



საქართველოს სახალხო დამცველი
PUBLIC DEFENDER (OMBUDSMAN) OF GEORGIA

**Input on the Right to Work and Access to the Labour Market
in the Context of Older Persons**

Submission

To the UN Open-ended Working Group on Ageing

Submitted by

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Freedom of labour and occupational safety are enshrined in the legislation¹ of Georgia and policy paper regarding the Concept of State Policy on Population Aging, which aims to support the development and utilization of the employment potential of the elderly.²

The National Statistics Office of Georgia doesn't process unemployment statistics by age groups, as well as informal employment. Consequently, it is difficult to discuss unemployment rates for elderly people. However, in general, in 2018, the unemployment rate in Georgia was at 12.7 percent,³ while the informal employment rate - at 36.2 percent.⁴

The labour force participation rate – the percentage of the working-age population that is working or looking for work – is a scale of the economically active population. As reflected in the 2014 census figures, many people in Georgia remain active up to rather old age. Despite the fact that there is a clearly visible drop in the official retirement ages – 60 for women and 65 for men – the participation rates remain fairly high, even up to the age of the “elderly people” (80 and over). The census recorded for the total old-age population (65 and over) indicated a 48.4 percent rate of labour force participation, implying that almost half of the older persons were either working⁵ or actively seeking a job. For those aged 65 to 79, this participation level was at 51.1 percent and for the oldest old (80 and over) such figure was still as high as 39.3 percent. These statistics imply that two of every five very old people in the country were still economically active.⁶

The understanding of high labour force participation among older people requires more detailed and survey-based information as well as in-depth analysis. One of the reasons for this notion can be found in an inverse relationship between the level of highest attained education and the activity rate. Such an assumption is supported by statistics from the 2014 census, which demonstrate the decrease of labour force participation proportionally to the level of education completed. As low-educated persons tend to have worked more often in the informal economy with less adequate pension provisions and may have been less able to save much from generally

¹ Article 26 of the Constitution of Georgia; Article 1 of the Law of Georgia on Elimination of All Forms of Discrimination, which aims “to eliminate any form of discrimination and to ensure equal enjoyment of the rights set forth by the legislation of Georgia for all natural and legal persons regardless of race, color, language, sex, age, nationality, origin, place of birth, residence, property or title, religion or faith, national, ethnic or social belonging, profession, marital status, health condition, disability, sexual orientation, gender identity and expression, political or other beliefs or other basis”.

² Provision 2.5 - Main directions and goals of the Concept of State Policy on Population Aging.

³ National Statistics Office of Georgia, Employment and Unemployment in Georgia 2018, available at: <https://www.geostat.ge/en/modules/categories/38/employment-and-unemployment> (accessed 29.10.2019).

⁴ *Ibid.*

⁵ Working or employed persons refer to those who worked seven days prior to census moment (for at least one hour) for payment in cash or in kind or other income, or had work or a job, which they were temporarily unable to complete for some reason. Unemployed persons are those who were not employed (not even for one hour) in the seven days prior to census moment, were looking for a job for the last four weeks before census moment and were ready to start working within two weeks' time if a suitable job or business was offered.

⁶ Dr. Bart de Bruijn, Maka Chitanava, National Statistics Office of Georgia and United Nations Population Fund (UNFPA) Office in Georgia, “Ageing and Older Persons in Georgia, An Overview Based on the 2014 General Population Census Data”, 2017, p.30, available at: https://georgia.unfpa.org/sites/default/files/pub-pdf/2.%20Ageing-Engl_Print_F.pdf (accessed 29.10.2019).

lower incomes, it is most likely that they would continue working beyond the retirement age out of necessity.

To ensure access to the labour market, the state created the online employment portal Worknet.gov.ge, which started operating in December 2013. According to the statistics, since 2014 - until now, 60+ years old job seekers' activity on the portal was low,⁷ which may be caused due to various reasons: lack of information, less access to the internet, less trust and etc. In addition, the number of older people employed varies from year to year⁸ and does not illustrate a tendency.

The Office of the Public Defender of Georgia has studied cases of alleged discrimination in labour and pre-contractual relations which created an alarming trend. Based on reviews of the job announcements posted on various internet sites over the years, the Public Defender identified age-related discrimination and addressed the relevant Ministry with a general proposal in 2017.⁹ The Public Defender proposed the introduction of legislative regulations prohibiting express terms of discriminatory requirements in pre-contractual relations. To this date, the respective legislative changes have not been adopted.

The Public Defender recommends providing an assessment of employment opportunities for the elderly based on labor market surveys. Moreover, it is essential to study the profiling and professional needs of the elderly and provide relevant services through employment centers. It is also crucial to increase awareness regarding Worknet.gov.ge among elderly people and create additional development and advancement programs for them to ensure to seek redress for denial of their rights to work and access to the labour market.

⁷ For example, in 2014, **no older** person was registered on the portal; In 2015, **1371** 60+years old job seekers were registered out of 56 546; In 2017, **2506** out of 50889; In 2018, **11 942** 60+age group out of 197 607 registered job seekers. And, as of September 2019, 279 386 job seekers were registered on the portal. **19 006** of them were affiliated to 60+ years old group.

⁸ In 2015, **349** job seekers were employed. Among them, only **3** were 60+ age group; in 2018, **46** elderly people were employed out of **1888** employed people and as of September 2019, **814** job seekers were employed, out of whom only 4 persons were 60+.

⁹ The Public Defender (Ombudsman) of Georgia, "A General Proposal on Elimination and Combating of Discrimination", available in Georgian at: <http://ombudsman.ge/res/docs/2019040915415432143.pdf> (accessed 29.10.2019).