or faculty, as well as within law firms, companies, and other environments in which students' externally organised activities take place. Moreover, particular importance should be attached to academic supervisors' support,

¹¹⁷ Hewitt and others (n 3) 127.

¹¹⁸ Steiert (n 115) 24.

¹¹⁹ Steiert (n 115) 24; European Youth Forum, *Always on Standby: How Precarious Work Impacts Young People's Mental Health – And What to Do About It!* (European Youth Forum 2024) 7 <https://www.youthforum.org/files/240325-PP-MentalHealth.pdf> accessed 2 August 2025; European Youth Forum, *Workers' Rights for the 21st Century* (European Youth Forum 2024) 5 <https://www.youthforum.org/files/241103-PP-WorkersRights.pdf> accessed 11 August 2025.

¹²⁰ Steiert (n 115) 24.

as well as to the preparation of students for work-based learning. This includes properly and fully informing students about the learning expectations associated with the placement and clarifying the distinction between the work performed and the learning that occurs through that work.¹²¹ In addition, there is a need to organise training for law students aimed at recognising labour exploitation, discrimination, and harassment, and at raising awareness of their harmful consequences.

There is also a need for the involvement of trade unions in the design, implementation, monitoring and evaluation of work-integrated training programmes, primarily through their consultation on the issues outlined above, but also through the mobilisation of young workers as new union members, and the initiation of collective bargaining on matters relevant to the education-to-work transition. In addition, the successful transition of law graduates into the world of work presupposes partnership among all stakeholders who have an interest in ensuring that law graduates acquire the best possible education and training for independent professional practice, including bar associations, chambers of notaries, chambers of public enforcement officers, professional associations of judges and public prosecutors, and youth organisations. Finally, it is necessary to maintain records of students' and recent law graduates' work-based learning and training activities, since data on the experience and competencies acquired in this manner, as well as data on working time and other conditions under which specific tasks are performed, may be relevant for monitoring, supervision, planning, and the management of appropriate policies.

¹²¹ Hewitt (n 11) 14.