## Call for contributions: Ageism and Age-Discrimination

### Forms and manifestations of ageism and age-discrimination

1. *What forms does age discrimination affecting older persons take and which ones are the most prevalent? Where available, please provide concrete examples and collected data including in employment, education, social protection, and health, financial and social services.*

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1. *Please provide information and data collected about the causes and manifestations of ageism in society, both for younger and older generations, and how it translates into discriminatory practices.*

In a study commissioned in 2014 by the Discrimination monitoring group of the Ministry of Interior the following remarks were made: “It was found that the empirical data collected for the purposes of this study reveal that a large number of elderly people have experienced discrimination in social and health care services.

Rather than being direct or manifesting itself as poor treatment, the discrimination experienced is often indirect or structural: elderly people from minority groups are not considered in the provision of services, and insufficient attention is paid to the fact that customers may have special needs when using services and obtaining information. Many information, interpretation and IT services were considered inaccessible. Elderly people do not, for example, always receive information or it reaches them in a form that is not easy to understand — a particular problem for language minorities, people with sensory disabilities and people with intellectual disabilities.

A large number of minority groups also highlighted the fact that their cultural backgrounds are not always taken into consideration. The Saami (Finland’s indigenous people), Roma, and Muslim immigrants, for example, have faced this problem in service housing and when using home and health care services. In general, diversity and the special characteristics of minorities, including people with disabilities and sexual and gender minorities, are not given sufficient attention. Services have been designed for the average middle-aged person from the majority population.”

1. *From an intersectional perspective, are there specific factors that aggravate ageism and age discrimination and how? Please provide concrete examples and collected data where available.*

There is not much data on ageism from an intersectional perspective apart from some information on older women, see the other questionary.

### Legal, policy and institutional frameworks related to ageism and age-discrimination

1. *What international, regional and national legal instruments are in place to combat ageism and age discrimination?*

The Constitution of Finland, Chapter 2 - Basic rights and liberties Section 6 -Equality:

Everyone is equal before the law. No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, ***age***, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

The Non-discrimination Act, Section 8 Prohibition of discrimination

(1) No one may be discriminated against on the basis of ***age***, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics. Discrimination is prohibited, regardless of whether it is based on a fact or assumption concerning the person him/herself or another.

 (2) In addition to direct and indirect discrimination, harassment, denial of reasonable accommodation as well as an instruction or order to discriminate constitute discrimination as referred to in this Act.

The Criminal Code of Finland:

Chapter 11, Section 11 – Discrimination

A person who in his or her trade or profession, service of the general public, exercise of official authority or other public function or in the arrangement of a public amusement or meeting, without a justified reason

(1) refuses someone service in accordance with the generally applicable conditions;
(2) refuses someone entry to the amusement or meeting or ejects him or her; or
(3) places someone in a clearly unequal or otherwise essentially inferior position

owing to his or her race, national or ethnic origin, skin colour, language, sex, ***age***, family ties, sexual preference, inheritance, disability or state of health, or religion, political orientation, political or industrial activity or another comparable circumstance,
shall be sentenced, unless the act is punishable as work discrimination or extortionate work discrimination, for discrimination to a fine or to imprisonment for at most six months.

Criminal Code Chapter 47, Section 33 - Work discrimination

An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts an applicant for a job or an employee in an inferior position
(1) because of race, national or ethnic origin, nationality, colour, language, sex, ***age***, family status, sexual preference, inheritance, disability or state of health, or
(2) because of religion, political opinion, political or industrial activity or a comparable circumstance

shall be sentenced for work discrimination to a fine or to imprisonment for at most six months.

1. *Please also note any action plans or policies to raise awareness and combat ageism (including antiageism in school curricula) and to move toward a more age-friendly and inclusive society.*

The Government of Prime Minister Sanna Marin is preparing a horizontal programme on ageing in collaboration with ministries, municipalities, third sector organisations and other actors.  The goal is to achieve a more age-friendly society that recognises and prepares for the social effects of its ageing population and sees older people not only as service users but as an important resource in society.

1. *At the national level, please outline the legal protections available against age discrimination and indicate whether age is explicitly recognised as a ground for discrimination? If so, are there specific areas for which equality is explicitly guaranteed? Are there any areas where differential treatment based on older age is explicitly justified?*

See answer to question 4.

The Non-Discrimination Ombudsman handles cases related to discrimination based on all grounds for discrimination in accordance with the Non-discrimination Act. For more information, see: <https://syrjinta.fi/en/tackling-discrimination>

In 2020 the Non-Discrimination Ombudsman was contacted in 1103 cases. 72 of these cases handled discrimination based on age.

There is the possibility of a criminal procedure in cases where there is a breach of the discrimination sections of the Criminal Code.

The mandate on work-related issues under the Non-Discrimination Act is at the Regional State Administrative Agencies. Their statistics from 2020 are not out yet, but 9 % of the cases in 2019 were about age discrimination.

However, discrimination based on age (or ageism) has not been a very visible aspect in data collection, anti-discrimination work or general discussion. This has partly to do with the division of competence in monitoring systems for discrimination.

1. *Do the existing legal protections against age discrimination allow for claims based on intersectional discrimination, that is discrimination which is based on the intersection of age and other characteristics such as race, ethnicity, gender, disability, sexual orientation or other status?*

Yes, they do.  The Non-Discrimination Act applies explicitly to multiple discrimination.

1. *What legal and other measures have been taken to address and protect from racism, sexism, ableism or other similar forms of discrimination that might be useful models for addressing ageism?*

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1. *Please indicate if there are institutional or complaints mechanism to address inequalities or grievances related to ageism and age discrimination. If so, please provide statistics on cases and types of cases received?*

See answer to question 6.

### Reports related to ageism and age discrimination and other relevant information

1. *Please outline any other areas that you deem important in the context of ageism and age discrimination.*
2. *-*