

## Equinet submission to the European Commission's Public Consultation

### 'Demographic change in Europe – green paper on ageing'

Brussels, 21 April 2021

#### Laying the foundations (chapter 2 of the green paper)

- 1. How can healthy and active ageing policies be promoted from an early age and throughout the life span for everyone? How can children and young people be better equipped for the prospect of a longer life expectancy? What kind of support can the EU provide to the Member States?**

In order to promote healthy and active ageing, it is essential for the EU to adopt a rights-based and equality-centred approach. This is crucial as it shifts the perception of older people from retired former workers or a homogeneous vulnerable group into 'persons' with intersectional identities and rights, who deserve equal treatment. Despite age-based discrimination being one of the most widespread forms of discrimination within the EU, its prohibition is limited to the field of employment, occupation, and vocational training by the Employment Equality Directive (Directive 2000/78/EC). This is an obstacle to healthy and active ageing, as it allows for less favourable treatment in areas such as access to goods and services, housing or education (e.g. access to insurance or adequate houses). Furthermore, age discrimination is exacerbated by the widespread stereotypes and perceptions about certain age groups that are hard to overcome. As a result, age discrimination is often present in legislation or public policies, reflecting the reality of deeply ingrained stereotypes linked to age and providing an easy way to group people. It is also important to note that younger people experiencing discrimination at an earlier stage of life, are more likely to encounter health issues and poverty later in life, thus diminishing the possibility of healthy and active ageing. It has been noted that national and EU courts are still likely to consider age discrimination as less severe compared to other grounds, and thus have been reluctant to require an individualised approach and seem ready to accept the use of certain generalisations and common perceptions connected with age, failing to recognise discrimination. Furthermore, healthy and active ageing is often constricted by age-based discrimination in access to healthcare, goods and services. Equality bodies have reported several claims of discrimination in this field (e.g. access to medical screening). The EU should therefore encourage Member States to adopt a life course approach that focuses on the potential of younger and older people in society and guarantees their rights at all stages of life. Equality and non-discrimination should be at the core of any initiatives. Improving the EU framework is important as it has an impact on what EU Member States implement. It is therefore a strong enabler and crucial to tackle inequalities at the national level.

**2. What are the most significant obstacles to life-long learning across the life-cycle? At what stage in life could addressing those obstacles make most difference? How should this be tackled specifically in rural and remote areas?**

A proper life-course approach should take into account the complexity of everyone's life. A significant obstacle to life-long learning across the life-cycle is the fact, that while age-based discrimination is prohibited by the Employment Equality Directive (Directive 2000/78/EC), there are several lawful exemptions and justifications that permit a wide range of practices that restrict older people's rights. These include maximum recruitment ages, termination of employment at pension age, unequal access to employment benefits and skills trainings or the use of zero hours contracts for young people. Furthermore, as the prohibition of age-based discrimination is limited to the field of employment, occupation, and vocational training, life-long learning across the life-cycle is further impaired by unequal access to education for younger or older people. Taking an intersectional approach to the issue is crucial, as proper access to education becomes even more difficult for instance for women and girls due to gender-based discrimination, persons with disabilities due to inaccessibility and Roma, due to segregation. Ensuring equal access to life-long education and training is also key in areas such as digital literacy, especially for older people, persons with disabilities and including people at risk of poverty in rural and remote areas. The EU should support access to lifelong learning opportunities and active ageing and decent employment by putting equality and non-discrimination on all grounds at the core of any initiatives. Furthermore, all obstacles should be tackled at an early stage in life, in order to ensure quality life-long learning at later stages of life.

**Making the most of our working lives (chapter 3 of the green paper)**

**3. What innovative policy measures to improve participation in the labour market, in particular by older workers, should be considered more closely?**

The EU Employment Framework Directive establishes a general framework for equal treatment in employment and prohibits discrimination on the basis of age. Age discrimination is thus unlawful in any phase of employment. However, art 6 of the Directive allows the possibility to justify direct age discrimination, as long as there is legitimate aim. As such, equality bodies report that both younger and older employees are discriminated against when enquiring about or applying for work and that older employees have fewer possibilities for skills development and training than younger employees. Maximum age limits in recruitment are widespread in Europe, as has been demonstrated by the case law of the Court of Justice of the EU. National level case law further suggests that such age limits are still often put in place without any attempt at justification and these are typically not accepted by the courts and equality bodies. Furthermore, there is a clear link between maximum age limits and statutory retirement age. Despite an ageing society in Europe, older workers often still find it difficult to remain in employment beyond the statutory retirement age. Other discriminatory practices observed by equality bodies in Europe include unequal working hours and unequal notice periods based on age as well as age-related dismissal, discrimination, and harassment at the workplace. The EU needs to encourage Member States to foster a non-discriminating culture at work, that tackles ageism. It is essential for the EU to encourage and

support Member States in developing and practicing individualised approaches in recruitment and employment that take into consideration the full potential of a person, without considering their age. An innovative approach to improve participation in the labour market, would also be to take into consideration the diversity of older workers. As such, it is essential to consider all characteristics that prohibit older people from being able to work. For example, reasonable accommodation and properly adapted workplaces would allow more older people with disabilities to remain at work, whereas the proper implementation of the Work-Life Balance Directive would support the participation of older women. Better connectivity would increase the chances of employment for older persons living in rural areas or Roma people in segregation. Finally, digital skills training would help decrease the digital gap and enable many older people to remain active at work.

- 4. Is there a need for more policies and action at EU level that support senior entrepreneurship? What type of support is needed at EU level and how can we build on the successful social innovation examples of mentorship between young and older entrepreneurs?**

N/A

- 5. How can EU policies help less developed regions and rural areas to manage ageing and depopulation? How can EU territories affected by the twin depopulation and ageing challenges make better use of the silver economy?**

N/A

#### **New opportunities and challenges in retirement (chapter 4 of the green paper)**

- 6. How could volunteering by older people and intergenerational learning be better supported, including across borders, to foster knowledge sharing and civic engagement? What role could a digital platform or other initiatives at EU level play and to whom should such initiatives be addressed? How could volunteering by young people together with and towards older people be combined into cross-generational initiatives?**

The EU should support a life-course approach, that allows volunteering to become an integral part of life, just as work and education. However, it is essential to ensure that volunteering does not replace paid work, as that may lead to an increase of inequalities, especially when unpaid volunteering is offered as an alternative to paid work for vulnerable groups. Therefore, it should be seen as a tool for personal and social development, rather than a replacement of services that should be paid and recognised. Similarly, as in access to employment, it is then essential to foster a non-ageist culture and ensure that age-based discrimination is prohibited so that all older and younger people can enjoy equal access to volunteering. Similarly, as in Question 3, it is essential to take into consideration the diversity of older persons. The EU needs to put equality and non-discrimination at the heart of any volunteering initiatives. This requires, for example, better accessibility in volunteering for older persons with disabilities and better connectivity and transit for older people living in rural areas or Roma living in segregation. Finally, there needs to be better investment in education, specifically when it comes to learning languages to truly foster knowledge sharing and

civic engagement for all older people through volunteering and across borders. Better investment in education should also focus on reducing the digital gap and providing proper digital skills training to ensure that all older people can benefit from a digital platform.

**7. Which services and enabling environment would need to be put in place or improved in order to ensure the autonomy, independence and rights of older people and enable their participation in society?**

In order to ensure the proper and full participation of older people in society, it is essential for the EU and Member States to adopt a rights-based and equality-centred approach that takes into consideration the rights of older people in all aspects of life and allows for their equal enjoyment. A right to autonomy, independence, choice, control and legal capacity should aim to ensure the full, effective and meaningful participation of older persons in social, cultural, economic, public and political life and educational and training activities. To help foster such an enabling environment, the EU should hold structured dialogues that include older people themselves, and as such allows them to participate in the development of any relevant policies regarding older persons. Finally, the prohibition of age-based discrimination should be extended beyond employment to cover all areas of life.

**8. How can the EU support vulnerable older persons who are not in a position to protect their own financial and personal interests, in particular in cross-border situations?**

The EU can support vulnerable older persons by adopting a human rights-based and equality-centred approach, which ensures that the protection of older people is prioritised. It is important to recognise what causes older persons to be considered vulnerable in the first place and unable to protect their own personal interests. Equality bodies, if provided with the right powers and resources, can play a vital role in the protection of vulnerable older persons, by standing in legal proceedings and initiating cases in the absence of an individual victim. Additionally, they can play a central role in preventing and addressing hate speech and hate crime against vulnerable older persons, as well as provide trainings on hate speech for a range of groups such as those concerned with prosecution, including law enforcement and judges. Compliance with relevant, international instruments aiming to protect such older people, such as the CRPD or the Victims' Rights Strategy is another essential element.

**9. How can the EU support Member States' efforts to ensure more fairness in the social protection systems across generations, gender, age and income groups, ensuring that they remain fiscally sound?**

In order to ensure more fairness in social protection systems, it is essential to adopt the life-course approach and promote intergenerational solidarity, which supports equality and social justice between and for all generations. In order to make this a reality, EU legislation should be completed to cover equal treatment in social protection systems on all grounds. Social protection systems should be developed in a non-discriminatory way, and Member States should ensure that everyone can access them equally. For this, progressing equal pay and pay transparency measures are both crucial elements to ensuring more fairness.

#### **10. How can the risks of poverty in old age be reduced and addressed?**

The risks of poverty in old age may also be eliminated by adopting a life course-approach that recognises the inequalities we accumulate throughout our lives. Taking an intersectional approach to the issue is essential, in order to properly address all forms of discrimination that build up disadvantages acquired throughout our lives. Older women experience aggravated discrimination compared to older men in accessing education, employment and occupational training, and due to a lack of work-life balance policies and of an equal sharing of care and household responsibilities between women and men. The risks of poverty in old age are also increased for persons with disabilities due to inaccessible education, labour markets or housing. Migrants or Roma people are likely to face barriers in employment due to racist approaches and exclusionary regulations that cause them to work precarious jobs or informally. If these challenges start to be addressed from an early stage in our lives, then the risk of poverty in old age may be decreased. Poverty in old age may also be reduced if fair living and working conditions are guaranteed from an early stage of life to eliminate poverty and social exclusion later in life. As such, it is essential to eliminate all forms of age-based discrimination in employment (please refer back to Question 3 for more information on reforming the EU Employment Framework Directive) and beyond.

#### **11. How can we ensure adequate pensions for those (mainly women) who spend large periods of their working life in unremunerated work (often care provision)?**

To ensure adequate pensions for those in unremunerated work, mostly women, it is essential to recognize new and growing forms of employment (such as care work). Additionally, measures should be taken to pay attention to the additional disadvantages that cause people to spend large periods of their life in unremunerated work and ensure universal access to pension rights. To improve the situation, the EU should encourage Member States to provide a form of minimum income schemes or advance towards an EU legal instrument to ensure an adequate level of minimum wages. Additionally, the effective enforcement of several international instruments will also contribute to a fairer sharing of unremunerated work and thereby decreasing the pension gap. This includes a proper implementation of the Work-Life Balance Directive and ensuring wide ratification of the ILO convention 189 on Domestic Workers and 190 on Violence and Harassment at Work by all EU Member States. Finally, to avoid long-term discrimination, which may lead women to spend longer periods of their working life in unremunerated work, greater emphasis needs to be put on tackling perceptions and social attitudes about women and gender at an early stage of life, starting with young girls in schools.

#### **12. What role could supplementary pensions play in ensuring adequate retirement incomes? How could they be extended throughout the EU and what would be the EU's role in this process?**

N/A

**Meeting the growing needs of an ageing population (chapter 5 of the green paper)**

**13. How can the EU support Member States' efforts to reconcile adequate and affordable healthcare and long-term care coverage with fiscal and financial sustainability?**

The EU and Member States must address all health inequalities and ensure that discrimination in access to healthcare is prohibited (please refer back to Question 1 for more info). Adopting a life-course approach to health and investing in age-friendly environments is essential for this. Furthermore, the EU should urge Member States to put equality at the heart of all health policies and make sure they address the structural barriers preventing vulnerable groups from accessing healthcare and preventive services of good quality. In order to increase equal access to healthcare and prevent discrimination from occurring, Member States should also take additional steps to improve the availability, accessibility, and affordability of health services.

**14. How could the EU support Member States in addressing common long-term care challenges? What objectives and measures should be pursued through an EU policy framework addressing challenges such as accessibility, quality, affordability or working conditions? What are the considerations to be made for areas with low population density?**

The EU should ensure non-discriminatory, equal access to health and long-term care by condemning all forms of discrimination and exclusion resulting from access to health care services.

**15. How can older people reap the benefits of the digitalisation of mobility and health services? How can the accessibility, availability, affordability and safety of public transport options for older persons, notably in rural and remote areas, be improved?**

The digital gap and digital poverty are a dire reality for many older people, which often leads to poverty and exclusion, and thus lower accessibility to learning programs, which reduces the capacity of older persons to afford proper digital training, access to internet or any digital services. In order to ensure that older people reap the benefits of the digitalisation of mobility and health services, it is thus essential for the European Commission to encourage Member States to adopt integrated measures aiming to increase digital literacy among vulnerable groups and improve their access to digital devices and internet. This requires policy efforts in several areas (such as employment and life-long education) in order to reduce vulnerable groups' exposure to poverty and exclusion in the first place. Better access to specific technologies is also essential for older people, which use them for assistance in accessing physical and digital environments, that are crucial to support their autonomy and independence. Mobility on the other hand, is essential to enable participation and social inclusion of older people, but it is essential to ensure proper accessibility as well as to ensure regular transit links, particularly to remote and segregated communities.

**16. Are we sufficiently aware of the causes of and impacts of loneliness in our policy making? Which steps could be taken to help prevent loneliness and social isolation among older people? Which support can the EU give?**

There is not yet enough data on the impact and effects of loneliness among older people. More research on the risks of loneliness would allow for better, tailored solutions to help prevent

loneliness and social isolation among older people. However, it is also essential to recognise and address the differences between social isolation and exclusion. The adoption of a life-course approach would help understand how exclusion evolves across the life span and assess the causes and implications of old-age exclusion. Furthermore, it would reduce ageism and any age-based discrimination as well as foster inclusivity. As such, the EU and Member States should involve isolated persons when defining tailor-made support, so that they have ownership of the process and contribute from their perspective.

**17. Which role can multigenerational living and housing play in urban and rural planning in addressing the challenges of an ageing population? How could it be better harnessed?**

It is essential to adopt a life-course approach, whereby housing will adapt across life for people to remain active in their community. Proper housing plays an important role in addressing the challenges of an ageing population, as it is also linked with eliminating social isolation and loneliness. Furthermore, proper housing may address other forms of discrimination such as for Roma or persons with disabilities to create a suitable, non-discriminatory environment for all older people.

