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Importance of Aging Policy

An aging policy in the near perspective is beneficial for the country, because the state's income will increase, and more people will be involved in the labor sector. This will help prolong both physical and psychological healthy life. The aforementioned is evidenced by the examples of Israel and Canada, as well as the recommendations of the United Nations and the International Labor Organization and the vision of the European Union on promoting the employment of the older population.

Age division and the development of specific terms (Older persons and Seniors) will help the state create the state program for specific age group citizens. Also, these terms will help to eliminate negative stigmas related to age and aging in the labor market. Individual employment programs and the state subsidy mechanism for improving the skills of older workers will contribute to the sustainable development of employment in Georgia. The mentioned issues respond to the association agreement concluded between the European Union and Georgia.

Keywords: *Aging Policy; Subsidize retraining; Pension increase mechanism.*

1. Introduction

About 8.5% of the world's population (617 million) are over 65 years old. According to a 2015 UN report, this percentage is predicted to increase to nearly 17% of the world's population, or 1.6 billion, by 2050.¹ According to the National Institute on Aging ("NIA") and the National Institutes of Health ("NIH"), the older population demographics are growing rapidly relative to the rest of the world's population.² Population aging is also noticeable in the context of Georgia. According to the data of the National Statistics Office of Georgia, as of 2023, people aged 65 and older will make up approximately 15.6% of the population.³ The mentioned indicator can be increased to 21 percent by

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¹ Childs J., Elder Rights Are Not Nesting Dolls: An Argument for an International Elder Rights Convention, *Journal of Comparative and International Aging Law & Policy*, 11, 2020, 141-170.

² The NIH and the US Census Bureau are collaborating to ensure that data collected is used to "better understand the course and implications of population aging." *World's Older Population Grows Dramatically*, Nat'l Inst. of Health, March 28, 2016, <<https://www.nih.gov/news-events/news-releases/worlds-older-population-growsdramatically>> [21.09.2023].

³ National Statistics Office of Georgia, Demographic situation in Georgia, <<https://www.geostat.ge/ka/modules/categories/41/mosakhleoba>> [21.09.2023].

2030.⁴ The National Human Rights Protection Strategy adopted for 2022-2030 emphasizes the issue of gender and age equality, improvement of social conditions, sustainable and inclusive economic development, and employment. Accordingly, it is meant to develop a general strategy for the protection of human rights based on facts.⁵ Also, according to the resolution of the Parliament on the National Strategy for the Protection of Human Rights, in the process of preparation and adoption of thematic strategic documents and action plans, it is essential to promote inclusiveness and the participation of relevant interested parties. From this point of view, special importance is given to the involvement of civil society, which implies the active participation of professional and academic circles, the non-governmental sector, and human rights organizations in the process of preparing decisions. For this purpose, it is recommended to create consultative platforms with interested parties according to sectors. These platforms will be intensively used.⁶ Strategic intelligence based on scientific evidence is a new and positive trend.⁷ The use of research and innovation for the well-being of citizens and the enhancement of state power is recognized across Europe. Evidence-based strategic intelligence is widely recognized in research and innovation (R&I).⁸ The result of the use of research and innovation is targeted funding and the creation of an effective teaching system.⁹

On the background of the aforementioned demographic processes, it becomes increasingly urgent to create appropriate normative regulations for the protection of the rights of the older population. Everyone must have the opportunity to age with dignity. To create decent living conditions for people, the state should develop an aging policy, which includes recognizing the rights of the older and senior persons, improving social security, and promoting education and employment. In Georgia, there is currently no normative act regulating the rights of older population.

The aim of the legal regulation on the protection of the rights of older and senior citizens may be the following: improving the legal, economic, and social conditions of the older population; eliminating discrimination; developing opportunities for independent living; creating decent living conditions in old age; using labor rights and other income-generating opportunities; reflecting gender policy in aging policy and vice versa.

In the first article of the Universal Declaration of Human Rights, the basis of human dignity and, accordingly, human duties are explained in a way: All human beings are born free and equal with

⁴ On the approval of the “Concept of State Aging Policy on the Issue of Population Aging in Georgia” Resolution of the Parliament of Georgia, 5146-III, 27/05/2016, <<https://matsne.gov.ge/ka/document/view/3297267?publication=0>> [21.09.2023].

⁵ On the approval of the “National Strategy of Georgia for the Protection of Human Rights (for the years 2022-2030)”, Parliament of Georgia, 2663-XI06-X03, 23/03/2023.

⁶ On the approval of the “National Strategy of Georgia for the Protection of Human Rights (for the years 2022-2030)”, Parliament of Georgia, 2663-XI06-X03, 23/03/2023.

⁷ *Buehrer S., Schmidt K. E., Rigler D., Rachel P.*, How to Implement Context-Sensitive Evaluation Approaches in Countries with still Emerging Evaluation Cultures, Public Policy and Administration, 2021, Vol. 20, Nr. 3, 368-381.

⁸ Ibid.

⁹ *Batiashvili I.*, Promoting the Development of Gender Policy in Georgia According to a Review of Analyses Conducted by The Fraunhofer Institute for Systems and Innovation Research ISI, Germany, Karlsruhe, September 2023.

dignity and rights. They are endowed with a mind and a conscience and must behave towards each other in a spirit of brotherhood.¹⁰ **The Madrid International Plan of Action on Aging aims to create an environment for older people full of opportunities.**¹¹ The above-mentioned goal was further specified by the United Nations and a vulnerable group of special importance (older women) was selected (singled out) from the category of the older population. The goal of the 2030 sustainable development agenda became strengthening older women and eliminating the negative stigmas against them.¹² According to the recommendation of the 2011 General Assembly, member states should strengthen their capacities in terms of effective data collection to better assess the situation of older citizens and establish adequate monitoring mechanisms for programs and policies aimed at reinforcing universally recognized rights of older persons. Data should be collected on older people living in urban, suburban, and rural areas. The state should collect separate data on older people in vulnerable situations. Older women or older people living in poverty are considered vulnerable groups.¹³ Article 23 of the European Social Charter also focuses on the possibility of older people to live with dignity. (Georgia has not ratified the mentioned article). According to Article 349 of the Association Agreement between Georgia and the European Union and the European Atomic Energy Community and their member states, the parties will continue dialogue and cooperation on (Decent Work Agenda) employment policy, health, and safety at work, social dialogue, social protection, social engagement, promotion of inclusion, of gender equality, of non-discrimination, and development of corporate and social responsibility and thereby contribute to more and better jobs, poverty reduction, enhanced social integration, sustainable development, and improved living standards. Cooperation based on the exchange of information and best practices can include:

- Employment policies – aimed at creating more and better jobs and decent working conditions, including reducing the shadow economy and informal employment;
- Promoting active labor market measures and effective employment services to modernize the labor markets and adapt them to the needs of the labor markets;

¹⁰ United Nations, Universal Declaration of Human Rights, 60th Anniversary, Special Edition, Georgia Office of the United Nations Department of Public Information, Office of the United Nations High Commissioner for Human Rights, Georgia, 1948-2008.

¹¹ Committee on Economic, Social and Cultural Rights, United Nations Hum. Rts, Off. Of the High Comm'r, <<http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>> [11.03.2020]; ("The Committee was established under [United Nations Economic and Social Council ("ECOSOC")] Resolution 1985/17 of 28 May 1985 to carry out the monitoring functions assigned to the [ECOSOC] in Part IV of the Covenant."). The main function of the CESCR is to oversee the covenant implementation by states parties. See UN Committee on Economic, Social and Cultural Rights (CESCR), ECOINET. The committee strives to hold constructive discussions with state representatives regarding application of the terms of the covenant. The committee also assists governments in fulfilling their responsibilities under the covenant through policy and legislation aiming to secure and protect social, economic, and cultural privileges.

¹² United Nations, General Assembly, Resolution adopted by the General Assembly on 17 December 2018, 73/143. Follow-up to the Second World Assembly on Ageing, Seventy-third session, A/RES/73/143, 09/01/2019.

¹³ United Nations, General Assembly, Report of the Secretary-General, A/66/173, 22/07/2011. (Follow-up to the Second World Assembly on Ageing).

- improving more inclusive labor markets and social security systems that include socially disadvantaged people, including people with disabilities and people belonging to minority groups;
- Equal opportunities and anti-discrimination, which aims to strengthen gender equality and ensure equal opportunities between men and women. Also, the aforementioned aims to fight against discrimination based on gender, racial or ethnic origin, religion or belief, age, disability, or sexual orientation;
- Social policies aimed at strengthening social security and social protection systems in terms of equity, access, and financial sustainability.¹⁴

2. The Legal Regulation of Older population's and Older Women's Rights in Canada

The statutory regulation of the rights of older persons and the environment adapted to them are outlined in the Canadian legal system. Canadian Charter of Rights and Freedoms (constitutional law) prohibits discrimination based on age, as do the Canadian Human Rights Act and Provincial Human Rights codes.¹⁵ Canadian Charter of Rights and Freedoms¹⁶ is part of the Canadian Constitution – the supreme law in all of Canada.¹⁷ The charter was signed in 1982. In Canada, the anniversary of the Charter is celebrated on April 17. Canadian constitutional law recognizes age as one of the grounds for discrimination. Accordingly, the mentioned ground enjoys high protection at the normative level. According to the first paragraph of Article 15 of the Charter (rights of equality), Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.¹⁸ Also, the Charter declared that the Parliament of Canada may from time to time make laws in relation to old age pensions in Canada, but no law made by the Parliament of Canada in relation to old age pensions shall affect the operation of any law present or future of a Provincial Legislature in relation to old age pensions.¹⁹

An example of a provincial code is the Ontario Human Rights Code.²⁰ The Ontario Human Rights Code, enacted in 1962, prohibits actions that discriminate against people based on a “protected ground” in a “protected social area.” The Code protects against discrimination on the grounds of age. The Code is administered by the Ontario Human Rights Commission, Canada's oldest commission.

¹⁴ Association agreement between the European Union and the European Atomic Energy Community and their Member states, of on the one part, and Georgia, of the other part, International Treaty and Agreement of Georgia Minister of Foreign Affairs of Georgia, 27/06/2014, <<https://matsne.gov.ge/document/view/2496959?publication=3>> [21.09.2023].

¹⁵ <<https://laws-lois.justice.gc.ca/eng/acts/h-6/>> [21.09.2023].

¹⁶ Canada Constitution Act, 1982 Endnote(81), PART I, Canadian Charter of Rights and Freedoms, 1867 to 1982, <https://laws-lois.justice.gc.ca/PDF/CONST_TRD.pdf> [21.09.2023].

¹⁷ <<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/>> [21.09.2023].

¹⁸ Canada Constitution Act, 1982 Endnote(81), PART I, Canadian Charter of Rights and Freedoms, 1867 to 1982, Article 15 (1), <https://laws-lois.justice.gc.ca/PDF/CONST_TRD.pdf> [21.09.2023].

¹⁹ Canada Constitution Act, 1982 Endnote(81), PART I, Canadian Charter of Rights and Freedoms, 1867 to 1982, Article 94 (A), <https://laws-lois.justice.gc.ca/PDF/CONST_TRD.pdf>[21.09.2023].

²⁰ <<https://www.ohrc.on.ca/en/ontario-human-rights-code>> [21.09.2023].

The Code prohibits discrimination and harassment in the following protected areas: accommodation (housing), contracts, employment, goods, services, and facilities, membership in unions, trade or professional associations.²¹

Also, in several normative acts, relevant provisions for the protection of the rights of older persons are outlined. In Canada (13 provinces), the rights of older citizens (older individuals) are defined in statutory acts at the level of provincial legislation. In Manitoba and Alberta provinces, forms of older adult abuse are defined as abuse that occurs in the caring process of older individuals.²² The Yukon province defines “abuse” and “neglect” as deliberate mistreatment of an adult that causes the adult physical, mental, or emotional harm, or causes financial damage, or includes sexual assault. The protection of the rights of the older people in the Canadian legal system can be found in three areas: the pension system (social security), the legal duty of everyone to provide necessities of life to a person under his charge due to the person's age by the Criminal Code, and employment programs for the older persons. Under S.215 of the Criminal Code of Canada, Everyone is under a legal duty to provide necessities of life to a person under his charge if that person is unable, by reason of age or other cause.²³

In Canada, in July 2022, the pension rate for senior citizens (age 75 and over) increased by 10%. The data table below is taken from the official website of Canada's Old Age Security (OAS). The size of the pension rate in Canada depends on the period of residence in Canada. However, it is interesting that Canada calls people over the age of 75 seniors and thus divides the older and the senior older people in the pension scheme by age and terminologically.²⁴ This emphasizes how important it is to plan the state policy in a targeted manner for people of different ages. Accordingly, the division into age categories will help the state to match/allocate employment programs and social security to the relevant groups. Hence, the terminological division of age categories can also be used in Georgia, following the example of Canada: the older and the senior.

The increase in the pension for the over-75s can be assumed to be related to the more passive use of labor rights for the over-75s compared to the labor rights of the under-75s. This is evidenced by Canada's official statistics in the “Working after 65” publication. From the data used by the “Canada Labor Force Survey”, figure 2 and Table 1 on page 5 are noteworthy, where employment statistics are divided into age groups: 65-69 women and men and 70+ women and men.²⁵ Statistics show that the

²¹ Canadian Center for Diversity and Inclusion, Overview of Human Rights Codes by Province and Territory in Canada, 2018, <<https://ccdi.ca/media/1414/20171102-publications-overview-of-hr-codes-by-province-final-en.pdf>> [21.09.2023].

²² Protection for Persons in Care Act, C.C.S.M., c. P144, s.1, <<https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/elder-aines/def/p211.html>>. [21.09.2023]. Protection for Persons in Care Act, R.S.A. 2000, c. P-29, s.1.

²³ Criminal Code (R.S.C., 1985, c. C-46), <<https://laws-lois.justice.gc.ca/eng/acts/C-46/section-215.html>> [21.09.2023].

²⁴ Old Age Security (OAS) pension amounts – October to December 2023, <<https://www.canada.ca/en/services/benefits/publicpensions/cpp/old-age-security/payments.html>> [21.09.2023]; <<https://www.criminalcodehelp.ca/offences/violent-offences/elder-abuse/#:~:text=QUICK%20TAKEAWAY,provincial%2Fterritorial%20and%20federal%20governments>> [21.09.2023].

²⁵ MacEwen A., Working After Age 65, Alternative Federal Budget 2012 Technical Paper, Canadian Center for Policy Alternatives, 2012, <https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2012/04/WorkingAfter65.pdf> [21.09.2023].

labor potential of people under 70 years of age is significantly different and more active than the potential of employees over 70 years of age. Canada publishes these types of age-segregated labor force statistics.

Old Age Security (OAS) pension amounts – October to December 2023

Age	Maximum monthly payment amount	To receive the OAS your annual net world income in 2022 must be
65 to 74	\$707.68	Less than \$142,609
75 and over	\$778.45	Less than \$148,179

In Canada, the employment of older individuals and the activation of their labor potential is a constituent element of improving the rights of the older population. According to the publication “Working After Age 65”, Older workers make up a great proportion of the paid part-time workforce in Canada.²⁶ Statistics in the publication reveal that many Canadians are now delaying retirement and choosing to work longer. Length of working time may be linked to high positions, such as managerial positions, and to the low income of some people in old age, such as not having enough savings for retirement. Persons aged 65 and over are still in the paid workforce, a very large proportion of those workers today are in part-time jobs and in self-employment. Accordingly, self-employment and part-time work are widespread in the older workforce of Canada (Figure 5 – Statistics, pg. 8. Table 1, pg. 5)²⁷. The publication also contains statistics about demanding jobs and relevant occupations that offer the opportunity to work part-time and also, match older workers' skills (pg. 9, table 2), In particular: the sales and service occupations, which is more flexible.²⁸

Noteworthy is that Canadian provinces promote the employment of older persons by developing appropriate programs. In particular, a pilot project has been developed by the Manitoba Chamber of Commerce.²⁹ The program connects older persons with employers using an online database that focuses on the skills of older persons rather than professions. Also, in 2023, the Manitoba Government

²⁶ MacEwen A., Working After Age 65, Alternative Federal Budget 2012 Technical Paper, Canadian Center for Policy Alternatives, 2012.

²⁷ <<https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2012/04/WorkingAfter65.pdf>> [21.09.2023].

²⁸ MacEwen A., Working After Age 65, Alternative Federal Budget, 2012 Technical Paper, Canadian Center for Policy Alternatives, 2012.

²⁹ The Pilot Project of Manitoba Chamber of Commerce: creative job-matching, skills matching, and retraining programs.

initiated a new client-determined community care pilot program for home and community care.³⁰ The participants of this program will be older people who need complex assistance so they can remain in their own homes. This program will be launched in 2024 and relevant service providers will be involved.³¹

The Federal/Provincial/Territorial Ministers Responsible for Seniors Forum plays the important role regarding to the rights of older population of Canada. Federal/Provincial/Territorial Ministers Responsible for Seniors Forum is an intergovernmental body established to share information, discuss new and emerging issues related to seniors, and work collaboratively on key projects. .³² The Labour Force Participation Working Group is part of the Federal/Provincial/Territorial (FPT) Forum of Ministers Responsible for Seniors. Employment and Social Development Canada (ESDC) is the department of the Government of Canada responsible for developing, managing and delivering social programs and services. Employment and Social Development Canada (ESDC) works to improve the standard of living and quality of life for all Canadians. This is done by promoting a labour force that is highly skilled. We also promote an efficient and inclusive labour market.³³ Their policies are diverse and cover the issue of care, accommodation and a friendly work environment for the older population.³⁴

A policy on age-friendly workplaces includes three elements: 1.Promoting older worker participation; 2. A self-assessment tool for employers (which Canada developed); 3. An age-friendly workplace – Charter.³⁵

In this way, Canada contributes to the development of an efficient and inclusive labor market.³⁶

The negative impact of Covid-19 on the older population was discussed at the Federal, Provincial and Territorial (FPT) Ministers Responsible for Seniors Forum in 2022. There was also the issue of active supporting older and senior Canadians. The meeting was co-chaired by Canada's Minister of Seniors, Kamal Khera, and Ontario's Minister for Seniors and Accessibility, Raymond Cho.³⁷

A healthy work environment means more productive and engaged employees. An important aspect of creating a healthy work environment is cultivating a workplace culture that embraces and values workers of all ages and abilities. Employers that retain older workers are retaining experience,

³⁰ News Release – Manitoba, Manitoba Government Announces New Client-Determined Community Care Pilot For Home and Community Care, August 1, 2023, <<https://news.gov.mb.ca/news/index.html?item=60118&posted=2023-08-01>> [21.09.2023].

³¹ Manitoba, A Great Place to Age: Provincial Seniors Strategy, 2023 February, Manitoba Government. <https://gov.mb.ca/seniors/docs/seniors_strategy_2023.pdf> [21.09.2023].

³² <<https://www.canada.ca/en/employment-social-development/corporate/seniors/forum/labour-force-participation.html>> [21.09.2023].

³³ <<https://www.canada.ca/en/employment-social-development.html>> [21.09.2023].

³⁴ The Federal/Provincial/Territorial Seniors Forum, Government of Canada, <<https://www.canada.ca/en/employment-social-development/corporate/seniors/forum.html>> [21.09.2023].

³⁵ Ibid.

³⁶ <<https://www.canada.ca/en/employment-social-development.html>> [21.09.2023].

³⁷ <<https://www.gov.nl.ca/releases/2022/cssd/0224n06/>> [21.09.2023].

corporate knowledge, productivity, and diversity in their workplaces.³⁸ Any sized business or workplace can become age-friendly and adopt age-friendly practices. Québec's participation in the development of this document was aimed at sharing expertise, information and best practices.³⁹

A checklist for human resource planning, for example:

- The company knows the age profile of our workforce;
- The company offers support in effective retirement planning, including the financial and non-financial aspects of retirement (e.g., phased retirement);
- The business case for recruiting and retaining older workers is well understood in the organization;
- The company has policies that recognize the diversity of all workers, including older workers;
- Companies' pension plan (where applicable) offers an option for gradual retirement with a gradual decrease in work hours and increase in pension benefits.⁴⁰

In 2018, the Department of Employment and Social Development Canada prepared a document on "Promoting the Labour Force Participation of Older Canadians".⁴¹ It is a fact that Canada is experiencing a low birth rate and an increase in the life expectancy of its citizens. The number of people aged 55 and over increased from 6 million in the mid-1990s (around 20% of the population) to 11 million in 2016 (around 30% of the population). Although not all regions are equally affected by population aging, the number of individuals 55 and over is expected to reach 17 million by 2036 (almost half of the expected population).⁴² Accordingly, Canada provides both improving legal rights for older people and analyzing the impact of various government policies on the challenges faced by older workers concerning their participation in the labor market. At the same time, Canada is developing a policy of training, employment, and incentives for older people.

In the past, economic growth was mainly driven by large cohorts of youth entering the labour market. However, with population aging, to maintain its pace of improvement in living standards, Canada will have to rely more heavily on productivity growth and increased labour force participation of all working-age Canadians, particularly older Canadians and groups that are underrepresented in the labour market.⁴³ In addition, rapid globalization and technological changes have led to the changing

³⁸ Age-Friendly Workplaces: A Self-Assessment Tool for Employers, the Federal/Provincial/Territorial Ministers Responsible for Seniors Forum, Human Resources and Skills Development Canada, Her Majesty the Queen in Right of Canada, 2012.

³⁹ The Federal/Provincial/Territorial Ministers Responsible for Seniors Forum, Age-friendly workplaces: A self-assessment tool for employers, Publishing Services Human Resources and Skills Development Canada, <<https://www.canada.ca/content/dam/esdc-edsc/documents/corporate/seniors/forum/tool.pdf>> [21.09.2023].

⁴⁰ Ibid.

⁴¹ Employment and Social Development Canada, Promoting the Labour Force Participation of Older Canadians, 2018, Federal/Provincial/Territorial Ministers Responsible For Seniors, <<https://www.canada.ca/content/dam/canada/employment-social-development/corporate/seniors/forum/labour-force-participation/labour-force-participation-EN.pdf>> [21.09.2023].

⁴² <<https://www.canada.ca/en/employment-social-development/corporate/seniors/forum/labour-force-participation.html#h2.2>> [21.09.2023].

⁴³ Employment and Social Development Canada, Promoting the Labour Force Participation of Older Canadians, 2018, Federal/Provincial/Territorial Ministers Responsible For Seniors, <<https://www>.

nature of work. The traditional employee/employer relationship is evolving, sometimes leading to less secure relationships, as well as increases in different types of work. The economy is also restructuring, resulting in more opportunities that require highly skilled and knowledgeable workers. Making the adjustment to this new reality may be more difficult for some older workers. Paragraph 1.2 of the above-mentioned document reviews the challenges and opportunities of the aging population, according to which several factors can explain the increase in the participation of the elderly in the labor market in recent years, namely: improved health and life expectancy; relatively fewer physically demanding jobs; later labour force entry because of more years in school; higher levels of education; cultural shift (for example, valuing work more than retirement); the need for social interaction and to keep busy; greater need to work for financial reasons (fewer private pension plans, lower savings rates and lower returns on savings, fear of outliving retirement savings); changes to the retirement income system (additional flexibility that facilitates working while receiving retirement benefits); and a tightening of the labour market, resulting in businesses being more likely to hire and retain older individuals (National Seniors Council, 2011; Carrière et al., 2015).⁴⁴

According to paragraph 2.4 of Chapter Two (Employment Legislation) of the paper “Promoting the Labour Force Participation of Older Canadians”, In 2017, the federal budget proposed changes to the Canada Labor Code that would allow employees to request more flexible work schedules, such as flexible start and finish working times, the ability to work from home, and new unpaid leave to help balance family responsibilities. In June 2017, the Government of Ontario introduced Bill 148, which proposed comprehensive changes to Ontario's Employment Standards Act, 2000 and the Labour Relations Act, 1995. These comprehensive changes would increase the minimum wage, ensure part-time, temporary, casual and seasonal workers doing the same job as full-time workers are paid the same hourly wage, ensure that all workers are entitled to 10 personal emergency leave days (including two paid ones), and step up enforcement of employment laws, all of which could help attract or retain older workers.⁴⁵

Older people (older workers) skills development programs⁴⁶ have been operating in Canadian provinces since 2006. The Government of Canada's Targeted Initiative for Older Workers (TIOW), which ran from 2006 to 2017, was a federal/provincial/territorial cost-shared initiative designed to assist unemployed older workers living in vulnerable communities of up to 250,000 people with their reintegration into the workforce. The main specificity of the mentioned program was that the skills development program was individually tailored to the needs of provinces and regions. For example, in Newfoundland and Labrador and in the Northwest Territories, TIOW projects were mainly focused on developing workers' skills for the tourism industry. One TIOW program in Nunavut was designed to support local elders in enhancing the skills they needed to restore local elders' traditional role as teachers of cultural knowledge, skills, and languages for younger generations.⁴⁷

canada.ca/content/dam/canada/employment-social-development/corporate/seniors/forum/labour-force-participation/labour-force-participation-EN.pdf> [21.09.2023].

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Canada's Targeted Initiative for Older Workers (TIOW), <<https://www.canada.ca/en/employment-social-development/corporate/seniors/forum/labour-force-participation.html#h2.4-3.6>> [21.09.2023].

⁴⁷ Ibid.

Analysis of the above reveals that like most industrialized countries and Canada, Georgia's population and workforce is aging. Also, it is necessary to take into account the Canadian approach in the direction of implementing a thoughtful policy and developing relevant documents.

Aging trends affect Canada's future social and economic well-being and require thoughtful policies.⁴⁸ Research “Understanding the Impact of Public Policies and Programs on the Labor Market Decisions of Older Workers” builds upon the 2018 FPT Seniors Forum report on “Promoting the Labour Force Participation of Older Canadians – Promising Initiatives”. The document “Understanding the Impact of Public Policies and Programs on the Labor Market Decisions of Older Workers” will help to develop a targeted program for older employees.⁴⁹ According to the analysis of the Canadian government policy on improving the rights of older citizens, three positive influencing factors are highlighted: 1. Financial incentives for both employer and employee. 2. Skills development. 3. Impact of pension reforms on older women.

2.1. Financial Incentives⁵⁰

Western Europe, Canada, Australia, and the United States of America encourage the retention and re-entry of older workers into the labor market by using financial incentive mechanisms.

Various forms of financial incentives may be used, including:

Financial incentives for employers (e.g. wage subsidies);

Financial incentives for older workers earnings supplements and tax credits), and financial incentives through broader tax policy that can influence the motivation of and need for individuals to extend their working lives and decisions of employers.

A big challenge is the development of effective financial incentive programs. Incentives must be large enough to induce a change in the behavior of employers and/or older workers. Implementation of wage subsidy programs can be particularly challenging to avoid unintended behaviors, such as employers terminating an unsubsidized employee to hire an individual eligible for a subsidy.

Several factors influence the effectiveness of financial incentives:

- Whether participation in a program is voluntary;
- The length of time an older worker may have been unemployed or out of the labor force;
- Individuals’ financial and personal circumstances (housing income and wealth, health, marital status, partners’ retirement status);
- Labor market conditions (incentives can be expected to be less effective when there is strong labor market demand).

⁴⁸ Employment and Social Development Canada, Understanding the impact of public policies and programs on the labour market decisions of older workers, Federal/Provincial/Territorial Ministers Responsible For Seniors, 2019 June, <<https://www.canada.ca/content/dam/canada/employment-social-development/corporate/seniors/forum/labour-market-decisions-older-workers/labour-market-decisions-older-workers-EN.pdf>> [21.09.2023].

⁴⁹ Ibid.

⁵⁰ Ibid.

As for the issue of financial incentives for employers, it is a widespread practice, especially in the direction of wage subsidies.⁵¹ Stigmas associated with older people's productivity negatively affect employers' decision to hire older people. Perceptions of employers about potential training and onboarding costs are linked with the process of recruitment of older individuals. These costs may not accompany the adaptation process of an older employee at all. In this case, the state subsidy mechanism encourages the employer to hire the older individual. The most common type of employer financial incentives are wage subsidies. This is intended to compensate employers for hiring older workers whom the employer might otherwise be hesitant to hire. Wage subsidies are typically temporary measures lasting from six to 12 months.

2.2. Skills Development⁵²

According to the concept of workability, ongoing engagement of older workers in the labor market requires them to possess the requisite qualifications and skills to remain productive. As skills are built throughout one's career, initiatives that support lifelong learning and skill development play an important role in workers remaining productive as they get older. The lower participation of older employees in training and educational programs is due to the following factors:

- reluctance on the part of employers to invest in training for older workers. – This is possibly due to a misconception that there isn't sufficient return-on-investment to warrant training workers who might exit the labour force in the very near-term.
- lack of interest in skills development on the part of older workers themselves. – This is possible because they consider themselves too old for training, have no personal interest in obtaining new skills, don't plan to remain in the labour force long enough to warrant additional training, or do not find training approaches to be suitable for their learning needs.
- The inappropriateness of age-specific training approaches to older workers' learning needs. – One of the most important factors influencing the success of initiatives aimed at improving the skill sets of older workers and jobseekers is how training is being delivered. It is best that training for older workers be tailored to their unique circumstances and learning styles. Learning is likely to be more effective if it is self-paced, job-related, and work-integrated.

Government support for the training of older workers can take many forms, including publicly funded training; financial support for training (for example, job training grants); skills coaching; and working with education providers.

⁵¹ Employment and Social Development Canada, Understanding the impact of public policies and programs on the labour market decisions of older workers, Federal/Provincial/Territorial Ministers Responsible For Seniors, 2019 June, <<https://www.canada.ca/content/dam/canada/employment-social-development/corporate/seniors/forum/labour-market-decisions-older-workers/labour-market-decisions-older-workers-EN.pdf>> [30.09.3023].

⁵² Employment and Social Development Canada, Understanding the impact of public policies and programs on the labour market decisions of older workers, Federal/Provincial/Territorial Ministers Responsible For Seniors, 2019 June, <<https://www.canada.ca/content/dam/canada/employment-social-development/corporate/seniors/forum/labour-market-decisions-older-workers/labour-market-decisions-older-workers-EN.pdf>> [30.09.3023].

Regarding training programs directly funded by the government: Canada offers training for older workers and jobseekers. The purpose of these training and learning programs is to support the updating of skills of older employees. In the short-term perspective, training is an important tool to support older workers, improve their employability, and increase their productivity.

2.3. The Issue of Older Women:

Women account for a little more than half the population in Canada (50.9% in 2016), among people aged 65 years and older, the number of women exceeds the number of men by more than 20 percent, and in the 85-and-older population, there are about two women for every man.⁵³

Despite implementing retraining and employment programs, several information gaps remain. Specifically: policies and programs associated with job matching, recruitment services, and targeted support for older women seeking self-employment. A study by the Employment and Social Development Canada showed that the Old Age Security pension system (There are few pension incentives at early retirement age) may affect the labor force participation of women aged 60 years. The participation of older women in the labor market has a positive impact.⁵⁴

Elderly (older and senior citizens) Mediation Centers have been established in Canada in order to reduce and eliminate discrimination against the aged population and to support the full participation of the older persons in public life. This simplifies and facilitates the realization of the rights of the older people. Canada has plenty of examples of elder mediation mechanisms.⁵⁵

2.4. Mediation for Older and Senior Persons:

A publication on the official website of the Government of Canada emphasizes the benefits of mediation for seniors and older citizens: RESEARCH REPORT Exploring the Role of Elder Mediation in the Prevention of Elder Abuse Final Report (November 30, 2010).⁵⁶ In Canada, various organizations are implementing the functions of the Center for the Protection of Elders' Rights and Mediation, mostly financed by the provinces.⁵⁷

⁵³ Employment and Social Development Canada, Promoting the Labour Force Participation of Older Canadians, 2018, Federal/Provincial/Territorial Ministers Responsible For Seniors, <<https://www.canada.ca/content/dam/canada/employment-social-development/corporate/seniors/forum/labour-force-participation/labour-force-participation-EN.pdf>> [21.09.2023].

⁵⁴ Employment and Social Development Canada, Understanding the impact of public policies and programs on the labour market decisions of older workers, Federal/Provincial/Territorial Ministers Responsible For Seniors, 2019 June, <<https://www.canada.ca/content/dam/canada/employment-social-development/corporate/seniors/forum/labour-market-decisions-older-workers/labour-market-decisions-older-workers-EN.pdf>> [30.09.2023].

⁵⁵ Canadian Network for the Prevention of Elder Abuse (CNPEA); House of Commons Standing Committee on Justice and Human Rights; The Canadian Centre for Elder Law, an Elder Mediation British Columbia.

⁵⁶ Research report Exploring the Role of Elder Mediation in the Prevention of Elder Abuse Final Report (November 30, 2010), <<https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mp-pm/p1.html>> [21.09.2023].

⁵⁷ The Canadian Centre for Elder Law, CNPEA (Canadian Network for the Prevention of Elder Abuse), Elder Abuse Prevention Ontario – Mostly funded by the Government of Ontario, it provides training, education, and specific events to address complex issues of stigma and violence against older persons. Elder Mediation

The Ministry of Health must monitor incidents of violence in care facilities based on the Long-Term Care Homes Act of 2007.⁵⁸

The development of appropriate individual (focused on a specific sector) employment programs will be a good practice in the process of implementing the aging policy of Georgia. Also, in the legislation of Georgia, it is possible to reflect the legal regulation supporting the retraining/upgrading of skills, the purpose of which will be the financial encouragement of the labor sector and the promotion of sustainable employment, in particular, **paragraph 4 should be added to Article 22 of the “Labor Code of Georgia” of the Organic Law of Georgia, according to which, by the joint decision of the state and the employer, older employees can participate in vocational training or qualification raising training courses for effective fulfilling their official duties. The employee's participation in this course will be considered in working time and compensated by the state subsidy mechanism.**

Also, by creating a mediation center for older persons, Georgia ensures the strengthening of intergenerational solidarity and relations, the elimination of discrimination against the aging population, and their full participation in public life. This will promote the realization of the rights of the older citizens.

The main functions of the mediation center may be:

- Play the role of a mediator: in behavioral, psychological, and social issues, helping older persons in forming fruitful relationships with family or social workers, in the relationship with the employer;
- providing information on state activities regarding the rights of the senior or older persons;
- Informing about current and relevant information regarding fraudulent schemes (fraudulent schemes whose victims are mainly elderly).
- Processing and collecting data about the conditions of older persons in accordance with demand (demand from older persons to collaborate with the mediation center).
- Developing general goals of state importance together with scientific institutes and then conducting joint research by state funding.

3. Brief Analysis of the Pension System of France⁵⁹

“Retirement security is not an expense we cannot afford. On the contrary, it is investment we cannot avoid. Our economy will benefit. Our society will benefit. Our people will benefit if we undertake the macro and micro challenges of this issue”.⁶⁰

Canada, an Elder Mediation British Columbia, an Elder Mediation Atlantic Canada, Elder Mediation International Network (provides certification for mediators in elder mediation field).

⁵⁸ <<https://www.ontario.ca/laws/statute/07I08#BK27>> [21.09.2023].

⁵⁹ This chapter is based on: The Permanent Parliamentary Gender Equality Council, Report: An Analysis of the inclusion of domestic workers/informal economy actors in the pension scheme with the aim of formalizing the informal economy, author Irina Batiashvili, 2023 <<https://parliament.ge/media/news/genderuli-tanastorobis-sabchom-2022-2024-tslebis-samokmedo-gegmashi-tsvlilebebi-sheitana>> [21.09.2023].

The France pays special attention to the issue of physical and financial resources spent by its citizens for maternity leave and child-rearing (Increases in length of insurance for maternity leave and child-rearing – The child-rearing increase). **It is necessary to mention one of the characteristics of the French Social Security System (pension schemes), which generally helps the sustainable development of social security in terms of gender equality and meanwhile is a good incentive for the formalization of the informal economy.**

France has one of the best practices for involving self-employed workers and informal economy actors in the pension system. Also, The French Social Security System encourages the employment policy of older workers and recognizes unpaid child-rearing work in pension schemes. As of today, the French pension scheme⁶¹ consists of two parts:⁶²

1. Basic pensions under the general scheme;
2. Compulsory supplementary pension scheme

From the basic pensions under the general scheme, it is important for the mentioned paper:

Multiple-pension claimants: the single pension claim for aligned scheme members;⁶³ Lura⁶⁴ for individuals who have belonged to at least 2 of the following so-called “aligned” schemes:

- The general salaried workers' scheme⁶⁵
- The agricultural employees' scheme⁶⁶
- The self-employed workers' scheme⁶⁷

As of today, French law has changed and through Lura, members who are also referred to as “multiple-pension claimants,” are only required to submit a single pension claim and only draw a single pension (rather than several as before).⁶⁸

An individual can submit a pension claim to any of the pension funds to which they have belong. The funds then work together to compile the information needed to process the claim and calculate the pension.⁶⁹

In general, the competent scheme to calculate and pay the applicant's pension is the last one to which they belonged. However, priority rules may apply instead: this is the case when the insured was last a member of two aligned schemes at the same time or when Lura does not apply to their last scheme of membership.

⁶⁰ *Moseley-Braun C.*, Women's Retirement Security, *Elder Law Journal*, 1996, 4(2), 493-498.

⁶¹ In France, private-sector employees' basic pensions are topped up by the compulsory supplementary pension scheme Agirc-Arrco, which is also financed on a pay-as-you-go basis.

⁶² <https://www.cleiss.fr/docs/regimes/regime_france/an_3.html> [21.09.2023].

⁶³ Multiple-pension claimants: the single pension claim for aligned scheme members (liquidation unique des régimes alignés/ Lura).

⁶⁴ LURA stands for Liquidation Unique de retraite de base des Régimes Alignés.

⁶⁵ Régime général des salaires.

⁶⁶ Régime des salariés agricoles.

⁶⁷ craftsmen, merchants, manufacturers.

⁶⁸ Ministry of the Economy, Finance and the Recovery of France, Pension Projections for the 2021 Ageing Report Country Fitch, France, Final Version – March 2021, <https://economy-finance.ec.europa.eu/system/files/2021-05/fr_-_ar_2021_final_pension_fiche.pdf> [21.09.2023].

⁶⁹ <https://www.cleiss.fr/docs/regimes/regime_france/an_3.html> [21.09.2023].

The member's single retirement pension is calculated and paid as if they had belonged to only one of their participating schemes.⁷⁰

Calculation formula:

Pension = Average yearly income × rate × accrued length of insurance / maximum length of insurance taken into account.⁷¹

For clarity, let's explain each pension component one by one:

- Average yearly income: the sum of the individual's average salaries and income for their 25 best years under all aligned schemes combined. This sum must not exceed the amount of the applicable annual social security ceiling for each year being counted.
- Rate: between 37.5 and 50%. When the rate is determined based on length of insurance, length of insurance and equivalent periods accrued under the aligned schemes to which Lura applies are counted in addition to length of insurance under the other compulsory schemes to which the individual has belonged. The number of quarters credited under these schemes cannot exceed 4 per calendar year.
- Accrued length of insurance: total of all quarters credited to the individual's account under the aligned schemes to which Lura applies.

It is necessary to mention three characteristics of the French pension schemes, which generally helps the sustainable development of social security in terms of gender equality:

1. Once a claimant has reached a certain age, their pension will be calculated at the full rate regardless of how many quarters they have accrued. This age ranges from 65 to 67, as determined by the claimant's year of birth and circumstances.
2. The child-rearing increase. A parent can be awarded a length of insurance increase of up to 8 quarters per child:
 - 4 quarters for maternity leave (90 days of daily benefits accrue a quarter) or adoption,
 - 4 quarters of child-rearing over the 4 years that follow the child's birth or adoption.

Pensions may be increased for the following reasons:

- The child-rearing increase: Individuals who have raised 3 children for at least 9 years before their 16th birthday are entitled to a 10% pension increase. The increase is awarded to each parent receiving a retirement pension.
- The pension-rate increase: Members who work beyond the age of automatic full-rate pension entitlement and whose aggregated length of old-age pension insurance under all basic pension schemes combined entitles them to a full-rate pension can continue working in order to increase the amount of their pension. For each quarter accrued beyond statutory pension age and after accruing the required length of insurance for full-rate pension entitlement, the member's pension will be increased by 1.25% per quarter (with a cap of 4 quarters per year).

⁷⁰ <https://www.cleiss.fr/docs/regimes/regime_france/an_3.html> [21.09.2023].

⁷¹ Ibid.

Regarding the regulation of the minimum pension, the minimum. The Minimum pension (minimum contributif) is granted to members:⁷²

- who are entitled to a full-rate basic pension under the general scheme,
- and have claimed all of their basic and supplementary retirement pension entitlements, the total amount of which (basic plus supplementary, public and private sector combined), does not exceed €1,352.23* per month.
- It comes to €684,13 per month, and can be paid along with supplements earned due to length of insurance or other factors. Whatever the circumstances, the minimum pension cannot bring the total amount of personal pensions (basic and supplementary) above a certain set monthly amount (€1,352.23*).

The basic retirement pension cannot exceed 50% of the social security ceiling (€1,833 per month in 2023).

On January 1st, 2019, in order to promote the employment policy, a temporary pension increase system (Agirc-Arrco scheme) was activated. It is intended as an incentive for members to keep working beyond the age at which they become eligible for a full-rate retirement pension. The increase depends on how many years a person continues to work without receiving a pension despite reaching the retirement age:

The member applies for a supplementary retirement pension 2 or more years after they became eligible for the full rate under the basic scheme: A 1-year pension increase of:

- 10% will apply if your supplementary retirement pension claim is postponed by two years,
- 20% if it is postponed by 3 years,
- 30% if it is postponed by 4 years.⁷³

Based on the analysis of the French pension schemes (the French Social Security System), it is possible to assume that an increase in the state pension of Georgia for older and senior women due to childbirth and child-rearing, will be an effective tool. For example, with the corresponding amendment to Article 7, Clause 2 of the Law of Georgia on State Pensions. Also, in Article 32, Clause 12 of the Law of Georgia on Funded Pensions, it is better to make an amendment: if participant of funded pensions system will postpone retirement pension and will continue working beyond the retirement age, the pension amount will be increased by a certain percentage for the benefit of the participant. This will be a good financial incentive.

⁷² In the English version of the paper of Batiashvili I. "Importance of Aging Policy" the percentage of the amount of pension is renewed according to the official version of the French social security system's new percentages, <https://www.cleiss.fr/docs/regimes/regime_france/an_3.html> (As of May 1st, 2023.)

⁷³ <https://www.cleiss.fr/docs/regimes/regime_france/an_3.html> [21.09.2023]. <<https://www.service-public.fr/particuliers/vosdroits/F15396?lang=en>> [21.09.2023].

4. Conclusion

The association agreement concluded between the European Union and Georgia testifies to the relevance of the development of Georgia's aging policy, both in the direction of strengthening the right to equality, and employment, expanding the labor market, and sustainable development of the state.

An aging policy is good for the country's prosperity in the near perspective (Short-term outcome). An example of this is Canada. In the development of the aging policy, the main focus should be on employment and the creation of an age-friendly working environment. The above-mentioned aspects are emphasized in: the European Union Pact 2007/78/EC, the relevant document of the 66th session of the United Nations⁷⁴, studies carried out by the United Nations⁷⁵, Madrid International Action Plan, the relevant publications of International Labor Organization⁷⁶, Aging Policy of Israel⁷⁷, Aging Policy of Canada and The French Social Security System (Retirement, and Pension schemes).

Age division and the development of specific terms will help the state create the state program for specific age group citizens. Also, these terms will help to eliminate negative stigmas related to age and aging in the labor market. Considering older persons and senior older persons as different groups

⁷⁴ United Nations, General Assembly, Report of the Secretary-General, A/66/173, 22/07/2011. (Follow-up to the Second World Assembly on Ageing).

⁷⁵ World Population Ageing, supra note 2, at 9. United Nations Department of Economic and Social Affairs, Population Division (2020). World Population Ageing 2020 Highlights: Living arrangements of older persons (ST/ESA/SER.A/451); United Nations, General Assembly, Resolution adopted by the General Assembly on 17 December 2018, 73/143. Follow-up to the Second World Assembly on Ageing, Seventy-third session, A/RES/73/143, 09/01/ 2019; United Nations, General Assembly, Report of the Secretary-General, A/66/173, 22/07/2011. (Follow-up to the Second World Assembly on Ageing).

C.E.S.C.R., 4 2nd Sess., General Comment No. 20: Non-discrimination in Economic, Social and Cultural Rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) 29, U.N. Doc. E/C. 12/GC/20 (July 2, 2009); Committee on Economic, Social and Cultural Rights, United Nations Hum. Rts Off. Of the High Comm'r, <<http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>> [11.03.2020];

The Independent Expert on the Enjoyment of All Human Rights by Older Persons, nited Nations Hum. Rts Off. Of the High Comm'r, <<http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/IEOlderPersons.aspx>> [11.03.2020]; ("In May 2014, the Human Rights Council appointed Ms. Rosa Kornfeld-Matte as the first Independent Expert on the enjoyment of all human rights by older persons."). Office of the High Commissioner for Human Rights, Normative standards in international human rights law in relation to older persons, Analytical Outcome Paper, August 2012.

⁷⁶ ILO: Changing patterns in the world of work, Report of the Director-General, International Labour Conference, 95th Session, 2006, Report I (C), Geneva, 2006. ILO, Gender Equality at the Heart of Decent Work, Work and Family, 2009, 3, <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_101758.pdf> [21.09.2023]. International Labour Office, Gender Promotion Programme, Realizing decent work for older women workers, Geneva, 2001, <<http://www.ilo.org/public/english/employment/skills/older/download/olderwomen.pdf>> [21.09.2023]. International Labour Conference; 98th Session, 2009, Report VI, Gender equality at the heart of decent work, Sixth item on the agenda, 150.

⁷⁷ *Batiashvili I.*, Older Women and Integrating a gender Perspective in Employment Policy, Law and World, (№26), Vol. 9, Issue 2, June 2023, 99-11.

helps to increase the labor potential of the older people and serves to reduce false assumptions related to aging and finally eliminate it.

Correspondingly funding/subsidization of the salary and retraining program of older workers by the state can bring positive results in promoting the professional development of older people. This is an effective tool for supporting older workers. The existence of the state mechanism for financing or subsidizing the salary and retraining program of the employed older person will help this person in the professional development and the comprehensive performance of official duties.

The statutory regulation of the rights of older persons and the environment adapted to them are outlined in the Canadian legal system. The protection of the rights of the older people in the Canadian legal system can be found in three areas: the pension system (social security), the legal duty of everyone to provide necessities of life to a person under his charge due to the person's age by the Criminal Code, and employment programs for the older persons. In Canada, the employment of older persons and the activation of their labor potential is a constituent element of improving the rights of older persons. The age and terminological division of different age groups in the Canadian pension system once again emphasizes how important it is to plan the government's aging policy in a targeted manner. Also, the aforementioned develops the opinion that the older persons and the senior older persons are not one monolithic group. Accordingly, the division into age categories will help the state to separate employment programs and social security into the relevant groups. The analysis of Canada's Initiative "Targeted Initiative for Older Workers" on the retraining of the older people shows that Georgia should also consider Canada's approach in the direction of producing a full-fledged policy and developing relevant documents.

An innovation of the state policy on the protection of the rights of the older and the senior older persons can become a mediation center for the older and the senior older persons.

Encouraging employment policy based on the pension system can be a practical concept for Georgia. Also, the policy of France (The French Social Security System) is impressive both in the part of the basic pension, where a significant contribution of the state can be seen and in the part of the additional cumulative pension, which is determined by the contributions of private sector actors. In this part, the state plays the role of a calculating mechanism. The possibility of a Child-related increase in the length of insurance by the French pension scheme has a double positive effect: 1. It promotes that women have more interest in being employed in the formal economy and at the same time being involved in the pension system; 2. the compulsory (not because of legal basis) interval in employment due to child care after childbirth will not affect the pension (in the case of Georgia, accumulative pension).

Like most industrialized countries, like Canada, Georgia's population and workforce are aging (statistical information is provided in the introduction), and therefore effective examples of skills development, tailored employment, and financial incentives are essential in Georgia's aging policy planning.

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