



Written statement by AGE Platform Europe¹ to the UN Open-Ended Working Group on Ageing

Discussion of substantive elements of the right to access the labour market at the United Nations General Assembly Open-Ended Working Group for the purpose of strengthening the protection of human rights of older persons -- 11th session

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The European Union has legislation prohibiting age discrimination in the labour market, however the framework incomplete, allowing discrimination in the access to goods and services necessary to perform work, such as motor insurance or employers' mandatory accident insurance. **Significant exceptions are allowed under the directive, and courts have interpreted them very widely.**² **Mandatory retirement** ages still exist in some member States, and differential retirement ages for women and men discriminate against women. In some cases, the existence of pension rights is deemed sufficient to exclude older persons from the labour market, cutting off their ability to thrive and to economically contribute to society as long as they wish.

The right to **reasonable accommodation for workers with disabilities** exists, but this is seldomly applied to older workers with light impairments seen as 'natural'.

In practice, **employment rates of older workers in the EU are significantly lower than total employment rates – 59 % for 55-64 year-olds vs 73% for 20-64 year-olds**³. Among all women, older women are the most disadvantaged in the labour market, with only just over half of them in employment, and older women show the highest rates of part-time work.

At times of recessions, such as the current one, older workers are too often adjustment variables and easily laid off.⁴ Companies reducing their workforce play a game of discouraging their older employees to stay active, proposing benefit packages in return of early retirement.⁵ Once laid off, older persons are at strong risk of long-term unemployment

¹ AGE Platform Europe is a European network of not-for-profit organisations of and for older persons with members in Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom. AGE is also composed of European federations: European Senior Citizens' Union, European Senior's Organisation, Fédération Internationale des Associations des Personnes Agées, Nordic Older People's Organisation, Older Women's Network Europe and European Ageing Network.

² AGE Platform Europe (2021): *The Right to Work in Old Age. How the EU Employment Directive still leaves older workers behind.* https://social.un.org/ageing-working-group/documents/AGE%20Platform%20Europe_The%20right%20to%20work%20in%20old%20age.pdf

³ Eurostat figures for 2019

⁴ International Labour Organisation (2013): *Employment and social protection in the new demographic context.*

⁵ Bissuel, Bertrand (2021) : *Avec le COVID-19, le retour des préretraites dans les grandes entreprises.* *Le Monde.* https://www.lemonde.fr/politique/article/2021/01/13/le-covid-19-provoque-le-retour-en-force-des-preretraites_6066152_823448.html





– only one in four workers losing their job over 50 is expected to find a new one.⁶ **This is not only a loss for these workers’ incomes, social contribution and taxes, but a loss of their experience and mentorship toward younger colleagues. It means the breaking of intergenerational ties at the workplace and often is linked to the erosion of mental and physical health.**

About **one in five older workers is caring for a family member** and finds it difficult to combine employment and care.⁷ A Convention on the Rights of Older Persons would reduce this burden by **guaranteeing a right to adequate care and autonomy**, lifting this burden off older workers. As mentioned by the OHCHR study⁸, the current rights framework fails to provide for the right to work in a perspective of increasing longevity. A Convention would enshrine **that it is a person herself who choses when to leave the labour market**, guarantee access to social security, education (re)training and life-long learning which are essential to working longer. It would curb exclusionary practices such as mandatory or forced retirement.

A convention also carries the symbolic message that older people are still valued and needed as drivers of society. Access to the labour market is highly symbolic by creating positive examples and role models for active ageing. Guaranteeing this right is fundament upon which attitudes can change and ageism be combated.

⁶ Leeson, George (2020): *Covid is not an inter-generational conflict*. Oxford Institute of Population Ageing. <https://www.ageing.ox.ac.uk/blog/Covid-is-not-an-inter-generational-conflict>

⁷ Eurofound (2018): *Striking a balance. Reconciling work and life in the European Union*. Pp. 37ff.

https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef18065en.pdf

⁸ Office of the High Commissioner on Human Rights (2021): *Update to the 2012 Analytical Outcome Study on the normative standards in international human rights law in relation to older persons*.

<https://social.un.org/ageing-working->

[group/documents/eleveth/OHCHR%20HROP%20working%20paper%2022%20Mar%202021.pdf](https://social.un.org/ageing-working-group/documents/eleveth/OHCHR%20HROP%20working%20paper%2022%20Mar%202021.pdf)

