

**Information from the Russian Federation in preparation for
the 12th session of the Open-ended Working Group of the United Nations
General Assembly
on Ageing**

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Right to work and access to the labour market

In the Russian Federation, people's work and health are protected, a guaranteed minimum wage is established, State support for the elderly is provided, a system of social services is being developed, and State pensions, benefits and other guarantees of social protection are established (article 7, paragraph 2, of the Constitution of the Russian Federation). Certain special norms aimed at protecting older people from discrimination in the world of work are contained in labor legislation, which establishes additional guarantees for employees of retirement age. Thus, according to Article 3 of the Labor Code of the Russian Federation (hereinafter referred to as the Labor Code of the Russian Federation), no one can be limited in labor rights and freedoms or receive any benefits depending on age.

Citizens of retirement age who continue to work officially have the same rights as pensioners who have ceased to work in connection with the achievement of the required age and the development of seniority. So, first of all, they can count on receiving a pension. In addition, working pensioners have the right to leave during the period that is determined by the internal work schedule of the organization, that is, the schedule. In addition, certain categories of employees can count on additional vacation days. These, first of all, include persons employed in jobs with harmful working conditions. Also, Article 128 of the Labor Code of the Russian Federation establishes that working pensioners, regardless of their working conditions, have the right to count on additional days of rest at their own expense. So, in agreement with the employer, senior citizens can take up to 14 days of unpaid days off.

By Order of the Government of the Russian Federation dated 23.06.2021 No. 1692-r approved the Action Plan for 2021-2025 to implement the second stage

of the Strategy of Action in the Interests of Senior Citizens in the Russian Federation until 2025. Among the priority measures are the use of a proactive mechanism for the appointment and payment of pensions, as well as social supplements to them, monitoring compliance with the norms of the law on the protection of the rights of employees of retirement age, the organization of training and additional vocational education for the elderly. Also, free computer and financial literacy courses are launched for older citizens in the regions.

Citizens with the acquisition of the status of a pensioner by age and the termination of labor relations under an agreement with the employer can continue to work in the field of labor relations, including becoming self-employed. A pensioner registered as self-employed is not considered employed, since the income of the self-employed is not subject to pension contributions. Therefore, registration as a payer of tax on professional income does not affect the receipt of any pension certificates benefits and/or compensations, i.e. pensioners retain the right to indexation of pensions, compensation and benefits.

Violations of the labour rights of elderly workers are subject to administrative liability in the form of a fine in accordance with the provisions of article 5.27 of the Code of Administrative Offences of the Russian Federation.

Access to justice

The legislation of the Russian Federation, including its norms defining the right to access to justice, does not discriminate against older persons. The legislator has not singled out the advanced age of the participants in the proceedings as a special basis (element) of their right to access to justice. At the same time, the achievement of old age in itself does not affect the legal capacity and legal capacity of citizens (Articles 17 and 21 of the Civil Code of the Russian Federation (hereinafter referred to as the Civil Code of the Russian Federation)).

The protection of rights in the event of a violation in connection with the achievement of old age may be exercised by citizens on general grounds, both extrajudicially and judicially, by any means provided for by law (Article 12 of the Civil Code of the Russian Federation), including at the stages of review of court

decisions. procedures of negotiations, mediation, including mediation, judicial conciliation, arbitration.

Russian legislation contains other ways to ensure access to justice for older persons, taking into account their special needs. For example, Article 474.1 of the Code of Criminal Procedure provides for the possibility of submitting to the court petitions, applications and complaints in a criminal case in the form of an electronic document. According to paragraph 5 of part 1 of Article 20 of the Federal Law of 21.11.2011. No. 324-F3 "On Free Legal Aid in the Russian Federation" the right to receive free legal assistance (including representation of the interests of a citizen in courts) is held by elderly citizens and disabled people living in social service organizations that provide social services in stationary form.

When considering disputes in court, plaintiffs-pensioners are exempt, in accordance with subparagraph 5 of paragraph 2 of Article 333.36 of the Tax Code of the Russian Federation, from paying the state fee (including partially in accordance with paragraph 3 of this article).

An application for the protection of the rights, freedoms and legitimate interests of a citizen may also be filed by a procurator if a citizen, for reasons of age and other valid reasons, cannot apply to the court himself (part 8 of Article 318 of the Criminal Procedure Code of the Russian Federation (hereinafter referred to as the Code of Criminal Procedure of the Russian Federation), Article 45 of the Civil Procedure Code of the Russian Federation, Article 39 of the Code of Administrative Justice of the Russian Federation).

With regard to the rules for sentencing elderly persons found guilty of a crime by a court, according to the provisions of the Criminal Code of the Russian Federation (hereinafter referred to as the Criminal Code of the Russian Federation), men over 65 years of age cannot be sentenced to life imprisonment, women cannot be sentenced to it at all (article 57 of the Criminal Code of the Russian Federation); women who have reached the age of fifty-five and men who

have reached the age of sixty are not subject to forced labour (article 53.1, paragraph 7, of the Criminal Code).

The right to work of older persons serving a sentence of deprivation of liberty is regulated by penal enforcement legislation. In accordance with Article 103 of the Penal Code (hereinafter referred to as the Penal Code of the Russian Federation), convicts who have reached the age of entitling them to an insurance old-age pension in accordance with the legislation of the Russian Federation are involved in work at their request in accordance with the legislation of the Russian Federation on labor and the legislation of the Russian Federation on the social protection of persons with disabilities.

Article 108 of the Code of Criminal Procedure of the Russian Federation regulates that convicts who have reached the age of entitling them to an old-age insurance pension in accordance with the legislation of the Russian Federation may, at their request, undergo appropriate vocational training or receive secondary vocational education under training programmes for skilled workers and employees, taking into account compliance with the requirements of Russian legislation on education.