

Age Discrimination

Purpose of this guide

This guide is designed to inform and advise INTO members on the issue of Age Discrimination.

Introduction

The UK Government must put in place age discrimination legislation in order to meet its commitment to the EU Employment Directive (Article 13) signed in November 2000. It is intended to have it in place by 2006, if not earlier. This means that the UK - and all of Europe – will have fully comprehensive age discrimination legislation for the first time. The new legislation will carry the same weight as earlier legislation on Gender, Race and Disability.

Research into Age discrimination has shown consistently that it is likely to affect everyone at work at some time. Young and older workers experience it. Younger workers may have difficulty gaining employment if experience is required and they may also be considered unreliable.

Older workers can face difficulties when trying to gain access to work or when in work being overlooked for promotion and training or pressured into retiring. Discrimination on grounds of age is as demeaning and damaging as other forms of discrimination.

Recent reports from Employment Forum on Age and the Association of Graduate Career Advisory Services suggest that discrimination can begin as young as 29. One in seven graduates is over 26 yet many employers have a 25-year-old age specification in graduate recruitment policies. Around 6.8 million people over the age of 50 are in employment.

Age discrimination affects women workers specifically in a number of ways. Research has indicated that women are regarded by employers as old when they reach 35, but 40 for men.

Many women enter and re-enter the workforce according to the demands of family, either young children or elderly relatives. They are, therefore, disadvantaged in terms of promotion, training and access to full time work. (This has effects on wages, pensions and later quality of life.) Many women seek to advance a career much later in life than their male counterparts. Having been stereotyped and discriminated against in their early career it is likely to happen again when they try to advance their career later in their paid working life.

Late entrants to teaching or any teacher who consciously decides not to pursue a management career until later in their working life are likely to suffer discrimination and stereotyping. Caring either for young children or for elderly relatives is normally carried out by women but there are a number of men in that position as well who are affected by discrimination.

Anti-racist and disability organisations suggest that there is a significant difficulty for older black/ethnic minority people and people with disabilities. There are many who therefore suffer from multiple discrimination.

Stereotyping and Discrimination

Types of discrimination which can occur are assumptions about ability to do the job, interest in training or promotion prospects, older workers are more dispensable or more willing to accept early retirement/redundancy than younger ones.

There are also assumptions about younger workers. Assumptions about responsibility, reliability, ambition and child care affect men and women differently. For example, it may be that it is expected of a young man to be ambitious but a young woman not to be; women because of child care responsibilities to be viewed as unreliable.

Often older workers are regarded by employers as more reliable and conscientious. However, there is also an assumption that they are more prone to illness, stubborn, set in their ways, less co-operative, difficult to train and resistant to change.

A view has been expressed that the problem with education is that the profession is too old and inflexible and needs an injection of 'young blood' in order to effect changes necessary to provide Northern Ireland with an education system worthy of the name. This is to ignore the fact that teachers respond throughout their career to changes and, indeed, are often responsible for advocating change.

The 'flexibility' that is required is less to do with creative talent or ability to learn and more about working arrangements. It is wrong to assume that young teachers/ lecturers are ignorant of their rights. However, they may be more likely to be in a vulnerable position trying to secure permanency. It is not the case that older workers are less co-operative. Greater experience often results in higher levels of interpersonal skills and an ability to work better in teams.

It is the perception that younger workers may have odd days off while older workers may take longer periods of sick leave. Overall statistics show that patterns of sick leave vary and there is no difference between age groups. The 'odd' day pattern of absences may reflect an employer who does not have flexible 'time out' days for family commitments or where there are deep-rooted problems with workplace ethos e.g. bullying or harassment.

Recruitment, Selection and Career Development

Advertisements for teaching posts do not carry age restrictions. Many other occupations do, although incidences of this have decreased in the past five years. However, it does not require an age specification to provide a bias in favour of younger applicants. The language describing the job or person specification can substitute for an overt statement of requirement.

Mature graduates are applying for teaching posts. With the current age profile of the teaching profession stereotyping is unlikely to remain an option in the selection process. Anecdotal evidence seems to suggest that, at interview level for teachers, more mature graduates perform better with more developed interpersonal skills. Older graduates or people returning to work after a career break have many experiences and often have shown tenacity and courage throughout their lives.

It is wrong to assume, therefore, that they are not interested in training, new developments or a career path. Many women who have career breaks as a result of family commitments and child care return to work seeking to establish a career. They will also be looking to enjoy their work and contribute their valuable skills gained through their experiences.

Exit from Employment

Since the 1980's there has been an exit from the workforce in general of older employees. Teaching is no exception. The effect of this is to deprive workforces of a balance of skills, experience and age. This can have a detrimental effect on any workplace. Teaching requires a balance of ages and length of experience particularly if discriminatory attitudes are to be challenged at all levels.

The average age of teachers in 2002 was 51. As routes out of teaching are now more difficult the average age of the profession is likely to increase. It may also mean fewer younger graduates being employed.

For women it is very difficult to achieve full pension entitlement and existing methods of improving entitlement are very costly. Many young teachers are spending longer periods in part time and temporary work which has an effect on pension benefits.

Many teachers choose to leave early through retirement packages because of the nature of the job. It is common experience throughout Britain and Europe that the morale of the teaching profession is low.

Many teachers themselves feel that the retirement age for teachers should be lowered. These routes out of the profession are now more difficult.

It is INTO policy to pursue an earlier retirement age. It is important to negotiate good early retirement packages or campaign for a reduction in the retirement age for teachers but it is also important to challenge stereotypes and discourage employers putting pressure on older staff to leave. For a significant number of women teachers with careers interrupted for family care, early retirement packages may not provide an adequate income and, therefore, are not an option.

Legislation

The European Union Council of Ministers has adopted the Employment Directive on Equal Treatment (on the basis of Article 13 of the EC Treaty). The Directive requires all 15 EU Member States to introduce legislation prohibiting direct and indirect discrimination at work on the grounds of age, sexual orientation, religion and belief, and disability.

The Directive recognises that differences of treatment on grounds of age can sometimes be justified. The challenge for implementation is to identify which types of differences of treatment are acceptable and which are not. Legislation is due to be introduced for age discrimination in 2006.

Cases relating to age have been pursued using the Sex Discrimination Order and the Race Relations Order. Age limits are potentially discriminatory as women enter and re enter the workforce for different reasons than men and age bars may have a disproportionate and less favourable effect on women. The Race Relations Order was used successfully to challenge an age limit when a tribunal agreed that the number of black people who immigrate into the UK when adult would mean that fewer black workers could comply with the age limit set by the Civil Service.

Selection for redundancy on the basis of age has also been successfully challenged. Research, limited as it is, suggests that it is difficult to challenge stereotypes and attitudes towards older workers. Often legislation is not effectively enforced but it has made an impact on appraisal and redundancy schemes.

INTO Recommends:

- All equal opportunities policies, including those for recruitment, selection and career development, should contain reference to age discrimination.
- Develop policy in flexible working practices and full employment rights and pensions.
- Negotiate appropriate staff development at all stages and ages in career path.
- Negotiate support for women returners.
- Negotiate support for mature graduates/entrants into teaching.
- Monitor age profile of profession including gender and age profile of promoted posts.
- Negotiate fully funded in-service training with a variety of methods to suit a variety of learning needs.
- Include anti-ageism in curricular materials.
- Ensure training for all staff and senior management on age discrimination.
- Recognise the effects of multiple discrimination.

Interesting Facts

Legislation has had a marked effect on some forms of direct discrimination, for example in advertising vacancies or in the process of selection for promotion. There is evidence that legislation can only help to change attitudes if it operates in conjunction with other policies to promote equal rights and educate.

To coincide to Age Positive Week (2-6 December) research from the MORI Social Research Institute reveals that the most prevalent form of discrimination in the workplace is ageism. 1 in 5 people have experienced some form of workplace discrimination, of those 38% cited age as the biggest cause.

Further evidence shows that during the recruitment process 45% of men experience age discrimination in contrast to 27% of women. Attitudes towards older workers were also researched and findings indicate that one in three of the general public preconceived people between the ages of 50 and 65 as resistant to change, while three in ten feel that older workers lack technological skills.

Other interesting findings include: 53% perceived younger workers as inexperienced and 38% viewed them as unreliable.

Younger people also suffer from age discrimination too.

Demographic Figures

- By 2006 there will be more 55-64 year olds than 16-24 year olds for the first time;
- Between 1986 and 2006, the number of men aged 16-24 is predicted to fall by 26%, and the number of women by 30%;
- Between 1986 and 2006, the numbers of 35-44 year old men will increase by 19% and the number of women in this age group by 39%;
- Life expectancy increases one more year approximately every four years;
- There are 1 million fewer people in their 20s than ten years ago.

Employment Figures

- By 2006, 45-59 year olds will form the largest group in the labour force;
- 68% of employers seeking skilled staff are experiencing recruitment difficulties;
- 95% of 55-65 year old men were working in 1975. In 1999 it was close to 60%;
- 75% of people in Local Government employment are retiring early ;
- Nine out of 10 people aged 50 and over receive no training from their employer at all;
- At least 40% of people who retired early feel that they were forced to against their will and would rather have continued to work;
- A significant proportion of IT professionals think the term older worker can be applied to someone younger than 35;
- Close to half of young workers say they've been held back at work because of their age.

INTO members who require further support and information should contact their Northern Committee or CEC representative or the Northern office on 028 9038 1455.

March 2005