

# Right to Work and Access to the Labour Market

## National Legal and Policy Framework

*1. What are the legal provisions and policy framework in your country that recognise the right to work and access to the labour market by older persons?*

The right to work is established in article 35 of Spain's Constitution and is shaped as duty and right at the same time. "All Spaniards have the duty of working and the right to access to work, ...."

Moreover, article 9 establishes that public powers shall promote the participation of all citizens in economy; and article 14 declares the equality and non discrimination by any personal or social circumstance.

*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 main challenges faced by older persons about their access to the labour market is the trend among the companies on foster the engagement of younger people because its cheaper working conditions.*

*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?*

National Institute of Statistic (INE) has several surveys about informal work of older persons and data are disaggregated by gender, age and other items.

## Availability, Accessibility, Acceptability and Quality

*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?*

Public Administration have a range of measures aimed to ensure the access of older persons to the labour market such: vocational training programmes, life long learning activities, and many other actions.

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

Public employment agencies display services targeted on older persons through counselling, advocacy and support.

*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?*

Private companies have programmes dealing with the access to labour market of older persons, combining their experience and knowledge with younger generations, teaming up clusters in which older persons share their background with young people.

Social protection legislation ensures programmes for extending retirement age, which allow older persons to be in labour market beyond ordinary retirement age

*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?*

Labour legislation prohibits differences on remuneration based on age or gender. Regarding safe working conditions, also labour legislation guarantees safety and health of workers, including, if needed, specific measures that allow older workers to perform their activities without any risk.

## **Equality and non-discrimination**

*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?*

Yes; age and any other personal circumstance is a ground for discrimination in relation to work and access to the labour market and, in general, for the enjoyment of the whole bill of rights proclaimed and guaranteed by Title I of the Spain's Constitution

## **Remedies and Redress**

*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?*

Older persons can display the complaint actions, through unions or individually, and, if it is the case, claiming labour courts, for denial of their right to work and access to the labour market