

## National Legal and Policy Framework

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?

The Constitution of the Russian Federation guarantees the right of everyone to work without any discrimination (chapter 2, article 37 [http://ombudsmanspb.ru/pravo\\_na\\_trud](http://ombudsmanspb.ru/pravo_na_trud)); the Labor Code of the Russian Federation (Article 3) prohibits discrimination in the sphere of work, achieving retirement age is not a reason for terminating an employment contract or infringing labor rights (<http://pravosoznanie.org/33049>). The law on raising the retirement age (2018) determines the age 5 years before retirement (the so-called retirees) - the employer, according to the law, is subject to administrative and criminal penalties for dismissing retirees, for refusing to hire such retirees (<https://www.szn-ural.ru/News/Detail/?id=eb0b00e7-b4cb-4538-be03-e99db986c708>).

The Employment Act of 1991 defined the age two years before retirement as pre-retirement (this was 53 years for women, 58 years for men); in connection with the change in the terms of retirement, the Employment Law (2018) was amended: now the retirement age is 5 years before retirement (for women it is 55 years old, for men - 60 years old).

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?

Employment of the elderly is not specially regulated, older people have the fullness of labor rights, but this does not distinguish them from other categories of citizens in terms of employment and does not create conditions for realization of existing rights (FORMATION AND DEVELOPMENT OF ELDERLY EMPLOYMENT PEOPLE IN THE MODERN ECONOMY OF RUSSIA).

Experts highlight various problems of employment of retirees and pre-retirees: inadequacy of qualifications of retirees to the new requirements of the economy (digitalization), their experience ceases to be necessary using the latest technologies; pensioners get sectors of the economy with low qualifications and high unemployment, training of pensioners is limited by the incomplete inclusion of the country's regions, poor educational infrastructure in this area, and health restrictions. In order not to lose a job, constant training and retraining is necessary. For these reasons pensioners go to the informal market and work without contract. Older people lose motivation for legal work and training (<https://cyberleninka.ru/article/n/problemy-ispolzovaniya-truda-i-podgotovki-naseleniya-v-vozraste-60>). For these reasons, only 56% of Russian companies are loyal to employing retirees, 24% of companies only occasionally give jobs to pensioners, 20% of employers do not consider applications from pensioners (<https://rg.ru/2019/09/12/stalo-izvestno-skolko-kompanij-gotovy-priniat-na-rabotu-predpensionerov.html>). Among other difficulties of employment of pensioners: are a general reduction in jobs, sectoral and regional imbalances in the labor market, and competition from migrant workers, corporate age preferences (<https://rg.ru/2018/03/25/aleksandr-safonov-rynok-truda-nekomforten-dlia-pozhilyh.html>). Experts talk about ageism in employment, for example, employees over the age of 45 are not even given the opportunity to come for an interview, they are weeded out by an age qualification even at the stage of a phone call (<https://www.mk.ru/social/2018/07/04/kak-nayti-rabotu-posle-45-i-50-let-sovety-otchayavshimsya.html>).

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?

In 2019 in Russia informal employment is growing. More than 21% of those working, work informally, but the data and statistics on the participation of older people (including older women) in the informal

market are very small. We have not identified specialized studies on the participation of the elderly in the informal sector of the economy. Several studies have been found (see below) that have little mention of the elderly.

As the country's population ages, the employment of pensioners has increased. However, older people only manage to maintain jobs in the public sector. Older workers in the private sector are forced out into the informal sector (<https://www.csr.ru/news/novaya-rabochaya-sila/>). Pensioners in cities often seek formal employment. The situation is changing dramatically in rural areas - most pensioners are involved in agricultural work, so, in agriculture, male retirees occupy 37% of the seats (it is unskilled, semi-skilled and physical labor) against 20% of women (<https://moluch.ru/archive/34/3923/>). 58% of older men are engaged in physical labor versus 25% of women.

Among older people, the share of employed in the informal sector is 21%, and among all employed - 20%. Informal labor relations among older workers appear to be much wider than the average for the labour force (Rosstat: the share of the shadow economy in Russia amounted to almost 13% of the gross product (2017).

are often forced to work without formalization and with minimal protection of labor rights. According to experts, the picture of the expansion of employment of older people has largely resulted in informal hiring (FORMATION AND DEVELOPMENT OF ELDERLY EMPLOYMENT

PEOPLE IN THE MODERN ECONOMY OF RUSSIA 2018, see attached fail). The share of women in the economy is high. At the age of 40-59, the share of women in the labor market is 51% (

<https://cyberleninka.ru/article/n/gendernyy-analiz-rossiyskogo-rynka-truda>). Experts talk about the best employment of older women for those are employed in the formal sector (education, healthcare, public services). The mass trend of recent years is for women to remain in the labor market after retirement (<https://www.rbc.ru/economics/14/06/2019/5d0262ab9a79474943dcfa86>).

- Informal Employment in Russia: Problems of Emergence and Study, 2011 (<https://moluch.ru/archive/34/3923/>)

- The elderly population of Russia: problems and prospects March 2016 (see attached file)

- FORMATION AND DEVELOPMENT OF ELDERLY EMPLOYMENT PEOPLE IN THE MODERN ECONOMY OF RUSSIA, 2018 (see attached file).

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?

Federal law (2018) punishes employers for “unreasonable” refusal to hire pre-retirees (those who are 5 years old before the new retirement plan) or “unreasonable” dismissal (<https://kontur.ru/articles/5397>).

Information about the employment of pensioners is provided on the web portals of the Pension Fund of the Russian Federation and its regional branches (to obtain the status of a pre-pensioner), portals of the Social Security Departments of the Ministry of Labor, as well as the websites of the Employment Service in all regions of the country ([http://www.pfrf.ru/grazdanam/pre\\_pensioners/](http://www.pfrf.ru/grazdanam/pre_pensioners/),

<https://dszn.ru/deyatelnost/trud-i-zanyatost/Pensioneram>,

<https://www.kubzan.ru/content/%D1%87%D1%82%D0%BE%D0%BD%D1%83%D0%B6%D0%BD%D0%BE%D0%B7%D0%BD%D0%B0%D1%82%D1%8C%D0%BF%D1%80%D0%BE%D0%B8%D0%B7%D0%BC%D0%B5%D0%BD%D0%B5%D0%BD%D0%B8%D1%8F%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B0%D0%BE%D0%B7%D0%B0%D0%BD%D1%8F%D1%82%D0%BE%D1%81%D1%82%D0%B8%D0%BD%D0%B0%D1%81%D0%B5%D0%BB%D0%B5%D0%BD%D0%B8%D1%8F%D0%B2%D1%80%D1%84> ).

Employment services since 2019 have departments for retirees and website pages, including sections on training. Professional training is carried out in full-time, part-time and evening forms for 3 months, free of charge

(<https://www.rabotakaliningrad.ru/content/%D0%BB%D0%B8%D1%86%D0%B0%D0%BC%D0%BF%D0%B5%D0%BD%D1%81%D0%B8%D0%BE%D0%BD%D0%BD%D0%BE%D0%B3%D0%BE%D0%B2%D0%BE%D0%B7%D1%80%D0%B0%D1%81%D1%82%D0%B0>,

<https://www.kubzan.ru/content/%D0%BF%D1%80%D0%BE%D1%84%D0%BE%D0%B1%D1%83%D1%87%D0%B5%D0%BD%D0%B8%D0%B5%20%D0%BF%D0%B5%D0%BD%D1%81%D0%B8%D0%BE%D0%BD%D0%B5%D1%80%D0%BE%D0%B2>). For the training of pre-pensioners, the State Program was adopted in

2018 until the end of 2024. The program provides for the employment of up to 85% of trained seniors (<https://spmag.ru/articles/obuchenie-grazhdan-predpensionnogo-vozhraza-v-2019-godu>).

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

The Employment Service and its regional branches in the country's constituent entities (Employment Centers) have employment departments for pre-pensioners / retirees (free consultations, job listings, training courses). The services provided are free. There are private recruitment agencies working with pensioners, job offer websites for retirees, new recruiting projects for pensioners in the regions (for example, the "Let's work" project in the city of Yaroslavl, the Silver Bloggers project, when teenagers teach pensioners to use computers at the Employment Center in Pskov (<https://rg.ru/2018/06/18/mintrud-aktiviziruet-trudoustrojstvo-rossiian-pensionnogo-vozhraza.html>, <https://lenta.ru/articles/2016/11/30/oldiriforfun/>, <https://www.mk.ru/social/2019/08/25/pskovskie-pensionery-nauchilis-gramotno-trudoustraivatsya.html>, <http://industry60plus.ru/articles/detail.php?id=834>). According to experts, for retirees to search for a job, one must "be able to freely use a computer and the Internet, but for many older people this is a problem". True, there are many charitable projects for teaching the elderly to use computers - the Status-Online project (KAF charity fund) works in almost 20 cities of the country. This project also has an employment course in which employment service specialists conduct classes (<https://lenta.ru/articles/2016/11/30/oldiriforfun/>).

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?

An increase in the number of pensioners' applications for vocational education and retraining - 47% of them were employed (2018). Federal law (2018) provides for unemployment benefits, material assistance and scholarships for pre-retirees (Ministry of Labor Report 2018). Approval of a special state program (2019-2024) for vocational training / retraining of pre-retirees (<http://pravo.gov.ru/laws/acts/4/51485053451088.html>). The head of the Ministry of Labor reported on Russia's experience in vocational training and employment of older people at the G-20 meeting in September, however, only about a third of pensioners are involved in the labor market. Candidates for pre-retirement and retirement age have a special label on the national website of the job database "Work for All": if experienced professionals meet the employer's search query, they will be shown above the rest (<https://git30.rostrud.ru/news/829956.html>).

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 situation of older workers is not reflected in the annual Report of the Ministry of Labor (2018) on the results of work (section on improving working conditions). It is only mentioned that funding for "preventive measures" for pre-retired workers, including sanatorium treatment, is increasing. The section on wages of this report reflects the situation only with workers of working age, and wages of older workers are not mentioned. With the advent of the category "pre-retirees" in 2019, the State Labor Inspectorate made recommendations on working conditions for workers of the pre-retirement age (<https://ppt.ru/news/143017>). There is no data on wages and safety measures for older workers in the informal sector of Russia.

### **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?

The Labor Code of the Russian Federation (Article 2) prohibits discrimination of workers without mentioning age as a ground for discrimination. Article 3 of the Code refers to age, arguing that no one may be restricted in labor rights and freedoms (from 2013) (<https://www.kubzan.ru/News/Detail//62cc0052-4a5b-47a1-88a5-75570c19dd14>). Depending on age, one cannot restrict rights in information on employment opportunities (Article 25 of the Federal Law on Employment in the Russian Federation <https://sibac.info/conf/science/xxxiv/53499>).

### **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?

There are no complaint mechanisms targeted at older people. According to the Labor Code of the Russian Federation (Article 391), labor disputes are considered in courts (<https://trudinspection.ru/st/g60/st391/>);