



Combating prejudice and age discrimination against older workers

Attitudes and prejudice with respect to older people are major obstacles to opening up employment opportunities and often lead to direct and indirect discrimination against older workers. Stereotypes are numerous, such as that older workers are less productive, slow to learn new skills and adapt to technological and organizational change, and that physical capacities decline with age.

While evidence has shown that physical and mental changes which often come with age require some degree of adaptation, this is more of a challenge – if not an opportunity – rather than a barrier. Similarly, even the perception of older workers as less flexible, more resistant to change and lacking motivation does not stand up to the facts. Given a proper learning environment, older workers are willing, even eager, to learn new technologies. They are using computers in increasing numbers and this tendency is on the rise in the United States and elsewhere. However, workers are more willing to learn and develop skills if this enhances their opportunities to keep or find work or to improve career opportunities. And these opportunities are often limited for older workers because of the attitudes of some employers, or financial concerns.

There is also the myth that older workers are unwilling to remain in the labour market past a certain age because work has become tiresome or too physically demanding. Yet, as already shown, new technologies and improved working methods tend to reduce the physical strain of much of today's work. Just as importantly, as will be seen in the section on working conditions, flexible working time arrangements not only make the extension of working life more feasible but, for many older candidates, a more desirable option.

In developing countries, misconceptions about the capacity and activity of older women influence the way they are treated. It has been argued that social custom and official policy are concerned with the burden of meeting the needs of older people; consequently, older women are viewed as inactive recipients of support as they are not always economically active. The reality is that older women frequently have to combine the role of caregivers with other forms of paid and unpaid work.

Policies and adjustments at the enterprise level can play a major role in addressing myths and overcoming stereotypes. At the same time, awareness raising campaigns conducted by governments, the social partners and the media can also help combat negative attitudes and misconceptions about older workers.

Of course, an even more positive approach is to be proactive. This leads, then, to age diversity and age management. Studies confirm that older workers are a valuable resource for companies and society as a whole. An interesting example is the Fáilte Isteach project of the Third Age Foundation in Ireland, which involves older people volunteering their time to teach conversational English classes to new younger migrants.

It is critical that companies turn their attention to strategies to reach this sometimes under-appreciated and underutilized segment of the labour force. More and more enterprises are already taking a long-term view of their staffing needs. They view older workers as a valuable resource within an age-diverse workforce that offers the company or organization a range of abilities and comparative strengths. Enterprises increasingly recognize older people's contribution to work shadowing and mentoring. This allows older workers to help organizations preserve their institutional history and values by passing them on to newer and younger employees.

Diversity programmes, by recognizing and valuing the different backgrounds of employees and seeking to attract and retain the best qualified workers, place equal opportunities at the heart of both human resources management and age management. Moreover, emphasizing age diversity rather than concentrating solely on older workers' needs reduces the risk of reinforcing the myth that they are less productive and require special protection. Age diversity and an all-inclusive workforce, in addition to giving employers access to a wider labour pool, may also help them seize new market opportunities or adapt more quickly to changing market conditions.

Age management

The European Foundation for the Improvement of Living and Working Conditions identifies good practices in age management under eight headings. Good practice in the following areas means:

- • Recruitment. Ensuring that older workers have either equal or special access to the available jobs and that potential applicants are not discriminated against either directly or indirectly.
- • Training and lifelong learning. Ensuring that older workers are not neglected in training and career development, that opportunities for learning are offered throughout working life, that training methods are appropriate to older workers, and that positive action is taken where necessary to compensate for discrimination in the past.
- • Flexible working time practices. Giving older workers greater flexibility in their hours of work or in the timing and nature of their retirement and adjusting working time and other aspects of employment to reflect changes in the way people work and in family and caring responsibilities of the workforce.
- • Employment exit and the transition to retirement. Basing any redundancy decision on objective job-related criteria and ensuring that retirement schemes offer a choice of options and are fairly applied.

Source: Based on A. Walker: Managing an ageing workforce: A guide to good practice

Some employers' organizations are setting up web sites with information on best practices for accommodating age diversity in the workplace. The Austrian Employers' Federation could serve as a model in this regard. Clearly then, non-discriminatory practices of diversity and age management are important managerial tools and central to increasing efficiency and productivity. In this regard, information campaigns have an important role to play. At the same time, legislation to prohibit age discrimination is crucial to achieving these goals, as well as to establishing equality of opportunity.

Age discrimination legislation

The ILO 's Discrimination (Employment and Occupation) Convention, 1958 (No. 111), calls upon Members to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

For the purposes of Convention No. 111, discrimination includes and distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin. Some member States have interpreted certain language in the Convention as allowing them to add age to the original list of seven. The explicit inclusion of age as a form of discrimination had to await the adoption of the Older Workers Recommendation, 1980 (No. 162), which calls upon each Member to take measures to prevent discrimination in employment and occupation with regard to older workers. This should take place within the framework of a national policy to promote equality of opportunity and treatment for workers, whatever their age.

The Termination of Employment Recommendation, 1982 (No. 166), states that age should not constitute a valid reason for termination, subject to national law and practice regarding retirement. In 2007, the ILO issued its second Global Report on discrimination. The report observes that age-unfriendly working conditions are a manifestation of discrimination against older workers. It urges that measures in support of older workers be formulated in the framework of an overall and well-balanced strategy for full employment that gives due attention to all population groups (younger and older workers alike), in accordance with Recommendation No. 162.

Increasingly, countries are making efforts to enact age discrimination legislation. About 30 countries have some form of age discrimination legislation which explicitly forbids, prohibits or makes unlawful forms of direct and indirect age discrimination. However, in countries such as Guyana and Singapore, which both retain legislation regarding the prevention of discrimination in employment for older workers, there does not appear to be a distinction between direct and indirect discrimination. Such laws are effective so long as the different manifestations of direct and indirect discrimination are addressed in some way: in other parts of the legislation, in other laws, or judicial decisions in the country .

Within the OECD countries, the United States has the oldest age discrimination legislation: the Age Discrimination in Employment Act covers workers aged 40 and above, with no upper age limit. In addition to prohibiting age discrimination in employment, the legislation aims to promote employment based on ability rather than age. But, the Act exempts from its coverage employers with fewer than 20 employees.

The Republic of Korea has enacted affirmative action legislation under which businesses are required to ensure that at least 3 per cent of their workers are aged 55 years or older. Furthermore, its Aged Employment Promotion Law identifies 77 types of jobs, such as parking lot attendant and bus ticket seller, for which hiring priority should be given to older people .

An important development in late 2000 was the promulgation by the European Union of a major Directive on Discrimination which includes age among several other grounds not previously covered by EU texts. The Directive requires all the Member States to introduce legislation prohibiting direct and indirect discrimination at work based on age and other grounds over a period of five years. It covers employment, self-employment and occupation, as well as vocational training and guidance. An important issue, however, will be the enforcement of this legislation.

There is interplay between gender discrimination and age discrimination, together with other types of discrimination such as race and ethnic origin. Forms of discrimination that affect women throughout their lives may be compounded as they grow older by age-based discrimination. The increase in the number of countries implementing age discrimination legislation is a positive development to ensure the rights and responsibilities of employers and older workers. Nonetheless, a strong legal framework and sound regulatory environment comprise only part of the solution to overcome age discrimination and promote the possibility of engaging in longer and healthier working lives. Awareness raising, including education and information campaigns, has its place, and the social partners – together with government – have a key role to play in carrying this out. Company-run diversity programmes, which view older workers as a valuable resource and capitalize on their abilities and comparative strengths within an age-diverse workforce, represent an especially positive and forward-looking approach to overcoming age discrimination.

A number of countries, such as Australia, Finland, Netherlands, Norway and the United Kingdom, have carried out large-scale government-sponsored information campaigns aimed at overcoming employer reluctance to hire and retain older workers. Such an approach may include guidelines for employers in terms of good conduct or best practices and a general campaign to expand awareness of issues related to population ageing and work. For instance, the United Kingdom's Age Positive campaign seeks to promote and raise awareness of the benefits of an age-diverse workforce. It uses research and publications, the press, special events, awards and its own web site to put across its message. It has identified over 120 Age Positive Champions who serve as examples through their own employment practices or through research, campaigning and working in partnership with the Age Positive campaign team.

In the Netherlands, there has been close cooperation between the Government, employers and trade unions in changing attitudes and promoting best practices towards the promotion of productive employment and decent work for older workers. In 2003, they were joined by civil society organizations representing older workers, minorities, researchers, politicians and the media on a high-level Task Force on Older People and Employment, which provided policy guidance for longer careers at an older age. There are many other examples available in the European Foundation for the Improvement of Living and Working Conditions database on enterprise policies for older workers that have been collected from throughout the European Union. These not only highlight what has been done through collective agreements, but also other related subject matter addressed through employer–union–worker representative organizations. They also provide evidence of the social partners' important role in improving the situation of older workers in the workplace.

In Singapore, the Tripartite Committee on Employability of Older Workers was established in May 2007. Among the Committee's recommendations, two are particularly relevant with respect to countering age discrimination. The first is to set up a Tripartite Alliance for Fair Employment Practices, comprising the Government, trade unions and employers, with a view to promoting fair and equitable employment practices. The second calls for consideration of legislation for the re-employment of workers aged 62 and above by 2011.

Non-governmental organizations have a vital role to play in encouraging employers to remove age barriers and carry out associated research. The largest such organization in terms of membership is the AARP. The organization represents a broad range of interests of older Americans aged 50 years and over, both within and outside the context of their working lives.

The African Union Policy Framework and Plan of Action on Ageing is the outcome of a cooperative endeavour between HelpAge International Africa Regional Development Centre and the Organization of African Unity. This policy document, which was adopted during the 38th Ordinary Session of the Assembly of Heads of State and Government of the OAU in Durban, South Africa, in July 2002, states as its very first recommendation that Member States should recognize the fundamental rights of older persons and commit themselves to abolishing all forms of discrimination based on age. Among the actions put forward are the development and review of legislation to ensure that older people, especially women, receive equitable treatment from customary and statutory laws, including the review of legislation on property and land rights, inheritance and social security

All in all, proactive and concerted efforts by all of the key players can go a long way towards erasing negative stereotypes and removing barriers to enhanced employment opportunities for older workers. Age management can take the place of age discrimination and provide a cornerstone to “active ageing”. Through this process, older people can expect to live longer and healthier lives, with a better quality of life within and/or outside the labour force, according to their choice.

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