

Submission on the normative content of the Right to work and access to the labour market

12th Session of the Open-ended Working Group on Ageing: April 2022

Definition

The Workers' Rights Act of September 2020, Chapter 5 (1) (b) stipulates 'No prospective employer shall treat a person in a discriminatory manner in respect of access to employment'. Unless otherwise indicated with regards to age limit any person satisfying the requirements for a job can apply.

Scope

a. Section 10 and 11 of the Equal Opportunities Act 2008 stipulates that 'no employer or prospective employer shall discriminate against another person in the

-advertisement of a job,

- in the selection process

- in the terms and conditions on which an employment is offered

- by refusing or deliberately omitting to offer employment to that person

Section 11: 'no employer shall discriminate against an employee in the terms and conditions of employment that the employer affords an employee.'

b. There is no programme per se to eliminate ageism except that all employees are protected for the respect of their rights under the same law.

c. Accommodation in the workplace, case in view security guards, is better known as a 'shelter'.

Older textile workers who live on the work premises would require better accommodation.

Dis-Moi has interviewed 5 watchmen who have mixed feelings about their accommodation: it protects against bad weather but one cannot stretch one's legs.

d. Government advertises job opportunities where the age barrier is 48 for minor grades and 40 for public officers. In the private sector, the advertisement does not mention the age limit.

e. Older people with low literacy would not be motivated to embark in career development. They would do repetitive work which does require training.

11 Broad Avenue, Belle Rose, Quatre Bornes

Tel: 466 56 73

email: info@dismoi.org

website: www.dismoi.org

f. flexible retirement is a practice specially in the public sector. On retirement the employee will receive benefits on a pro-rata basis.

G. Older persons are free to launch their own enterprises on the scale they deem good by their own means.

h. legislation is required for the protection of the worker, conditions of service, health and security, wages with regards to unremunerated work.

i. legislation for a special mechanism for older workers to lodge a complaint.

3. State obligations

- legislate allowing employment of older persons on conditions that the employment of the older person is essential, productive and profitable for the company.
- define ageism in clear terms and language for both employer and employees.
- make recommendations on the type of accommodation on work places in respect of space, domestic facilitations, (water, electricity), canteens and dining room.
- offer employers duty free facilities for the purchase of tools and implements
- provide training opportunities in technology with regards to improve quality performance.
- retirement is voluntary but employees shall receive all receive all retirement benefits as stipulated by law.
- legislate to enable older persons to have access to bank loans in a bid to promote self-employment

4. Special considerations

- health and safety insurance cover
- special remuneration order to be revised at regular intervals to catch up with costs of living
- any indemnity to a worker or to his family or a person designated by him
- promotional prospect which will have a positive impact on his retirement benefits and promote the image of the employer

11 Broad Avenue, Belle Rose, Quatre Bornes

Tel: 466 56 73

email: info@dismoi.org

website: www.dismoi.org

- mandatory for employers to offer equal and decent pay to women for equal and decent work
- evaluate unpaid work for payment to older women, especially older women managing the home with grandchildren in the absence of their parents.
- 5. a. The private sector has to understand that productivity and economic success is tied to that of older workers who are endowed with diverse capacities, including among them older women.
- b. provide sane working conditions to retain older workers longer keeping them healthier and showing readiness to perform, through on- the -spot dispensary, gymnasium, TV room and transport facilities.
- c. promote life-long learning, recognize prior learning and offer on the job training for older workers to adapt to new techniques and technology.
- d. make older workers align their objectives to those of the employer

6. Implementation

Best practices:

- The services of high-ranking officials have been retained at the senior most position: one example is the Chief Finance Secretary.
- Older doctors, lawyers, engineers are still on service in the private sector
- Older agricultural workers, men and women, continue working after 65 either for an employer or self-employed
- Older masons in the construction sector.
- NGOs employ older activists

Main Challenges

- The number of young people on the job market
- The reluctance of employers to offer employment under a remuneration order
- There is no mechanism to lodge a complaint in case an older person is refused a job.