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## **Mandate of the Independent Expert on the enjoyment of all human rights by older persons**

11<sup>th</sup> Session of the UN Open-ended Working Group on Ageing

Focus Area: Panel on the Right to Work and Access to the Labour Market

31 March 2021

### **Statement by Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons**

Madame Vice-Chair,

Excellences,

Ladies and Gentlemen,

It is an honour to participate in this important panel and to address you in my capacity as Independent Expert on the enjoyment of all human rights by older persons. The right to work is essential for the realization of other human rights as well as for achieving many of the sustainable development goals. We live in societies that value work and productivity. Participation in the labour market enhances self-esteem, social inclusion and financial security. Therefore, inequality and discrimination in different aspects of work and employment have a tremendous effect on the enjoyment of human rights and well-being in general: for older persons and for everyone.

Given this centrality of work, it is imperative to apply a human rights-based approach in line with the international human rights law and ILO's normative framework on the right to work and access to labour markets. This framework recognizes the right of everyone to a freely chosen or accepted work in decent

conditions and requires that States take certain steps for the full realization of the right to work. A core obligation in this respect is to ensure non-discrimination and equal protection of employment. The principle of non-discrimination includes age discrimination. Older workers should enjoy equality of opportunity and treatment in relation to all aspects of work and conditions of employment in all sectors.

Nevertheless, the existing international human rights framework on the right to work faces limitations to adequately draw attention to and capture the specificity of older persons' experiences. As noted in the OHCHR update to the 2012 Analytical Outcome Study, the right to work is constructed around a model of life that does not reflect the longer period of life after the traditional retirement age. It rightly concludes that a fundamental rethink is required around the current understanding of the right to work for older persons.

This is all the more important considering the lived experiences of older persons on the labour market. The working paper prepared by DESA indicates that age discrimination is overwhelmingly identified as a key challenge faced by older persons at all stages of the employment process. Older persons are confronted with discriminatory treatment in recruitment, employment terms and conditions, inadequate or inexistent accessibility conditions, lack of training and promotion opportunities, and pressure to retire. Such discriminatory treatment is grounded in negative stereotypes perceiving older persons as having a limited ability to learn new skills and decreased productivity.

For example, older persons are not offered and encouraged to undertake education and training activities which in turn limits their access to fast evolving labour markets that highly value new and digital technologies. Older workers are also more likely to be in precarious or short-term working arrangements, including in the informal sector. Mandatory retirement ages are another challenge to the full realization of the right to work of older persons.

Other factors, such as gender, exacerbate ageism and age discrimination in the workplace. Older women often work in precarious and informal roles, which are paid less and are connected to unsafe conditions and difficulties in access to social protection.

Ageism and age discrimination experienced by older persons at work and in accessing the labour market have very concrete impacts, including on adequate standard of living, social inclusion and independent living. These are among the most important concerns for older persons worldwide as outlined in the new WHO Global Study on Ageism as well as made evident throughout the COVID-19 pandemic.

To conclude, it is important to reiterate that older persons, like everyone else, have a right to equal opportunity and treatment with respect to all aspects of work. To achieve a full realization of the right to work of older persons, States need to take measures to ensure equality and non-discrimination and to promote access to the labour market and to further education opportunities. This needs to go in parallel with a shift from the all too common narrative focused on economic concerns over ageing to a narrative recognizing the important economic and other contributions that many older persons make. And, as noted earlier, a fundamental rethink is needed around the understanding how the existing international human rights framework on the right to work captures and applies to realities lived by older persons today. I hope that this provides some thoughts for discussion and look forward to observations from different stakeholders.

I thank you for your attention.

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