

What is age discrimination?

Although there is no statutory definition of age discrimination as yet in the UK, age discrimination can be explained as occurring when someone treats a person less favourably because of that person's age, and uses this as a basis for prejudice against and unfair treatment of that person.

Age discrimination in employment can:

- affect anybody regardless of how old they are.
- reduce employment prospects for older people, younger people and parents returning to work after a period of full-time childcare.
- favour people in the age group 25 to 35.
- prevent the full consideration of abilities, potential and experience of employees.

In a CIPD survey, 1 in 8 respondents had been discouraged from applying for a job due to an age limit or age range being included in the advertisement or through implied terms used such as 'young'. In the same survey, 7% of 16–24 year olds were told they were 'too young' for the job, and 5% suspected this was the reason though this was not explicitly given.

CIPD (2001) *Age discrimination at work*. Survey. London: CIPD

So what does this mean?

The new law will:

- outlaw mandatory retirement ages below age 65 (except where they can be objectively justified). allow those under 65 to retire early if they wish.
- give those over 65 the right to request to continue working.
- be reviewed in 2011 to consider whether it is still necessary to maintain mandatory retirement ages at all.
- ban unjustified age discrimination in recruitment, promotion and other employment terms, as well as in vocational training.

Why is this new legislation important?

It is estimated that age discrimination costs the economy between £19 and £31 billion a year in lost output. To be successful in an increasingly competitive market place, organisations need to attract and retain valuable employees and develop the talents of all their employees.

Why is it important? – some key points

- More people are living longer, active and healthier lives
- Evidence shows that differences in absenteeism between age groups are slight.
- Older workers stay in their jobs longer than younger people.
- Age discrimination leads to under-achievement, reduced self-confidence and motivation, lower self-esteem and loss of personal income and status.
- Findings from many studies show that younger and older workers are on average equally effective in their work.
- Research shows that, given the right training, older people are just as capable of learning new skills as younger people.

What the research shows...

Research commissioned by Age Positive, published in 2002, found that more than one-fifth of people had suffered discrimination in the workplace and four out of 10 respondents said it was on grounds of age. Overall, 5% of those polled said they suffered less favourable treatment because they were considered too old, and 4% because they were too young. Those in the 45-54 age bracket were more than twice as likely as other ages to have suffered age-related discrimination.

The Guardian (London, England), June 21, 2004 p2

Benefits of recruiting and retaining older workers – seeing past the stereotypes

The EFA (Employers Forum on Age) says negative stereotypes held by middle managers are often to blame for unfair recruitment, promotion and retirement decisions. The organisation says older workers are considered difficult to manage, slow to grasp new ideas, out of date, not interested in training and a bad investment. Younger staff on the other hand are seen as unlikely to stay, unreceptive to authority, unreliable, more interested in their social life than work, immature and impetuous and always taking time off sick.

The Guardian (London, England), June 21, 2004 p2

Research based upon a survey conducted by Age Concern

A clear financial case can often be made for the benefits of employing older workers, too. In the first four months of this year, Northern Rock's Newcastle mortgage call centre, for instance, cut the number of people leaving by 27%, compared with the same period last year and saw absenteeism rates fall.

The Guardian (London, England), July 6, 2002 p20

Do's and Don'ts when recruiting

Do's

- Ensure that when creating a job specification, and also when short-listing candidates, that multiple people are involved to ensure non-bias.
- Ensure that when advertising for job vacancies you are not directly or indirectly using age as a recruitment condition (e.g: 'only people with GCSE English need apply'; 'the atmosphere in the office, although demanding, is lively, relaxed and young...').
- Ensure that age-discriminatory questions such as 'date of birth?' are omitted from the job application forms.
- At interview, ask questions related to the job and not about personal circumstances.
- Members of an interview panel should be trained to have an understanding of equality and diversity policies, and to know that age should not affect selection.
- Tackle conscious and subconscious age discrimination in recruitment, promotion and access to training.
- Base redundancy decisions on objective, job-related criteria. Automatically making workers over a certain age redundant, will lead to a loss of key knowledge, skills and corporate memory.
- Consider, where possible, flexible or extended retirement options.
- Sending out the right message – ensure that all policies relating to benefits, training and retirement are non age-discriminatory.

Don'ts

- When advertising, don't include phrases such as 'young', 'mature', or 'would suit someone who has just qualified'.
- Don't use age limits when advertising or short-listing.
- Don't ask the obvious question...
- Never use information on equal opportunities as part of the selection process. This is supplied by candidates for monitoring purposes only.
- Avoid age 'cut-offs' for promotions. Focus on skills, abilities and potential, Promote on the basis of measurable performance and demonstrated potential rather than age.
- Don't think of this new legislation as another rule to abide by – it is positive!

Summary

- It's all about seeing past the stereotypes and sending out the right messages.
- It is important to avoid discrimination in recruitment processes. This gives you the best chance of getting the right person for the job.
- It is worth remembering that someone may be able to take you to an employment tribunal, even though they are not an employee.
- In certain circumstances discrimination may be allowed if it is seen to be a 'genuine occupational qualification' for the job in question (e.g. child actor).
- It is important that you consider both where you use age directly and where policies may indirectly affect specific age groups.