

## TRANSLATION-----

### Guiding Questions for Focus Area: Right to Work and Access to the Labour Market

#### National Legal and Policy Framework

1. What are the legal provisions and policy frameworks in your country that recognise the right to work and access to the labour market by older persons? *¿Cuáles son las disposiciones legales y los marcos de políticas en su país que reconocen el derecho al trabajo y el acceso al mercado laboral de las personas mayores?*

The right to work is enshrined in Article 14 bis of the Argentine Constitution, which provides that "all forms of work are protected by the law, which ensures that workers have decent, equitable work conditions; limited hours; paid rest time and holidays; fair compensation; minimum wage; equal pay for equal work; profit sharing, including participation in production control and cooperation with management; protection against arbitrary dismissal; stability of civil service employment; free, democratic labour union organization, recognized by mere registration with a special registry."

Article 18 of the Inter-American Convention on Protecting the Human Rights of Older Persons, ratified by Argentina under Law No. 27,360, determines the scope of the "Right to work". According to this Convention, "older persons have the right to dignified and decent work and to equal opportunity and treatment on the same terms as other workers, whatever their age," and it urges the States Parties to implement measures to prevent labour discrimination against older persons.

2. What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country? *¿Cuáles son los desafíos que enfrentan las personas mayores para la realización de su derecho al trabajo y el acceso al mercado laboral en su país?*

The main challenges faced by older persons for the realization of their right to work and access to the labour market are associated with age-based discrimination: the hiring of older workers is limited by prejudice, such as alleged difficulties to adopt the organizational culture, lower performance, little physical resistance, difficulties to adapt and learn, and greater risk of accident and illness. These preconceptions are compounded by the overvaluation of youth in the labour market.

On the other hand, a significant number of unemployed older persons have a history of precarious work conditions during their working age, which widens the gap with younger persons when it comes to jobs where labour supply exceeds demand.

Another challenge faced by older persons seeking to access the labour market is the existing digital gap in the use of information and telecommunication technologies (required in the labour market).

3. What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value? *¿Qué datos, estadísticas e investigaciones están disponibles sobre las personas mayores que realizan trabajos informales, en particular las mujeres mayores, incluidas las condiciones de su trabajo y su valor económico?*

The data available on older persons and informal work are provided by the Permanent Household Survey (EPH). This is a nationwide programme that systematically and permanently compiles social indicators, prepared by the Institute of Statistics and Censuses (INDEC). It provides further information on the socio-demographic and socio-economic characteristics of the Argentine population. In particular, the EPH provides data on informal work based on socio-economic characteristics in the main urban agglomerations.

On the other hand, non-remunerated care services provided by men and women in Argentine urban households are measured through the Non-Remunerated Work Module (TNR) applied by the Annual Urban Household Survey (EAHU) of the Institute of Statistics and Censuses (INDEC).

#### Availability, Accessibility, Acceptability and Quality

4. What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations? *¿Qué pasos se han tomado para garantizar el acceso de las personas mayores al mercado laboral, incluso a través de la accesibilidad física, el acceso a la información sobre oportunidades de empleo, capacitación y la provisión de alojamientos adecuados en el lugar de trabajo?*

There are several employment and training programmes in the context of the Argentine Ministry of Labour, Employment and Social Security (MTEySS) (except for the More and Better Employment for Youth Programme and the PROGRESAR Programme, which establish age caps to participate) that include older persons as beneficiaries, with the sole condition of being unemployed and not being retirement or pension beneficiaries. In particular, the Job Placement Programme (PIL) offers a monetary incentive to companies that take on new personnel in order to promote the employment of unemployed workers in quality jobs.

Also, the Training for Work Programme is a practical learning process for certain positions, aimed at improving unemployed workers' competences and skills so as to foster employment.

In addition, Law No. 27,260 of 2016, which establishes the Universal Pension for Older Adults in order to maintain and expand social security coverage, is compatible with the performance of any activity, either as an employee or on a self-employed basis. Contributions required from employees and employers under federal laws enter the Argentine Integrated Social Security System (SIPA), and are classified as service time for the purposes of potential entitlement to a non-means-tested social security benefit.

On the other hand, the National Directorate of Policies for the Elderly (DINAPAM), under the National Secretariat for Childhood, Adolescence and Family, which is within the scope of the Argentine Ministry of Social Development, has also implemented the National Programme for Digital Inclusion and Access to New Technologies for the Elderly (approved by Resolution 374/2016), aimed at facilitating access to the use of computers and new technologies for older persons across the country.

5. What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment? *¿Qué pasos se han tomado para garantizar la disponibilidad de servicios especializados para ayudar y apoyar a las personas mayores a identificar y encontrar empleo?*

Employment Offices (or Territorial Agencies), which are within the scope of the Argentine Secretariat for Labour, provide customized services, permanent support, guidance and information on the local labour market. From these offices, job seekers can access free-of-charge professional skills training and guidance courses, employment programmes, microentrepreneur assistance programmes, job search workshops, and jobs.

Also, Skills Training and Employment Offices (GECAL) offer information and guidance on all available tools and policies at the Secretariat for Labour.

6. What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market? *¿Qué buenas prácticas están disponibles para garantizar que las personas mayores disfruten de su derecho al trabajo y su acceso al mercado laboral?*

The best practices available to ensure older persons' right to work are part of the above-mentioned programmes and projects.

7. What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector? *¿Qué protecciones están disponibles para garantizar que las personas mayores disfruten de condiciones de trabajo justas y favorables, incluyendo salarios justos e igual remuneración por trabajos de igual valor, condiciones de trabajo seguras, tanto en el sector formal como informal?*

While there is no specific piece of legislation that regulates older persons' right to work, it is protected under the provisions of federal legislation (and international treaties enshrined in the Constitution) that ensure and regulate the right to work: the Argentine Constitution, international treaties, and Employment Contract Law (LCT) No. 20,744, as amended.

In particular, the Inter-American Convention on Protecting the Human Rights of Older Persons was ratified by Argentina under Law No. 27,360.

#### Equality and non-discrimination

8. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age? *En su país, ¿es la edad uno de los motivos prohibidos de discriminación en relación con el trabajo y el acceso al mercado laboral, incluso en la edad avanzada?*

The prohibition against age-based discrimination in relation to labour market access is enshrined in the Inter-American Convention on Protecting the Human Rights of Older Persons, ratified by Argentina under Law No. 27,360.

#### Remedies and Redress

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market? *¿Qué mecanismos son necesarios o ya existen para que las personas mayores presenten quejas y soliciten reparación por la negación de su derecho al trabajo y al acceso al mercado laboral?*

While there is no specific mechanism for older persons to seek redress for the denial of their right to work, they are protected under the provisions of federal legislation (and international treaties enshrined in the Constitution) that ensure and regulate the right to work: the Argentine Constitution, international treaties, and Employment Contract Law (LCT) No. 20,744, as amended.