

(Montpellier conference slide with names)

Good morning, my name is Jean-Jacques Ruppert and I am here on behalf of the Luxembourg based 'Applied Vocational Psychology and Policy' research unit. My co-authors of this talk are Andreas Frey and Joachim Ertelt, both from the University of Applied Labour Studies of the Federal Employment Agency in Mannheim in Germany. And, as you can see, both have deserted me - one because he could not get out of a prior commitment, and the other one because he turned up at the airport without his passport and ticket. So you will have to do with me and I am now going to present to you our paper entitled

Do Career Counselees Have Consumer Rights ? (title slide)

At the IAEVG conference in Cape Town in 2011, Andreas and I were thoughtfully listening to the opening keynote by John McCarthy of the 'International Centre for Career Development and Public Policy'. What John said was all very interesting though pretty harmless until - well, until he showed us the picture of this man and called him his hero. **(slide François Fillon)** This man is François Fillon who at that time was Prime Minister of France. The reason for John McCarthy's in my opinion surprising worship of a French politician was that in 2009 François Fillon had introduced a law that gave people in France the **right** to vocational information, guidance and training. That piece of legislation on life-long guidance looked so good, it just looked too good to be true, and - yes, as you would expect, it was too good to be true. Monsieur Fillon's judicial feat strongly resembled the construction of the fake settlements along the banks of the River Dnieper by this gentleman **(slide Potemkin)** who wanted to impress Catherine the Great during her visit

to the Crimea in 1787. If the phrase 'Potemkin villages' was originally used to describe a fake village, constructed only to impress, it now refers, typically in politics and economics, to any construction, literal or figurative, built solely to deceive others into thinking that a situation is better than it really is. Now, we have no way of knowing whether the Russian minister's works impressed the Empress or not but we do know for a fact that most guidance counsellors in France were none too impressed by François Fillon's legislative artwork, considering it as little more than political window-dressing. As each and every "conseiller d'orientation-psychologue" in France (who can be in charge of up to 1500 young people) will tell you, the means to implement this legislation in the real world were not there. They were not there in 2009, and they still are not there today. François Fillon never put the money where his mouth was and that is why the 2009 law establishing a **right** to vocational information and guidance was unfortunately no more than a "trompe-l'oeil".

To be fair though to Monsieur Fillon, this situation is not unique to France: there are counsellors all over the world who are being short-changed by their political paymasters.

We do not want to conceal from you that the theme of this conference (**slide human or citizen's right**) has left us - and we know we are not the only ones - somewhat, let's say, bewildered. We believe that discussing whether career counselling is a human or a citizen's **right** is completely missing the point because it is not a **right** at all, but instead an **entitlement**.

Before explaining this however, we will address whether or not any **right**, including the so-called **right** to counselling, should be considered a human right or a citizen's **right**. Human **rights** refer to universal minimum standards

that all human beings must be afforded, citizens' **rights** however hold little precedent in a place where the state that granted that citizenship is not the ruling body and hence has no authority.

Moving on to the question of whether access to counselling should be considered a **right** or an **entitlement**, it must be noted that speaking about **rights** has become chic in some quarters and there has been an inflationary growth in new **rights** (slide rights) over the last few decades. It is undoubtedly true that there is much confusion about the differences between **rights** and **entitlements**. Nevertheless, it is important to understand the conceptual differences between the two and, in the context of guidance, we believe it is more correct to speak about an **entitlement**.

To demonstrate one of the differences, true **rights** are about **freedoms** such as the **rights** to "*Life, Liberty and the pursuit of happiness*" as stated in the 1776 US Declaration of Independence. (slide Declaration of Independence)

An illustration of a **right** is e.g. that you have in the US the **right** "*to keep and bear arms*". This **right** ensures that you are free to carry a gun; it does however not mean that a third party has to provide you with a gun, all it does is guarantee your freedom to acquire a gun if you wish to do so. Likewise, having a **right** to guidance only guarantees that you are free to go for counselling if you wish to do so, and provided that counselling is available in the first place. This is not the same as being **entitled** to counselling, whereby the state is obliged to make it available and accessible to you.

Guidance, being a societal welfare measure that depends on government funding, is therefore not a **right** but an **entitlement**. A true **right** cannot be limited by budgetary constraints, an **entitlement** can.

To put it another way, a true **right**, such as the **right** to pursue happiness in a free society, can be acted on by one's own personal efforts, without requiring any action from others. In contrast, an **entitlement** such as the **entitlement** to career counselling can however not be fulfilled without third party intervention from e.g. the government.

In parallel, we should not forget that the state could choose to make participation in career counselling compulsory for all of its citizens. This would turn the **entitlement** into an **obligation**, into a **duty**. In turn, this would mean that the individual no longer has the **right** to choose not to take part in counselling: sanction-counselling for the unemployed is, for example, a good illustration of this point.

It is furthermore questionable whether an **entitlement** to career counselling is even desirable, as it may promote the emergence of a type of person Jozef Kargul and Anna Bilon from the University of Lower Silesia in Poland have recently labelled the "homo consultans". (slide homo consultans) This new "homo sapiens" is an individual who, in order to deal with the complexity of today's world, seeks out counsel on an almost permanent basis, and thus paradoxically ends up ever less competent to make his or her own decisions. Although "counselling" for all kinds of life events has already become quite fashionable, there is a real danger that an **entitlement** to career counselling will encourage a passive attitude to dealing with life in general, leading to a psychological over-reliance on assistance.

While the state has set up a legal framework **entitling** its citizens, as a whole, to career counselling, that **entitlement** applies in practice a particular user, to an individual counselee. Hence we decided to consider the issue of career

counselling from the singular vantage point of those individuals who are not only **entitled**, like all of us, to career counselling but, who also actually take up the offer of counselling, who actually **consume** counselling. And even if, as described beforehand, we would rather speak of **entitlements**, as consumers these individuals get to enjoy some of those “*newer*” **rights** i.e. consumer **rights**. Just as for the previous question of whether career counselling is a human **right** or a citizen’s **right**, here we also avoid any debate of whether consumer **rights** are human **rights** or not. For a thorough discussion of that issue we invite you to read Sinai Deutch’s 1995 paper “Are consumer **rights** human **rights** ?” ([slide of title of paper](#))

As consumers, counselees possess consumer **rights** that have to be fully respected and protected. Basing ourselves on the **rights** laid out in the UN Guidelines for Consumer Protection, we would like to highlight the following **rights** regarding career counselling: ([slide counselees’ rights](#))

- Counselees have the **right** that access to career counselling is reasonably easy both in time and space.
- Counselling has to be affordable, preferably free of charge.
- Counselees have the **right** to be respected in their various identities, they have the **right** to be heard.
- Counselees have the **right** to be adequately informed as a function of their demands.
- Counselees have the **right** to be given correct, independent and impartial information about the career opportunities open to them.
- Counselees have the **right** to transparent and unbiased counselling.

- Counselees have the **right** to be accompanied in their decisions and choices in a professional manner by competent and fully qualified career counsellors.
- Counselees have the **right** to privacy, that their personal data will be protected and that no information will be passed on without their consent.
- And, they also have the **right** to opt out as well as the **right** to redress.

Finally and to conclude, we would like to invite you to consider a related issue which nobody has talked about in the last couple of days:

“What about the rights of the counsellor?” (slide)

Thank you for your attention.

(‘Thank You’ slide with email addresses)