

Guiding questions for defining the normative content of the issues examined at the eleventh session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Right to work and access to the labor market

Definition

1. How is the right to work and access to the labor market for older persons defined in the national legislation in your country? If such a definition is not available, how should it be defined considering relevant existing national, regional and international legal frameworks?

In Israel, all persons have the right to work regardless of their age. Moreover, Israel's laws stipulate the right of older persons to participate and stay in the labor market.

Please refer to the Law on Retirement Age (in Hebrew):
https://www.nevo.co.il/law_html/law01/999_242.htm#Seif3

According to the Law on Retirement Age in the State of Israel, the following conditions must be met:

- 2. The age of retirement - the age at which a person is entitled to retire from work due to his age and will be entitled to an old-age pension from the state - varies between women and men. Women are eligible at 62 years old (from 2022 to 2032 this will gradually increase to the age of 65), whilst men are eligible from 67 years of age.
- 3. A person's eligibility for an old-age pension is conditional - it is not granted automatically between retirement age (62 for women, 67 for men) and age 70. Rather, it is dependent on the income level of the same person at these ages. From the age of 70, women and men are entitled to an old-age pension unconditionally.
- 4. The law defines compulsory retirement - the age at which a person can be required to retire from work because of his age - as being 67 for both women and men.
- 5. For a parent whose child is deceased, the compulsory age of retirement is 71.
- 6. There are sectors in which there is separate legislation such as the Courts Act which defines the compulsory retirement age of judges to be 70 years old.

Scope of the right

2. What are the key normative elements of the right to work and access to the labor market for older persons? Please provide references to existing standards on elements such as:

a) Prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to employment.

Please refer to the Equal Employment Opportunity Act (in Hebrew):
https://www.nevo.co.il/law_html/law01/p214m1_001.htm#Seif27

The Equal Employment Opportunity Act prohibits discrimination:

An employer shall not discriminate between its employees or job seekers based on their gender, sexual orientation, personal status, pregnancy, fertility treatments, IVF treatments, being parents, age, race, religion, nationality, country of origin, place of residence, personal outlook, party affiliation or army

service, their duty to serve in the reserves or their expected service in the reserves as defined in the Security Service Law [combined version], 1986, including the frequency or the duration for which they are summoned, as derived from the Security Service Law [combined version], 1986, which is expected of them, in each of the following:

- (1) hiring
- (2) working conditions
- (3) job promotion
- (4) training or vocational training
- (5) dismissals or severance pay
- (6) benefits and payments provided to the employee in connection with their retirement from work

There is another section in the law that requires the establishment of an advisory committee to the Commissioning body whose composition will include representatives from all the different population groups: Arabs (all sectors), women, the ultra-Orthodox, immigrants, persons with disabilities and also older persons.

b) Elimination of all forms of ageism and age discrimination from the workplace and organizational cultures.

c) Provision of reasonable accommodation to older persons in the workplace.

This takes place without any special interference.

d) Affirmative action programs to promote the hiring of older persons.

e) Access to career development, technical and vocational guidance programs, placements services and vocational and skills development.

f) Access to flexible or gradual retirement schemes and flexible working practices for older workers.

g) Promotion of older persons' self-employment and entrepreneurship.

Please refer below for responses to subsections b) and d) to g).

The Ministry of Social Equality is entrusted with promoting older persons' employment by virtue of government decisions. As part of the Auerbach Report (by the then Minister of Senior Citizens), it was determined that preparing for the ageing of the population is one of the 7 goals of the Israeli government.

The Senior Citizens Division leads the systemic strategic preparation for the ageing of the population in various aspects related to social, economic and interpersonal aspects, both at the governmental level and at the local level vis-à-vis local authorities. The goal is to bring about a change in the social perception towards the senior citizen and the establishment of sustainable frameworks for this segment of the population.

In December 2015, the Ministry passed Government Resolution 834 for the integration of older persons into the labor market (60+). As part of this decision, two main sections were established:

1. A pilot program for the integration of senior citizens in the civil service. The Civil Service Law stipulates that the employer must dismiss 67-year-old women and men from the civil service who have reached the compulsory retirement age, excluding shortage occupations. In order to integrate senior citizens in the civil service, a dedicated pathway was built for employing senior citizens within the civil service (similar to employing students in the civil service) on a part-time basis of 120 hours per month, and at two salary levels, for a professional and general position. During the pilot period, 60 positions in the civil service were assigned. Due to the success of the pilot program starting in 2021, these positions have been increased to 400 positions in the civil service. We are currently examining the creation of similar positions in local authorities.

2. The development of programs for the integration of older persons in the labor market that will include a dedicated website for job searching, the establishment of job centers and activities to encourage employers to employ older persons. Since 2015, the Division has operated in many areas to encourage older persons' employment, in all relevant channels: legislation and regulation, guidance and empowerment processes with job seekers and broad processes with employers, the details of which can be found below:

a. Legislative and regulatory policy:

- Setting government employment targets for older persons: expanding employment targets in the State of Israel beyond retirement age for older persons aged 67-74 to match the employment targets 2020-30 set by the Ministry of Labor. The employment targets for 2030 will be 43.5% for men and 28.5% for women. (An increase of one percent per year for the goal which in 2020 was 33.5% and 18.5%).
- Change in the level of income that qualifies a person to be eligible for an old-age pension: until 2021, senior citizens with an income of about 6,000 NIS to 9,000 NIS were forced to receive a partial old-age pension because of their income from employment. These thresholds have been raised from 2022 to a range of about 7,800 NIS to about 11,000 NIS.
- Raising the retirement age for women: in Israel, the compulsory retirement age for women and men is 67. The compulsory retirement age in Israel is higher than the average retirement age in OECD countries, which is 65 years old. At the same time, the age of eligibility for old-age pensions for women and men is different - 67 for men, 62 for women - and this is a significant point of distinction compared to OECD countries for which the age of eligibility is identical for both men and women. This year the Women's Retirement Age Act stipulates that the retirement age for women will gradually increase in the next 10 years from 62 years of age to 65 years of age.

b. Running a national program to accompany and place senior citizens that includes

1. A dedicated site for older persons to find employment - a job search website for people aged 60+ where the jobs offered by employers are intended for persons aged 60+. The first site to be established may be accessed via this link: <https://darush-nisayon.org.il>. Recently, two other sites were added: <https://vatikim-maof.co.il/> <https://vatikim-tigbur.co.il/>.

2. Job centers in urban and rural areas to provide in-person guidance for job seekers such as: accompanying them through the process individually, assisting them in writing a resume, preparing them for the labor market, enabling their participation in workshops and courses to improve their soft skills and employability.

3. The development of professional training: developing professional training in accordance with employment opportunities and adjusting to demand in the labor market, and/or adapting existing training to the target population.
4. Activities to encourage the employment of older persons: recruiting employers, opening jobs to older persons, encouraging their employment and raising awareness. In addition, groups will be established that will receive individual guidance and learn about potential barriers and solutions to employing adults in their organizations. The results of this learning group will be synthesized into a toolbox for use with other employers in the labor market.
5. Entrepreneurship for older persons: the development of dedicated courses that will help senior citizens open a small business and/or help them to be independent and sell their professional services.
6. Preparing for retirement: prepare the general population for this new chapter of their life in terms of preparing them for retirement, refining the importance of preparing for retirement and emphasizing the financial decisions made just before retirement, as these decisions will affect their lives and incomes throughout the period during which they will be in receipt of an old-age pension (which currently extends to an average of 15-20 years).

Preparatory workshops for the financial aspect of retirement: These workshops are intended for people before retirement age and aim to provide essential knowledge and tools for decision-making just before retirement on a variety of topics, including: economic planning, sources of income at retirement age, social security benefits and pension savings, employment and volunteering, coping with change, and more.

Pre-retirement financial preparation sharpens persons' financial acumen and allows citizens to understand whether they must work after retirement because their incomes are small, must work to maintain the level of income they would like or whether continuing employment is their way of finding meaning in life in the post-retirement period.

c. Broad processes vis-à-vis employers

Corporate responsibility for encouraging adult employment: Increasing the activity and awareness of the business world to integrate older persons into employment by assimilating this value as part of corporate responsibility in large businesses in the economy. Integrated work with the Ma'aleh organization, an organization that ranks businesses according to the Corporate Responsibility Index. The goal is to integrate Ma'aleh-rated criteria that encourage adult employment.

Criteria that form part of the index: The employment of people aged 60+ in the organization, the promotion of preparation of employees for retirement within organizations and the existence of employment conditions that support employees in the care of elderly parents (CAREGIVERS).

Another means of encouraging employers is the "Dov Lautman Diversity Award" which awards employment diversity. Starting in 2017, the diversity award for "employing senior citizens" is awarded to encourage employers who employ a high percentage of senior employees and use dedicated measures for their preservation and employment.

Eradication of "Ageism"

Ageism - Ageism goes in both directions i.e. society's ageism towards the older person, alongside which there is also the self-perpetuation of ageism of the older person towards himself.

The department works to eradicate the phenomenon and raise awareness among employers and among senior citizens in everything related to their ability to integrate older persons into the labor market.

These barriers on the employers' side include ageism, prejudices towards the employment of older persons and a preference to employ people "similar" to them.

Due to this, the department works in a variety of ways to change awareness and encourage employers to employ older employees.

Media campaigns have sought to encourage the employment of older persons and break stereotypes. In 2021, the Ministry launched the "Age Diversity" campaign. (Video clips can be provided upon request).

Corporate responsibility (as detailed above).

Collaboration with employers (activities within the placement program).

The implementation/application of curriculum on the employment of senior citizens in academia: creating a profession/topic/subject/stream within the academic curriculum in areas such as human resource management, organizational consulting, corporate responsibility, etc.

h) Favorable, fair, and safe working conditions when undertaking formal, informal or unenumerated work.

There is no direct activity on the subject - it is being done individually within the employment programs during the assignment processes of the older persons with employers.

An issue we are promoting (that is indirectly related) is the recognition of the hours an employee is absent due to taking care of their parents as part of their entitled sick days.

i) Access to prompt remedies and redress when older persons' right to work and access to the labor market is denied.

Acts in accordance with the Equal Employment Opportunity Act, see section 4.

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfil the right to work and access to the labor market for older persons, regarding the normative elements as provided above?

These actions should be taken to enable the integration of senior citizens into the workforce:

- a. Removal of regulatory barriers such as eliminating the retirement age or raising the retirement age. In 2021, the Retirement Age Women Act was updated and the retirement age for women will begin to rise in the next decade from 62 to 65.

- b. Disregard economic barriers. Senior citizens are entitled to an old-age pension, conditional on income until they turn 70.

Women are entitled to an old-age pension conditional on income starting between age 62-70, and men are entitled to this pension starting between age 67-70. From the age of 70, senior citizens are entitled to an old-age pension without the condition of income. The income test should be abolished or increased as the populations that earn low wages will be able to work and receive wages as well as an old-age pension. Today, there are people who choose not to work or work at a low wage to receive the old-age pension. Under the latest Arrangements Law, the Ministry promoted changes in legislation – until 2022, the income threshold is 6,000, this year, it rose to 6,750, and in 2023 on, the threshold will be 7,750.

- c. Change in the employment market: Introducing a new standard of working age, age diversity in every organization and retaining employees in the workplace even after retirement age. To do this, a number of actions should take place:
 - i. Treating old-age among employers, actions to change consciousness among employers – breaking existing stigmas on senior citizens by presenting senior citizens as they are today and not as perceived.
 - ii. Encouraging age diversity within organizations – Many studies show that diversifying the age of employees in the organization contributes to the organization's performance, enables the preservation of organizational knowledge and memory, organizational stability, creativity and problem solving, increasing the customer segment and meeting customer needs. The introduction of an additional diversity index on the basis of age can encourage the employment of senior citizens.
 - iii. Providing the possibility of a gradual retirement in the organization, the possibility of transactions that are not independent consultants.
 - iv. Encouraging employers to hold lifelong learning for employees of all ages to keep employees up-to-date on the terms relevant to the organization and their profession.
 - v. Incentives for employers – This does not mean providing payment or financing for the placement of adults but rather providing tax benefits to the employer such as income tax or the reduction in the provisions that the employer sets aside for the employee after retirement age.
 - vi. Opening part-time jobs – Senior citizens may not be interested in continuing to work full time, their age wants to reduce the scope of work. The labor market does not offer enough part-time jobs. A worthwhile mechanism must be created for employers to create part-time jobs.
- d. Providing tools and guidance to adult job seekers:
 - i. Treating aging among job seekers – Job seekers also believe that they are irrelevant to the job market, just because this is what the job market conveys to them. It is necessary to strengthen the self-confidence of senior citizens and open up opportunities for them in the job market.

- ii. Development and operation of employment programs designed for senior citizens:
 - 1. Accompanying and guiding senior citizens to return to work – how to look for a job today, how to write a resume, how to prepare for a job interview, what are the processes used today in applying and in screening tests.
 - 2. Strengthening soft skills – skills required for success in the job market, such as computer skills and recognition of standard operating software used in the job market, digital literacy, language skills and more.
 - 3. Development of professional training for adults – ReSkilling, improvement of the professional skill and its adaptation to the current labor market, the training should be adapted to the target both in content and during the training.
- e. Preparing for retirement – the older workers must be prepared already in their 50s for retirement, looking at the retirement age and the period after, recognizing the length of life and the meaning derived from it. Financially: will the money I save for retirement be enough for me? Establishment of an infrastructure for retirement preparation workshops to provide tools in everything related to financial planning, sources of income at retirement age, social security benefits and pension savings. Preparing financially before retirement age will make it possible to present a picture of the economic reality in which it can change the citizen's decision to retire and internalize that in order to maintain the desired level of income he must continue to integrate into the workforce.

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to work and access to labour market, such as protection and regularization of older workers in informal sector, equal remuneration for work of equal value particularly for older women as well as recognition of unpaid work often carried out by older women?

Relevant to the general answer for question 5.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right to work and access the labour market for older persons?.

The impact on the private market can be through regulation as well as providing tools to employers that will encourage adult employment as mentioned above in the answer to question 5: raising retirement age/eliminating retirement age, tax benefits, "war on aging" and encouraging adult employment.

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on the right to work and access to the labor market for older persons?

Please refer to question 4 d) to g) for the appropriate response.

Access to justice

Definition

1. What is the definition of the right of older persons to access justice in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

The basic definition is the fact that to repeal the mandatory retirement age law, which is basically an old-age law – retirement will be done according to functional criteria and not according to a parameter that is a person's age.

2. What are the key normative elements of the right of older persons to access justice on an equal basis with others? Please provide references to existing standards on such elements as below, as well as any additional elements:

- (a) The guarantee of older persons' legal capacity (legal standing and legal agency) on an equal basis with others and not denied on the basis of age;
- (b) Elimination of the influence of ageist stereotypes at any stage of judicial or non-judicial proceedings, including the award of damages or compensation;
- (c) Access to timely legal proceedings, especially in situations of immediacy;
- (d) Accessibility of courtrooms, legal tribunals and other justice-related facilities to all older persons;
- (e) Access to legal services, including legal assistance, legal aid, counselling and hotlines, on an equal basis with others ;
- (f) Access to alternative, non-judicial pathways to justice, including, but not limited to, one-stop community justice centres, paralegal support, ombuds procedures or specialist commissioners;
- (g) Access to reasonable accommodation in all legal and administrative proceedings at any stage to facilitate older persons' effective role as direct or indirect participants in justice proceedings;
- (h) Adequate and appropriate training to all those working in the administration of justice and law enforcement, including the judiciary, police and prison staff, on the rights of older persons;
- (i) Accommodation of the needs of older prisoners, including necessary physical adaptations, protection against violence and extortion, appropriate educational and vocational opportunities, and support with reintegration into the community;
- (j) Equal access of older prisoners to services, including physical, mental and cognitive health, dental, hygiene and hospice services, and social and other support services available to the general population; and
- (k) Access to prompt remedies and redress when older persons' right to access justice is denied.

State obligations

3. What mechanisms or measures are necessary to ensure the enjoyment and to monitor implementation of the right of older persons to access justice, including State obligations to respect, promote, protect, and fulfill the right?

Special considerations

4. What special considerations or specific issues should be included in the right of older persons to access justice, including procedural and age-appropriate accommodations as well as responsibilities of non-State actors?

[As detailed above in the various responses.](#)

Implementation

5. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on the right to access justice for older persons?

[As detailed above in the various responses.](#)