



İZMİR EKONOMİ ÜNİVERSİTESİ

PROTECTION OF OLDER WORKERS' HEALTH AT WORK

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ILO&ADAPT

"LABOUR IS NOT A COMMODITY" TODAY

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Purpose /Method and Limitation of the Study

Purpose – to examine if specific rules regulated within the Turkish legislation comparatively with European acquis for protecting older workers' health considering their ages in the light of ILO Recommendation No.162.

Methodology –Content analysis based on review of the doctrine and legislation.

Limitations- Occupational health and safety perspective regarding to older workers' working conditions.



Outline

- 1. Ageing in general and at work**
- 2. Working at old ages;
Facts-Why/How:Social Rights?**
- 3. Health problems encountered by older workers**
- 4. Measures should be taken to protect older workers' health: ILO R162, EU Acquis, Turkish Legislation**
- 5. Conclusion**

Ageing; in general and at work with numbers

- Physiological and psychological changes happens on a living organism or a human with increasing age chronologically (Özen&Özbek, 2017, 548)
 - **Between 2015 and 2050, the proportion of the world's population over 60 years will nearly double from 12% to 22% (WHO)**
- Increasing the rate/number of the older workers within the workforce.

Employment rate for people aged 55–64 years

- **EU 28: increased from 39.9% in 2003 to 50.1% in 2013(EU OSHA), and 58.7% in 2018(EUROSTAT)**
- **Turkey: 33.2% in 2019 (OECD)**



Why do more people work at old ages?

- increasing life expectancy at birth, while birth rates are dropping, especially in developed countries.
- ***increasing retirement ages to limit early access to pensions, decreasing pensions for sustainability of social insurance systems***



**Health problems
older workers may encounter
depending on weaknesses/
reasons of vulnerability :**

- **Age-related discrimination**
- **Occupational hazards**
- **Working conditions**

Age-related discrimination

- Ageist prejudice/outlook
- Technological/organizational changes
- Causes loss of self-confidence, stress and mental/psychological health problems
 - ***ILO Convention on Discrimination (Employment and Occupation) Convention, 1958 (No. 111),***
 - ***ILO Older Workers Recommendation(ILO R162) Part II. contains rules about equality of opportunity and treatment of older workers.***



Occupational hazards

- Not different than workers at other age groups/ but older workers could be more sensitive or results of accidents/diseases could be more severe:
 - chronic health problems: high blood tension related with respiratory and circulatory systems etc.
 - the rate of the occupational accidents older workers exposed were less than younger workers had, yet could be much more fatal(Ofluoglu&Albar,2017)
 - they may put other workers' safety in danger because of not being able to react and move easily and fast.



Working conditions

arrangements and design of workplace
to protect older workers' health

against to problems due to:

- postural and psychological stress,
- excess load,
- hot and/or noisy environment,
- insufficient enlightenment,
- shift work and/or night work
- long working hours etc.



Protection of Older Workers for the Decent Work aim of ILO as a part of social protection

- *The goal is not just the creation of jobs, but the creation of jobs of acceptable quality.*
- *The quality of employment can mean many things; related to different forms, and also to different conditions of work, as well as feelings of value and satisfaction.*
- *Protection against vulnerability and contingency:
due to unemployment, loss of livelihood,
sickness or old age/ human condition of work
(ILO Report of the Director-General, 1999)*

ILO Recommendation No.162 (ILO R 162), 1980

- **Standards on:**
 - **equality of opportunity and treatment of older workers for their protection,**
 - **to improve working conditions and the working environment at all stages of working life for easily transition to retirement**
 - **taking measures of laws and of practice**
 - **with the participation of the representative organisations of employers and workers.**
- *“to all workers who are liable to encounter difficulties in employment and occupation because of advancement in age”* without basing on any age range.

The measures should be taken about working conditions according to ILO R162:

- **adapting the job to the worker in technical and environmental means,**
- **reducing normal daily and weekly hours of work at dangerous work,**
- **promoting the gradual reduction of work on wish during a prescribed period until retirement,**
- **increasing annual holidays with pay on the basis of length of service or of age,**
- **enabling older workers to organize their work time and leisure, particularly by facilitating their part-time employment and providing for flexible working hours,**
- **facilitating the assignment of older workers to jobs performed during normal day-time working hours and out of the shift**

Council of Europe

European Social Charter (Revised), 1996

(Adopted by Turkish GNAT on 27/9/2006, Official Gazette :9.4.2007)

- Article 23: Every elderly person has the right to social protection.
- About providing a decent life in general, not related with old workers specifically.
- There are specific provisions for protection of employed women in maternity and children within the Revised Social Charter, but not about old workers.

Not a specific independent regulation in European Acquis and Turkish Legislation, some related provisions within the laws:

- **«Measures to Improve the Situation Older Workers» was in the agenda of Council of Europe Steering Committee for Social Affairs in order to adopt the provisions of ILO R162, and worked on a Draft Recommendation for Europe in 1980,**
- **On-going research, policy discussions and reports by EUROFOUND and EU-OSHA as agencies of EU,**
- **Mentions in equality principle and social rights in Turkish Constitution, and Occupational Health and Safety Law No.6331 and secondary legislation besides a sentence in an article of Labour Law.**

Mentions in Turkish Constitution:

- Everyone is equal before law according to the 10th Article, with the exception of “*measures to be taken for women, children, **the elderly**, disabled people, widows and orphans of martyrs, invalids and veterans shall not be considered as violation of equality principle*” with the second and third paragraphs of the same article.
- Article 50th about “Working Conditions, Right to Rest and Leisure», 1.paragraph : “*No one shall be required to perform **work unsuited to his/her age, sex and capacity***”. Yet older workers are not included within the list of specially protected sensitive risk groups regulated in coming sentences after that.

Occupational Health and Safety Law No.6331

- Almost the same with the European Union Occupational Safety and Health Framework Directive (89/391 EEC).
- 10th Article (1)/d; For assessment of the risks to health and safety of workers; “*the situation of female workers and other workers such as young workers, older workers, disabled, pregnant or breastfeeding workers who need specific policies*” should be considered.

Labour Law No.4857

Article 53 -“Right for Annual Paid Leave and Periods for Leave”.

- The duration of annual paid leave for workers who worked at least one year changes between 14-26 days due to seniority at work.
- However, the duration of paid annual leave for workers at the age of 18 and below, and at the age of 50 and above shall not be less than twenty days according to the sixth paragraph of the same provision.
- Even older workers have more annual paid leave period compared to other workers, it should be noted that it is under at least four weeks annual leave right for all workers regulated by Social Charter (Revised), which is subject to one of the exceptions put by Turkey when the Charter adopted.

Conclusion

- Providing healthy working conditions to older workers, considering their weaknesses due to age, is necessary regarding to the basic «right to life» of them,
- Yet not sufficient rules regulated especially to reduce daily working hours and weekly working days, and to increase rest times and paid annual leaves, both in EU Acquis and Turkish Legislation, which should be taking into consideration by policy makers and legislators.

Thanks for your attention...



Wishing older workers
be respected as
«wise persons»,
and their health
be protected by laws...