Young people make up one-fifth of the Australian labour force, yet are often subjected to poor working conditions, compromised health and safety standards, workplace bullying and harassment and unsatisfactory pay. These problems are compounded by changes in the labour market, including the push for deregulation and the continuing erosion of employment security. Paula McDonald and Kerriann Dear profile the organisations and processes that attempt to protect the rights of young workers, including the roles, strengths and limitations of: legislation, government agencies, unions and non-government organisations. They conclude with recommendations for strengthening legal and policy frameworks to protect young workers' rights and improve their prospects and experiences in Australian workplaces.

Who is upholding the rights of young workers? >> A profile of advocacy groups in Australia

Approximately 1.9 million young Australians between the ages of 15 and 24, or 20% of the total labour force, participate in paid work, including 55% of tertiary students and 32% of secondary school students (Australian Council of Trade Unions Congress 2003). Despite their representation, current literature suggests young workers are a vulnerable group because they are often subject to poor employment conditions. This paper addresses the issue of who is looking after the rights of young workers in Australia and the adequacy of such arrangements. First, it summarises the literature on youth employment and highlights aspects of the poor employment conditions encountered by many young workers. Second, it outlines the role of key agencies in protecting young workers. It provides a brief overview of government bodies and legislation that regulate the industrial environment, and the programs and strategies of the Australian Council of Trade Unions (ACTU) that are related to young workers, and profiles non-government organisations that are responsible for advising and advocating for employed youth. It will be argued that in order to improve the working conditions of young workers, and decrease exploitative practices faced by young people in the work force, a number of legislative and policy changes are required. Finally, the paper concludes with some recommendations for future research on young people's experiences of the labour market.

Young workers: A summary of concerns

Although participation in work is generally considered potentially valuable for young people because it enables them to develop skills and experience, the successful transition from school to work is challenging and dependent upon access to resources (Smith 2003).

Research indicates a number of concerning trends in relation to the conditions under which young people work. For example, concerns regarding health and safety, unsatisfactory pay and conditions, and workplace bullying have been cited in numerous studies (e.g., Colman 1994; Doctor 1998; Korosi et al. 1995; Lewis & McLean 1999; Morgan & Banks Ltd 1999). A recent and comprehensive report which investigated the working conditions for young people in the fast food industry in Victoria provides evidence of these particular problems. For example, nearly half of the 600 respondents had suffered an injury or illness at the workplace: 10% were not being paid the legal minimum; and 35% experienced some form of workplace violence or bullying (Malipotic 2004). Further issues of concern identified in the literature include the use of children in overcrowding arrangements in the garment industry (e.g. Maslen 1996) and excessive work hours by students in full-time education (e.g. Lawton 1994).

Further, although there is a public focus on youth unemployment rates, which are around 20% (Ruggles et al. 1998), large numbers of school leavers are also "underemployed". Underemployment, defined by Giddens (1973) as dull and routine labour which has negative psychological effects and restricts an individual's life chances, is emerging as a significant issue for youth in the labour market. Many low-skilled jobs in the service sector (for example, restaurants, shops, supermarkets and fast food outlets) involve this kind of labour and are dominated not only by school students working on a part-time basis, but many 15- to 24-year-olds working full-time for a livelihood (Laurtzen 1995; Munro 1992).

A number of changes within the Australian labour market have created new problems for employed youth as well as aggravated existing concerns. These changes include the erosion of job security, a push for deregulation and the increasingly precarious nature of employment – which gives rise to significant numbers of young workers in casual, part-time and fixed-term arrangements (Job Watch Inc. 2002). For example, more than 66% of 15- to 19-year-old workers are engaged in casual employment compared with around 25% of the general workforce (ACTU Congress 2003).

Compounding these issues is the fact that young workers are often unaware of their legal rights (Job Watch Inc. 2002). A study by the South Australian Trades and Labour Council of 528 working students (Youth Monitor 1991) found that nearly half did not know how to check if they were receiving the correct amount of pay. In addition, almost one-third were unaware their employers were not allowed to discriminate on the basis of sex and 60% did not understand the function of unions.

The magnitude of these concerns suggests that young workers are often subjected to long working hours, compromised job conditions that threaten their health and safety, and other forms of exploitation. This situation suggests that the conditions of young people's employment, and particularly the employment of children, should be a major priority for governments and the community alike. Further, the reluctance of many young people to access complaints avenues means that special measures may need to be adopted to protect young workers and workplaces that employ young people, and these workplaces should be systematically monitored (Anderson 2000). However, the regulation of young workers varies widely across the States and often involves non-integrated and sometimes confusing relationships between government departments and community groups. This regulatory environment is discussed below.

The role of legislation in protecting young workers

Contrary to popular belief, some States do not specify a minimum age at which a person can be employed, while others only restrict certain industries and times of work for children under 15 years. The regulation of employment for children under the age of 15 years is carried out by a range of different government departments which administer various industrial relations Acts and their associated Regulations. These vary across the States. For example, in the Australian Capital Territory, the Department of Education and Community Services is responsible for administering the Education Act 1937 (ACT) and the Children's Services Act 1986 (ACT), which provide for compulsory schooling and regulation of employment of children, while in New South Wales, the Children (Care and Protection) Act 1987 (NSW) governs the employment of children under 15 years of age in certain industries.

States do not just differ in terms of the type of regulatory body engaged to administer the legislative apparatus existing at industrial law and young people. They also differ in terms of key aspects of the regulation of youth employment. While some States do not specify a minimum age at which a person can be employed (e.g. Western Australia, Queensland), in others (e.g. Victoria), children can only be employed following the issuing of a permit. However, critics have claimed that the permit system is largely ignored and examples of prosecutions for breaches of child employment permits are uncommon (Anderson 2000). It has also been suggested that the lack of regulation of children's employment means that Australia is not fulfilling its international obligations with respect to the rights of minors. Australia is a signatory to the United Nations Convention on the
There are no specific guidelines for conciliation that relate to the age of employee applicants, and developmental limitations that might affect a young person’s ability to self advocate may go unrecognised.

Rights of the Child (UNICEF 1989); however, “Australian governments have not found it necessary to legislate for a minimum age or maximum age for admission to employment” (UNICEF 1989).

Despite the lack of national restrictions on age of employment, in most States children are restricted from working at certain times, for example during school hours, and in some cases at night, and in certain industries and jobs. In New South Wales, children under 15 years of age cannot be employed for the purpose of participating in entertainment, exhibition or offering anything for sale (door-to-door selling) unless an application is made to the Director-General of the Department of Community Services. Children are also restricted from being employed in door-to-door selling in South Australia and Victoria. In New South Wales, it is an offence for a person to allow a child to be employed in circumstances where the child’s physical or emotional wellbeing is at risk.

Other legislation and departments that regulate employment complaints (for example, the Fair Trading Act 1999; State Workcover Authorities; State Industrial Relations Acts) purport to include young workers in their scope. Apart from Victoria, each State has an Industrial Relations Commission and Industrial Court, which is an independent tribunal established to conciliate and arbitrate industrial matters. Functions of the commissions include certifying, reviewing and amending awards and enterprise bargaining agreements, mediating and arbitrating industrial disputes, dealing with reinstatement applications through conciliation and arbitration and determining claims for unpaid wages.

Further, the Australian Industrial Relations Commission oversees these matters within Federal jurisdictions in addition to the regulation of Australian Workplace Agreements (AWAs), which are individual agreements made directly between an employer and the employee. AWAs are one of the only legally binding contracts that a person under the age of 18 can enter into without parental authority.

One of the major mechanisms for the resolution of disputes and claims within both State and Federal jurisdictions is conciliation prior to formal proceedings. In these conciliation conferences, unrepresented parties are generally provided with an explanation of the process and an assessment of the weight of their claim to help them decide whether to proceed to arbitration. However, there are no specific guidelines for conciliation that relate to the age of employee applicants, and developmental limitations that might affect a young person’s ability to self advocate may go unrecognized. Also, the process of making a claim is complicated, strict time frames apply and the process can be difficult for young people to navigate.

In addition to the anti-discrimination boards and commissions in each State and Territory, the Human Rights and Equal Opportunity Commission, which operates at a national level, has responsibility for receiving complaints (for example, the Fair Trading Act 1999; State Workcover Authorities; State Industrial Relations Acts) purport to include young workers in their scope. Although these statutory bodies provide information and education to young people, they don’t appear to have any youth-specific policies. However, in 2003, the Queensland Anti-Discrimination Commission established a Youth Advisory Committee to facilitate young people’s access to the commission’s processes. This was in recognition of the fact that young people are often reluctant to make complaints about discrimination.

The neo-liberal agenda for smaller government has resulted in a reduction in industrial infrastructure that protects the rights of young workers. In Victoria, for example, industrial relations powers were referred to the federal government (Dept of Employment, Workplace Relations and Small Business (Ctb) (DEWRWSE – Workplace Relations Act 1996) (Ctb) in 1996. Prior to this referral, Victoria had a Youth Industrial Unit, which had responsibility for improving the workplace experiences of young workers, and the fact that young people are more likely to be employed in industries and occupations that have low rates of unionisation and low union membership (e.g. Gomez, Gunderson & Melz 2002; Payne 1989; Waddington & Kerr 2002). These factors may account for the large discrepancy between ideological preference and members on the ground. Thus, while historically sustainable, unions are currently under pressure from decreasing membership and social change. However, they continue to support the rights of their members, the benefits of which are realised in the significant pay premium which exists for unionised young Australians (Kosori et al. 1993).

Specific strategies designed to increase membership among young people have been implemented in some unions. The ACTU recently launched a campaign specifically for young people called Worker2Worker which includes a web site displaying up-to-date news about young workers issues, a “hotline” offering advice about correct rates of pay, suggestions to resolve work related disputes and other problems relevant to young workers and recommendations to refer to relevant unions. The campaign was developed to address the poorer employment conditions experienced by younger workers, their lack of knowledge of employment rights and their lower unionisation rates. The ACTU has also developed a comprehensive policy framework, which outlines planned activities aimed at improving work environments for young people. These strategies cover a range of categories including:

- Industrial (e.g. bargaining for wages to be based on ability, skills and work value);
- Occupational health and safety (e.g. establishing best practice for reducing bullying, harassment and violence towards young workers);
- Trainers and apprentices (e.g. improved rights and enforcement of existing contracts) and
- Accessing young workers (e.g. allowing union advocates to join older olds to join with an existing issue).

A number of unions, some affiliated and others non-affiliated with the ACTU, such as the Shop Distributive and Allied Employees Association (SDA) and the Australian Workers Union, also cover industries with high proportions of young people and conduct youth specific activities. The SDA for example, has a youth page on their web site and provides education through talks offered at high schools.

At a State level, South Australia Young Unions (SAU) have an initiative to assist individual young workers through their Young Workers Legal Service. This service operates with one paid and several volunteer workers who provide information and assistance to all non-union workers under 30. If the young person with an industrial issue becomes a member, they will be assisted with the matter to its conclusion. The SAU also operates a web based resource called U-Who under its umbrella of education, organising and recruitment programs. Additionally, U-What is an on-line resource developed by students for students on workplace disputes and other problems relevant to young workers and referrals to relevant unions. The campaign was developed to address the poorer employment conditions experienced by younger workers, their lack of knowledge of employment rights and their lower unionisation rates. The ACTU has also developed a comprehensive policy framework, which outlines planned activities aimed at improving work environments for young people. These strategies cover a range of categories including:

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and representation on issues relating to their work. These issues include employment conditions and entitlements, work contracts, discrimination, unfair dismissal, workplace bullying, apprenticeships and trainships, and sexual harassment. The service is funded by the Queensland Department of Industrial Relations and is supported by the Queensland Working Women’s Service, an incorporated not-for-profit organisation that has provided work-related services to women since 1984.

YWAS operates through a statewide 1800 number, a web site and email addresses and through a walk-in service in Brisbane. The key operation is the telephone advisory service, which is essentially a "helpline" for young people who sometimes possess limited knowledge of their rights in the workplace. The service also delivers information to other organisations, schools and TAFE colleges.

In the first three years of establishment and operation, YWAS had requests for direct assistance from more than 5,000 young people, including 4,000 who required specialised client assistance (see www.irv.gov.au). This includes the provision of a telephone advice and referral service, a casework service, training and provision of community legal education, including talks and publications, and various campaign activities for disadvantaged workers, including (but not exclusively) young workers, which are aimed at law reform.

In the period 2002–2003, approximately 3,000 young people contacted Job Watch about their rights in the workplace under State and federal legislation. Similar types of issues as those identified by YWAS were reported, including workplace violence and bullying, unfair and unlawful dismissal, non-payment of wages, independent contracting arrangements, superannuation, unpaid trial work and non-payment and underpayment of wages and entitlements.

In regard to its broader community objectives, Job Watch has submitted a number of position papers on various issues related to young workers. These include a discussion paper that advocated the development of appropriate regulatory systems and codes of practice to maximise the rights of young people in the workplace, especially in certain sectors where child workers are particularly vulnerable, such as the construction, transport/storage and agriculture, manufacturing, and the entertainment industry (Anderson 2000). Job Watch also submitted a formal response to the Victorian Government’s issues paper in 2002, in which it recommended a minimum age for entry into employment be specified in industrial relations legislation. A number of promising outcomes have resulted from these papers. For example, the Child Employment Act, which was passed in Victoria in October 2003 and commenced operation on 12 June 2004 (see www.irv.gov.au), includes a number of provisions recommended by Job Watch. These include the imposition of harsher penalties for employers who breach the regulations, prohibition of child employment in certain industries, and requirements for employers and the principal of the child’s school, as well as parents, to sign a child employment permit application.

Other NGOs

A limited number of other non-government organisations also provide services to young workers in Australia. The Smart Casual Association, which operates in Queensland, was initiated in January 2000 in response to the identification by the Young Christian Workers Association of the growing casualisation of young people, and the issues of reduced stability and security, and insufficient representation. With a membership rate of 3.6% in the population as a whole, it is also important to recognise that young people are a vulnerable group in the workplace. The low level of youth membership means that the benefits of unionism to young people are limited. Therefore, a large gap exists in access to services that uphold and advocate for young people. The South Australian model, in which organisations provide services to young people, is more viable option (see www.sauca.net.au). It is also possible to assist non-unionised young people who are reliant on cyclical funding arrangements to come forward and be heard. However, these models of practice need to be sufficiently flexible to allow for diversity within the “young worker” category so that they can respond to the needs of Indigenous youth, those from culturally and linguistically diverse backgrounds and/or young people in regional and rural areas.

Finally, more targeted research is required that specifically addresses the most significant, in terms of both seriousness and frequency, employment-related concerns for young workers. Research such as Smilligan’s 2004 study of problems faced by youth in the fast food industry provides evidence that supports targeted and industry-specific

**Table 1. Categories and proportions of assistance provided to young workers by YWAS 2003–2004**

<table>
<thead>
<tr>
<th>Category of assistance</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problems with pay or conditions</td>
<td>48.5%</td>
</tr>
<tr>
<td>Dismissal and redundancy</td>
<td>35.2%</td>
</tr>
<tr>
<td>Concerns regarding workplace bullying</td>
<td>21.0%</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>6.8%</td>
</tr>
<tr>
<td>Workplace health and safety issues</td>
<td>3.0%</td>
</tr>
<tr>
<td>Pregnancy discrimination</td>
<td>3.4%</td>
</tr>
<tr>
<td>Age discrimination</td>
<td>2.1%</td>
</tr>
</tbody>
</table>

—an advisory service, it is active in delivering workshops to schools and acting as a public advocate to promote child and other industrial relations services.

Advice and representation on workplace issues are also available for young people under 18 through Legal Aid offices in capital cities and major regional centres across Australia. Various community legal centres also receive funding from the Office of the Employment Advocate to provide some workplace advisory services in relation to AWAs, though this is not an age-specific service.

**Discussion**

Much recent literature suggests that young people are a vulnerable group in the workplace, with low unionisation and often poor working conditions and pay. In order to address these conditions and remove exploitative practices faced by young people in the work force, a number of system-level changes are required. These include tighter regulatory frameworks and more targeted policy development by government and industrial relations departments that do not exclusively focus on the age variables. Specific policy frameworks should recognise that much exploitation of young workers goes unaddressed because they are predominantly casual workers and, therefore, often excluded from legislation. Legislation is needed to regulate the minimum working hours and maximum working hours for young people attending school and should outline a process by which young workers can make and address entitlement or grievance issues without threatening their continuing employment. In addition, government bodies and statutory authorities also need to enforce prosecution with penalties for offences to act as a sufficient deterrent to employers who otherwise break the law.

Although legislative arrangements cover younger workers in their scope, and a number of organisations provide advice and advocacy for young workers, few have developed policies or run programs that identify the needs of, or encompass, this group specifically. Those few that do make an effort to provide services often rely on government funding arrangements and therefore on the “obligees” of the government of the day. Short-term funding arrangements also limit the long-term planning and goal-setting that can be achieved by these groups and, every two to three years, threaten their existence. While they may encourage union membership and respond to immediate industrial problems faced by young individuals, limited (government-sponsored) services do not perform the greater collective functions of unions or have right of entry into workplaces to audit work practices. With increasing demands for services, these organisations may also prove unsustainable, if they are relied upon by young people as some sort of alternative to union membership or ongoing protection in the workplace.

Although unions are historically more sustainable organisations than community services in terms of established structures and access to resources, the low level of youth membership means that the benefits of unionism to young people are limited. Therefore, a large gap exists in access to services that uphold and advocate for young people. The South Australian model, in which organisations provide services to young people, is a more viable option (see www.sauca.net.au). It is also possible to assist non-unionised young people who are reliant on cyclical funding arrangements to come forward and be heard. However, these models of practice need to be sufficiently flexible to allow for diversity within the “young worker” category so that they can respond to the needs of Indigenous youth, those from culturally and linguistically diverse backgrounds and/or young people in regional and rural areas.

Finally, more targeted research is required that specifically addresses the most significant, in terms of both seriousness and frequency, employment-related concerns for young workers. Research such as Smilligan’s 2004 study of problems faced by youth in the fast food industry provides evidence that supports targeted and industry-specific

"The South Australian model, in which resources to assist non-unionised young people are provided by and within the union itself, may be a more viable option."
strategies aimed at improving the safety and quality of employment for many young workers. A detailed investigation of the antecedents and consequences of significant employment problems for young people across industries is also warranted, especially issues such as pay disputes and workplace violence and bullying, which account for high proportions of accident categories at YWAS and Job Watch. These actions will make a substantial contribution to the development of evidence-based legislation and policy and ultimately improve the safety and quality of employment experiences for young people in Australia.

References


Paula McDonald is a postdoctoral research fellow in the School of Management, Faculty of Business, Queensland University of Technology.

Kerriann Dear is the Director of the Young Workers Advisory Service in Queensland.

Recent evidence suggests that young people are at an increased risk for developing problem gambling compared to adults. However, relatively little is known about the gambling behaviour and gambling-related problems of young workers. This survey of Australian apprentices revealed high rates of gambling and gambling-related problems, particularly in relation to gambling on games of skill, racing and casino table games, and low rates of help-seeking for gambling-related problems. The findings imply that there is a need for effective health promotion and intervention targeted at this group of young workers.

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Australian apprentices and gambling

By Nicki Dowling, David Clarke, Lynda Memery and Tim Corney

Recent expansions of the gambling industries in Australia have stimulated high rates of gambling participation and problematic gambling in the general population (Productivity Commission 1999). Indeed, the first completely national Australian survey of gambling behaviour indicated that 82% of Australian adults engaged in gambling in the previous year and that 50% gambled weekly or more frequently (Productivity Commission 1999). The same survey estimated that 2.1% of the adult Australian population experience moderate to severe gambling problems. Accompanying the rise in prevalence rates of gambling and problematic gambling is a rapidly emerging recognition of problem gambling as a public and mental health problem in Australia. The adverse consequences of problem gambling, such as personal problems (depression, anxiety, ill health, suicide), financial problems (debt, bankruptcy, hardship), legal problems (theft, imprisonment), relationship problems (family breakdown, domestic or other violence, neglect of family), and occupational problems (absenteeism, poor performance, job loss) have been well documented (Productivity Commission 1999).

Youth gambling and problem gambling

While the increase in availability of legalised gambling has substantially impacted upon gambling participation and prevalence of problem gambling in adults, it is also evident that the increased availability has had a particularly marked impact upon young people. Indeed, recent research indicates that a substantial proportion of adolescents participate in gambling activities. The most recent Australian studies to examine youth gambling behaviour revealed that over 40% of Year 8 adolescents, over 60% of Year 10 to 12 adolescents, and 85% of 18- to 24-year-olds had gambled in the previous year (Del丈babro & Thrupp 2003; Jackson et al. 2000; Productivity Commission 1999). While a recent study reported that approximately 15% of Year 10 to 12 adolescents had engaged in gambling on a weekly or more frequently basis (Delastered & Thrupp 2003), the Produc-