

Questionnaire

Right to Work and Access to the Labour Market

Ireland's response

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?

Age is one of the nine grounds covered by the Employment Equality Acts 1998–2015, which outlaw discrimination in a wide range of employment and employment-related areas. These include recruitment and promotion. The Minister for Justice and Equality has policy responsibility for employment equality legislation and inequality in the workplace.

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?

The [Healthy and Positive Ageing Initiative](#) (HaPAI) is a collaborative initiative established to implement the research objectives of the National Positive Aging Strategy (NPAS). The initiative aims to monitor changes in older people's health and wellbeing linked to the goals and objectives of the NPAS. The initiative is intended to provide evidence of the factors contributing to healthy ageing, including at local level and ultimately inform policy responses to population ageing in Ireland.

In 2018 the HaPAI completed a programme of research which profiled the age-friendliness of workplaces in Ireland from the employee perspective in terms of: employer investment in human capital (engagement in and workplace investment in further training and education); exposure to psycho-social risks; and workplace autonomy and provided a summary of national and international approaches to enhancing the age-friendliness of workplaces to inform actions in this area. Findings of this work include:

- As the share of older workers increases over time, employers need to pay more attention to this group's vulnerability to illness and injury, and to facilitate appropriate work place adaptations.
- Provisions for flexible work time arrangements are especially important for older people; where provisions are made, older workers are more engaged and more likely to remain in the workforce longer.
- The attraction and retention of older workers is contingent upon the creation of work environments which respond to the particular preference which older workers have for roles which are interesting and which provide them with a sense of accomplishment.
- Older women should be afforded extra consideration and supports to remain or re-enter the workforce due to how much more disadvantaged they are, relative to male workers of the same age. Key steps would be to facilitate flexible work arrangements and increase personal autonomy in the workplace, and to provide for pre-entry and ongoing supports and training.

- It is necessary to address socioeconomic conditions and outcomes which leave older people with increasing rates of job insecurity, and insufficient financial provisions for retirement.
- Intensity, especially emotional intensity, is the core area requiring improvement, particularly for larger organisations and in the public sector.
- Older workers in Ireland report more positive attitudes towards job sustainability than young workers. Additional actions by employers, such as a reduction of work intensity or the provision of more opportunities for training and organisational participation, can help to improve job sustainability.

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?

The Irish Longitudinal Study on Ageing (TILDA) is a large-scale, nationally representative, longitudinal study on ageing in Ireland, the overarching aim of which is to make Ireland the best place in the world to grow old. An economics working group within TILDA has conducted a variety of research in the area of the employment of older persons. This includes research on the [transition of Irish adults into retirement](#) and on [income adequacy and quality of life in older age](#). They have also published a report on the [wellbeing and health in Ireland's over 50's](#). These publications include explorations of trends in employment and the burden of informal care carried by older persons in Ireland. The ESRI has also published [work](#) in this area.

The Central Statistics Office (CSO)'s Labour Force Survey provides quarterly statistics on employment and unemployment and is the official source of labour market statistics in Ireland. The survey includes a variety of indicators, such as the employment rate, unemployment rate and participation rate, which are broken down into detailed age cohorts; providing insights into the employment patterns of individuals in this category. It does not however distinguish between formal and informal work.

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?

The National Positive Ageing Strategy (NPAS) published in 2013 provides a framework for cooperation to address age-related policy and service delivery across Government and society in the years ahead. The Strategy is intended to promote older people's health and wellbeing so that older people can continue to contribute to social, economic, cultural and family life in their own communities as long as possible. The Strategy highlights that ageing is not just a health issue, but rather requires a whole of Government approach to address a range of social, economic and environmental factors that affect the health and wellbeing of Ireland's ageing citizens.

National Goal 1 of NPAS aims to remove barriers to participation and provide more opportunities for the continued involvement of people as they age in all aspects of cultural, economic and social life in their communities according to their needs, preferences and

capacities. A key objective under this goal is to develop a wide range of employment options (including options for gradual retirement) for people as they age and identify any barriers (legislative, attitudinal, custom and practice) to continued employment and training opportunities for people as they age.

5. What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment?

See answer to question 4.

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?

Firstly, the Employment Equality Acts 1998-2015 outlaw discrimination in a wide range of employment and employment-related areas, including recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment. The legislation defines discrimination as treating one person in a less favourable way than another person based on 9 grounds, including age.

Moreover, the Government of Ireland's [Roadmap for Pensions Reform 2018-2023](#) outlines that people are living longer and healthier lives and many, who are in a position to do so, regard working further in to their later years and beyond the traditional retirement age, as something that is both possible and desirable. The Government states that it is determined to alter perceptions around retirement age and support a positive ageing environment, where older people are, to the greatest extent possible, encouraged and facilitated in working, if they wish to, beyond the 'normal' retirement age. Therefore, in order to support and encourage fuller working lives, the Government is committed to taking a number of measures, including:

- Deferral of the State Pension (Contributory) - The Government will seek to further modernise the State pension by developing proposals for a State pension deferral scheme. This scheme would allow people reaching the State pension age of 66 defer the draw-down of their contributory pension on an annual basis. In return, an actuarial adjustment would be applied to increase the rate they receive when claiming their pension.
- Clarify mandatory retirement age provisions - Ireland does not have a default age at which employees must retire and the setting of retirement age remains a matter for agreement between employers/employees and the employment contract. The Workplace Relations Commission has recently published a 'Code of Practice' around the issue of longer working. The code informs best practice in managing the engagement between employers and employees in the run up to retirement, including requests to work beyond what would be the normal retirement age in the employment concerned.
 - The Government also recognises general concerns have been raised regarding the use of mandatory retirement ages in employment contracts given the reforms

to gradually increase State pension age. This thinking was reflected in the July 2017 conclusion of the Citizens' Assembly that mandatory retirement of employees should be abolished.

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?

The Employment Equality Acts 1998–2015 outlaw discrimination in a wide range of employment and employment-related areas. These include recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment including sexual harassment. The legislation defines discrimination as treating one person in a less favourable way than another person based on any of the following nine grounds:

- Gender: this means man, woman or transsexual
- Civil status: includes single, married, separated, divorced, widowed people, civil partners and former civil partners
- Family status: this refers to the parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- Sexual orientation: includes gay, lesbian, bisexual and heterosexual
- Religion: means religious belief, background, outlook or none
- Age: this does not apply to a person aged under 16
- Disability: includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- Race: includes race, skin colour, nationality or ethnic origin
- Membership of the Traveller community.

The Minister for Justice and Equality has policy responsibility for employment equality legislation and inequality in the workplace.

Employment equality legislation provides for equal pay for like work. Like work is defined as work that is the same, similar or work of equal value. It is one of the terms that must be part of the contract of employment as a result of laws passed by the Dail (Parliament). A claim for equal pay can be made on any of 9 grounds including age.

The main legislation providing for the health and safety of people in the workplace is the Safety, Health and Welfare at Work Act 2005 (as amended). It applies to all employers, employees (including fixed-term and temporary employees) and self-employed people in their workplaces. The Act sets out the rights and obligations of both employers and employees and provides for substantial fines and penalties for breaches of the health and safety legislation.

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?

Age is one of the grounds covered by the Employment Equality Acts 1998–2015, which outlaw discrimination in a wide range of employment and employment-related areas. These

include recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment including sexual harassment.

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?

The Irish Human Rights and Equality Commission and the Workplace Relations Commission are separate organisations that work to ensure equality at work.

The Irish Human Rights and Equality Commission is a statutory body set up to provide information to the public on human rights and equality legislation. It can, at its discretion, provide legal assistance to people who wish to bring claims to the Equality Tribunal. The booklet, *Your Employment Equality Rights Explained* is available on ihrec.ie

The Workplace Relations Commission is the place to bring a discrimination claim under the Employment Equality Acts 1998–2015 using the online complaint form (available on workplacerelations.ie). It investigates or mediates claims of unlawful discrimination under equality legislation.