



Inputs of the Ombudsman's office of Peru to the 11th session of the United Nations Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons

Focus Area: Right to work and access to the labor market

National legal and policy framework

In Peru, article 4 of the Political Constitution recognizes special protection for older persons. It also establishes that work is a duty and a right and that is the basis of social welfare, as well as a means of personal fulfilment (article 22). Likewise established that the principle of equal opportunities without discrimination must be respected in an employment relationship (article 26). Within this constitutional framework, multiple labor regimes have been created that protect the right to work of individuals regardless of age.

For older persons, Law 30490, Law elderly persons, establishes in article 5.1, literal h the right to participate actively in the social, labour, economic, cultural and political space of the country, and in article 20 establishes State's duty to promote productive and formal employment opportunities and self-employment, with the objective of improving the income and life's quality of older persons.

The National Institute of Statistics and Informatics (INEI) published in September, 2019, the Technical Report about Situation of the Elderly Population of the months april, may and june. This statistical data reveal that 56.8% of older persons are included in the economically active population. The 67% of the men and 47.7% of the women.

The Observatory for Labour Formalization attached to the Ministry of Labour and Employment Promotion published that, in 2018, 1 034 686

persons over 65 years of age are employed, of whom 883 219 (85.4%) perform informal work (475 681 men and 407 538 women)¹.

In a context where access to pensions is limited, conditions of inequality persist that affect this population and prevent the effective exercise of their rights in various areas, including employment.

The Ombudsman's office of Peru showed in the report 006-2019-DP/AAE, "AGING IN PERU: Towards Strengthening Policies for the older persons"², 8.20% of older persons, work without receiving payment, according with the 2017 National Household Survey. It should be noted that 4.04 % of older men and 11.93% older women are in this situation.

Older women in rural areas are the most affected by inequality because 33.79% of them working unpaid, compared with 4.81% of older men in rural areas.

Another challenge identified is the reduction of the inequality in the value of unpaid work performed by women, including older women, for the care of other household's members because it is not taken into account for access to the benefit of social security. In 2010, The National Institute of Statistics and Informatics (INEI) published National Time Use Survey show that the older population devotes the most time caring for a household member who has had symptoms, discomfort or illness, that is, five hours with one minute per week.

Availability, Accessibility, Acceptability and Quality

The Ombudsman's office of Peru has warned that the programmes created by the Ministry of Labor and Employment Promotion are not aimed exclusively at the elderly population and, although their participation is permitted, they can only do so until age 64.

The Ministry of Women and Vulnerable Populations prepared the 2018 Report on Compliance with Law 30490, Law elderly person. In this document showed that the Program "Impulsa Perú", created with the purpose of promoting employment, improving labor skills and increasing levels of employability, only registered the participation of 96 elderly people in those year.

¹www2.trabajo.gob.pe/estadisticas/observatorio-de-la-formalizacion-laboral/tableros-interactivos/tablero-interactivo-del-empleo-informal-observatorio/

² www.defensoria.gob.pe/wp-content/uploads/2019/08/IA-N%C2%B0-006-2019-DPAE-ENVEJECER-EN-EL-PER%C3%9A.pdf

Also the Program “Trabaja Perú”, which aims to create temporary jobs, in 2018, registered 40,064 beneficiaries throughout the country, of whom only 2,012 were elderly persons.

Notwithstanding the foregoing, in the National Human Rights Plan 2018 - 2021 verified that has been incorporated the strategic action 4: Promote employability conditions for access to the labor market for elderly persons, leading to improvements in their quality of life. One of the activities planned for the 2021 year is the development of an Employment Promotion Plan for Older Persons.

Equality and non-discrimination

In Peru, article 5.1, literal b, Law 30490, recognizes the right to non-discrimination on grounds of age and not to be subjected to derogatory images. The article 34, literal a of the implementing regulations of that Law provides that the State must guarantee the prohibition of discrimination in employment on grounds of age.

Remedies and Redress

In 2013, was published the Law 29981 that created the National Superintendence of Labor Supervision (Sunafil), as a specialized technical body responsible for promoting, monitor and supervise compliance with the social and labor law and the occupational safety and health system.

Lima, November 2019