



# Right to Work and Access to the Labor Market

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In developing countries like India, where old age social security support system is almost negligible and the traditional structures of family care for the old people are eroding, the risk of economic vulnerability may increase for the elderly. In the context of inadequate institutional social security and lack of family support, the only option left for most of the elderly is to depend on their own earnings for their day-to-day maintenance.

With inadequate social security for the majority of the older persons, growth of nuclear families and declining traditional support from extended family members, continuing to work and earn remains the only option for support in old age for most Indians.

## National Legal and Policy Framework

Normal age of retirement from government jobs is 60 years in India. However, in unorganized / informal sector where majority of working population work, there is no fixed retirement age. Article 41 of the constitution of India provides that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement. Every citizen has the right to work over a certain period of time. They cannot be retired from doing their work whether in the private or the public sphere. Unfortunately older persons do not come under the preview of this constitutional provision and they hardly enjoy right to work in India. However, in labor market of informal sector, primarily, agriculture sector, older persons have equal access till they are able to work.

## Challenges faced by older persons for the realization of their right to work

Over the past decades work culture across the sectors has changed remarkably primarily due to advancement of technology. Majority of older persons are unskilled, and digitally challenged or have lower academic qualification as compared to younger people. Moreover ever-increasing unemployment and lack of post retirement gainful engagement opportunities discourage older persons to realize their right to work in old age. A very low percentage of the elderly workforce are engaged in poorly paid jobs in the informal sector, either as casual workers or as self-employed in low-skilled or unskilled occupations since their access to the labor market is very limited. Inadequate provision of social security for the elderly in India has left the majority



without any economic support and they continue to look for employment opportunities in their old age.

### **Pattern of older persons engaged in informal work**

In rural areas, 66% of elderly men and 28% of elderly women were working, while in urban areas only 46% of elderly men and about 11% of elderly women were working<sup>1</sup>. The industrial distribution of employment of elderly differs between urban and rural India. In rural India, agriculture sector accounts for more than two thirds of employment for both elderly men and elderly women. Service sector is the second most important source of employment for elderly in rural India. Unlike rural India, service sector provides the predominant share of employment to the urban elderly.

### **Availability, Accessibility, Acceptability and Quality of work**

India has approximately 135 million older persons and majority of them are in the age group of 60-70. In this age group most older persons are active and want to work for few more years. However, in job market, they hardly find any takers, who can offer them suitable jobs due to their age and other limitations. Older persons have experience, knowledge and wisdom but they lack much needed skills and training.



### **Steps taken to ensure the access of older persons to the labor market**

In India, no tangible steps have been taken at any level to ensure the access of older persons to the labor market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations. However, concerned stakeholders at multiple levels have realized the need to bring older persons into the mainstream by involving them in income-generational activities.

At government level, no major steps are taken, except promoting older persons friendly projects like setting up recreation centers for older persons, senior citizens organizations etc.

<sup>1</sup> Ministry of Statistics and Programme Implementation, Govt. of India,



## Good practices in terms of ensuring the older persons' right to work

In organized sector, right to work is enjoyed by a small number of older persons, that too for 2 to 5 years beyond the age of 60 years. However in unorganized / informal sector older persons have equal right to work and earn their livelihood. Due to increased longevity share of older persons is also increasing in labor market.

## Equality and non-discrimination

So far as job market is concerned, older persons are not treated equally and they have to face a lot of discrimination due to their age. The current retirement age for most government workers in India is 60. Most private companies have aligned their age of superannuation to the Centre and state governments.



Source: Agewell Foundation

## Remedies and Redress

Following are the indicative mechanisms for older persons to seek redress for denial of their right to work and access to the labor market

- Conducting Pre and post-retirement training programs for older persons to provide them soft skills, digital literacy, communication and other training for skill enhancement.
- Establishment of Employment Exchange for Old and Retired People at national level.
- Provisions for encouraging employment of retired elderly in unorganized service sector by initiating incentives schemes.
- Promoting anti age discriminatory practices in the labor market

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