Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13308
24 September 2013

Combating discrimination against older persons on the labour market

Committee Opinion[1]
Committee on Social Affairs, Health and Sustainable Development
Rapporteur: Mr Margus HANSON, Estonia, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

1. The Committee on Social Affairs, Health and Sustainable Development welcomes and supports the report prepared by Ms Sahiba Gafarova on behalf of the Committee on Equality and Non-Discrimination. Issues related to older persons amongst the vulnerable groups of society are regularly addressed by the Social Affairs Committee, such as recently in the report resulting in the adoption of Resolution 1882 (2012) and Recommendation 2000 (2012) on decent pensions for all. Moreover, questions relating to the situation of older persons should generally be considered as a priority in the current demographic and economic context.

2. However, the committee considers that it is important to provide clear definitions for the notions of "older persons" and "older workers" and to explicitly distinguish the two terms in order to provide a clear framework for decision-makers. A reference could also be made to the increasing group of people at pensionable age who wish to, or have to, pursue their professional activity, in order to reflect the social reality that elderly people have active professional lives for much longer than in previous times.

3. The Committee on Social Affairs, Health and Sustainable Development would therefore like to suggest a few amendments to the draft resolution as set out below, to sharpen its key messages and increase its impact in member States.

B. Proposed amendments

Amendment A (to the draft resolution)

In the draft resolution, paragraph 1, replace the words "older people" with the following words:

> *"older workers (active persons aged between 50 and 64) and older persons more generally (65 and older)"*

Amendment B (to the draft resolution)

In the draft resolution, paragraph 3, after the words "to introduce positive action for", replace the remainder of the sentence with the following words:

> *"older workers wishing to enter or re-enter the labour market and for older employees, including those who wish to continue working beyond pensionable age."*

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1. Reference to committee: Reference 3883 of 29 June 2012. Reporting committee: Committee on Equality and Non-Discrimination. See Doc. 13292. Opinion approved by the committee on 9 September 2013.

Amendment C (to the draft resolution)

In the draft resolution, paragraph 3, replace the second sentence with the following sentence:

> *"The particularly vulnerable position of persons affected by multiple forms of discrimination by cumulating different criteria, such as age, gender or ethnic origin, should be specifically taken into account when it comes to conceiving legislative or policy responses."*

Amendment D (to the draft resolution)

In the draft resolution, at the end of paragraph 5.4, add the following words:

> *", in particular for older women who have had long periods without paid employment, for example whilst raising children or caring for other family members, and whose employment has been marked by temporary and part-time contracts;"*

Amendment E (to the draft resolution)

In the draft resolution, paragraph 5.6, after the words "raising public awareness of", replace the remainder of the sentence with the following words:

> *"the substantial experience of older workers, and promote innovative approaches for their employment, such as flexible work schemes wherever appropriate (for example part-time work, job-sharing, task rotation);"*

C. Explanatory memorandum by Mr Hanson, rapporteur for opinion

1. The report by the Committee on Equality and Non-Discrimination covers an important problem faced by an increasing number of people in ageing societies across Europe. As rapporteur for opinion, I therefore welcome the report prepared by Ms Sahiba Gafarova, which is succinct and to the point. Thanks to my experience gained in working for local and State authorities (namely as former Vice-Mayor of Tartu, the second city of Estonia, from 1997 to 2003 and from 2007 to 2011) as well as for the private sector, I am very familiar with the situation of older workers on the local labour market and am therefore happy to make an input to this important debate.

2. The explanatory memorandum provides an overview of the issue, differentiating the various difficulties faced by older workers on the labour market and in employment and containing some concrete proposals for action to be taken to capitalise on older workers' experience. However, not all of the differentiations and proposals have found their way into the draft resolution.

3. Moreover, a reference could be included in the draft resolution to persons wishing to continue an active working life beyond pensionable age, a group that can increasingly be observed in all Council of Europe member States. More and more elderly people are in good physical and mental shape, and consequently wish to pursue their professional lives, even if the type and level of activity need to be adapted in some cases. Moreover, in the current economic context, many older persons are obliged to continue working in order to top up their modest State pensions with an additional income.

4. From my point of view, the draft resolution therefore merits a few additions in order to ensure that member States will fully understand for which age group action is required and to stimulate concrete positive action in this field.

5. **Amendment A** relating to paragraph 1 is intended to introduce clear definitions for the central terms of the text, older workers and older persons. The definition of an "older worker" stems from the activities of the Organisation for Economic Co-operation and Development (OECD) in this context and is to be distinguished from "prime-age people" aged 25-49.[2] The definition of an "older person" corresponds to the one used by the World Health Organization (WHO) which recognises the chronological age of 65 as the threshold of becoming "older" for most developed world countries.[3]

2. OECD: Older workers. Living longer, working longer, DELSA Newsletter Issue 2, Paris, 2006.
3. WHO: Definition of an older or elderly person, Health statistics and health information systems, www.who.int.

6. **Amendment B** extends the group of people focused on by the text to those who wish to continue to work beyond the respective pensionable age of a country, and who should not be discriminated against either in the current economic context.

7. **Amendment C** for its part introduces into the draft resolution some of the more differentiated criteria for discrimination on the labour market, which may in some cases be cumulated with old age, as justly developed by the explanatory report, so as to provide member States with a clearer picture of specific difficulties encountered by certain older workers on the labour market.

8. **Amendment D** strengthens the gender dimension of the draft resolution in order to better reflect this social reality as well as the institutional origin of this text, which emanates from the Committee on Equality and Non-Discrimination. It is well known that, amongst older workers, older women face particular difficulties when they wish to re-enter the job market. According to Eurostat data in 2012, the employment rate for men aged 50 to 64 in the European Union (of 28) was 62.5% whilst it was estimated at only 52.3% for women.[4] Moreover, the progressive deregulation of the labour market has not been gender neutral. Whilst occupational flexibility typically affects men at the beginning and at the end of their working life, women are more frequently involved in temporary and part-time occupations throughout their working life.[5]

9. **Amendment E** attempts to make the draft resolution slightly more concrete in the positive measures suggested for reinforcing the position of older workers on the labour market, and to promote the introduction of flexible measures aimed at creating work places adapted to this age group. Some measures of this kind had already been suggested by the Parliamentary Assembly in 2011 in Resolution 1793 (2011) "Promoting active ageing – capitalising on older people's working potential". In this text, the Assembly had asked member States "to promote policies that aim at improving the quality of flexible work arrangements for older workers, enabling them to move to less demanding jobs and opting for part-time work, teamwork, job-sharing, task rotation and redefinition of tasks between team members". In line with this call, more positive measures should also be included in the current draft resolution on discrimination against older people, in order to compensate for some of the negative stereotypes that prevail in the current employment sector.

4. Eurostat: Database on Employment and Unemployment (LFS), figures extracted on 26 July 2013: http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_unemployment_lfs/data/database.

5. Centre for European Policy Studies (CEPS): Women's Labour Market Performance in Europe: Trends and Shaping Factors (Cipollone/Patacchini/Vallanti), CEPS Special Report No. 66, September 2012, Brussels.