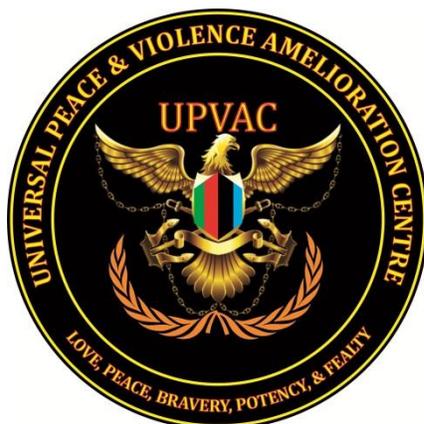


Submission by:

UNIVERSAL PEACE AND VIOLENCE AMELIORATION CENTRE
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SUBSTANTIVE CONTENT:

“RIGHT TO WORK AND ACCESS TO THE LABOUR MARKET”

**THE CHAIR OF THE UNITED NATIONS GENERAL ASSEMBLY OPEN-ENDED
WORKING GROUP FOR THE PURPOSE OF STRENGTHENING THE PROTECTION
OF THE HUMAN RIGHTS OF OLDER PERSONS**

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Preamble

All human beings hold human rights equally. The right to work and access to the labour market should not be different for certain individuals, regardless of age.

Right to work and access to the labour market are asserted in: **Article 23** of the Universal Declaration of Human Rights (UDHR), which states:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

National Legal Framework

Legal Provisions and Policy Frameworks

In 1995, the Nigerian Government invited the International Labour Organisation (ILO) to contribute to its efforts to formulate a comprehensive National Employment Policy which aims at accelerating employment generation, reducing high rates of unemployment, and ultimately attaining full productive, and freely chosen employment. In response to the invitation, the ILO dispatched an Employment Policy and Strategy Mission to Nigeria in October, 1996.

The premise of this National Employment Policy is that the best option open for promoting productive employment in Nigeria is through a multi-pronged employment generation strategy to become more employment intensive.

In May 2019, the Nigerian House of Representatives abolished age discrimination against job seekers in Federal Government Ministries, Agencies and Departments (MDAs), which followed the passage, by the lawmakers, of a “Bill for an Act to Eradicate the Age Discrimination against Job seekers in Federal Government Agencies”.

Challenges facing right to work and access to the labour market by older persons

The major challenges facing right to work and access to labour market by older persons in Nigeria include:

- High level of Corruption in securing employment,
- Lack of Education, Training, Lifelong learning, and Capacity Building,
- Lack of Social Protection and Social Security.

Availability, Accessibility, Acceptability and Quality

In ensuring right to work and access of older persons to labour market, the Nigerian government has made available through its NEP by:

- i. Provision of Functional Education and Skill Training System,
- ii. Improving the capacity of businesses in the private sector to drive the economy and lead in employment generation in Nigeria,
- iii. Creation of decent jobs while protecting the natural environment,
- iv. Creating opportunities for employment, apprenticeship, and skill acquisition for youth.
- v. Ensuring the full employability of persons with disability (PWD); removing all forms of discrimination against PWDs; provide them access to inclusive educational and vocational training demanded by the labour market to enable them integrate into the country's workforce.
- vi. Promoting the mobility of PWDs by removing architectural barriers in buildings and facilities constructed with government funding.

The government has also established various policies to tackle the issue of unemployment currently facing many Nigerians. They include:

- Fiscal Policy that enables budget and tax policies as tools to stimulate growth and create jobs,
- Monetary Policy regime that stimulates inclusive economic growth and increases the labour absorption capacity of the Nigerian economy.

Equality and non-discrimination

Previously in Nigeria, age was a ground for automatic disqualification in relation to work and access to labour market, especially at older age, but with the new government legislation, an abolishment to age discrimination against job seekers has been put into an ACT for eradication of such discriminations. This should also be applicable to the private sectors.

Remedies and Redress

Mechanisms in place are:

- i. National Pension Commission, which is saddled with the responsibility of ensuring effective management of pensions;
- ii. Nigeria Social Insurance Trust Fund which administers the Employees Compensation Scheme;
- iii. National Employment Policy;
- iv. Bill for an Act to Eradicate the Age Discrimination against Job seekers in Federal Government Agencies.

These mechanisms are not sufficient enough as they are mostly constituted for the employed and or previously employed persons.

Mechanisms necessary for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market should include mechanisms such as:

- Monitoring and Evaluation (M&E) to track the effective management and accountability of existing frameworks,
- Regulating Private Employment Agencies
- Strengthening Labour Inspection Services,
- Monitoring and evaluating the employment outcomes of government policies, in terms of the level of private sector investment,
- Implementing programs geared towards employment creation.
- Coordinating the activities of the private sector aimed at employment creation.
- Collecting, maintaining and disseminating labour market information
- Ensuring the representation of the Private Sector in the various strategic committees to drive the implementation and delivery of the NEP, including the National Employment Council.