SYNTHESIS REPORT I - 2011
OLDER WORKERS, DISCRIMINATION AND EMPLOYMENT

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TABLE OF CONTENTS

EXECUTIVE SUMMARY ........................................................................................................5

1 INTRODUCTION ................................................................................................................9
   1.1 The purpose of this report .........................................................................................9
   1.2 The preparation of this report ............................................................................... 9
   1.3 The starting point for this report ................................................................ ..........10

2 CONTEXT ..........................................................................................................................12
   2.1 Demographic situation ...........................................................................................12
   2.2 The contribution of the EU .....................................................................................12
   2.3 Recent developments ...............................................................................................13

3 LABOUR MARKET SITUATION OF OLDER PEOPLE ..............................................15
   3.1 Activity rate among older age groups .................................................................15
   3.2 Unemployment rate for older people ................................................................. 16
   3.3 Retirement ages .......................................................................................................17

4 EXPERIENCE OF LABOUR MARKET DISCRIMINATION AMONG OLDER PEOPLE .........................................................................................................................19
   4.1 Cases and complaints .............................................................................................19
   4.2 Stereotyping .............................................................................................................21
   4.3 Access to the labour market ...................................................................................22
       4.3.1 Job advertisements .......................................................................................23
       4.3.2 Recruitment ....................................................................................................23
   4.4 Older workers in the workplace ...........................................................................25
       4.4.1 Working conditions ......................................................................................26
       4.4.2 Workplace training .......................................................................................27
       4.4.3 Promotion ......................................................................................................29
   4.5 Multiple discrimination ..........................................................................................29
       4.5.1 Gender and age ..............................................................................................29
       4.5.2 Disability and age ............................................................................................32
       4.5.3 Ethnicity and age ............................................................................................33

5 GOVERNMENT POLICIES .............................................................................................34
   5.1 Policies to improve labour market participation ..................................................34
       5.1.1 Reducing stereotyping ..................................................................................34
       5.1.2 Improving access ............................................................................................35
       5.1.3 Improving retention .......................................................................................36
   5.2 Policies to combat age discrimination ....................................................................37
   5.3 Policies in relation to retirement age .......................................................................37
6 STAKEHOLDER PRACTICES .................................................................39
   6.1 Company practice .................................................................39
   6.2 Equality bodies practice .......................................................41
   6.3 NGO practice ..................................................................41
   6.4 Trade union and employer association practice .....................42

7 PUBLIC OPINION ........................................................................ ....44
   7.1 Perceptions of age discrimination in the Member States ..........44
   7.2 Intergenerational solidarity ....................................................46
   7.3 Media and public debate .......................................................47

8 CONCLUSIONS AND RECOMMENDATIONS ...............................49
   8.1 Conclusions .......................................................................49
   8.2 Recommendations .............................................................53

LIST OF REFERENCES ...........................................................................57
ANNEX 1 PROPORTION OF THE POPULATION OVER 65 IN
   PERCENTAGES, 2010 .......................................................................63
ANNEX 2 LEGAL RETIREMENT AGES .................................................64
ANNEX 3 ACTUAL AVERAGE RETIREMENT AGES, 2009 .................65
ANNEX 4 AGE GROUPS AND EMPLOYMENT RATES IN
   PERCENTAGES, 2011 .....................................................................66
ANNEX 5 EQUALITY BODIES AND AGE DISCRIMINATION ...............67
ANNEX 6 ACTIVITIES OF TRADE UNIONS AND EMPLOYERS’
   ORGANISATIONS IN ACTIVE AGEING .......................................72
EXECUTIVE SUMMARY

Aim and content of the report

The aim of this report on older workers, employment and discrimination is to describe the situation of older workers in the labour market, to describe and analyse discrimination experienced by them and to analyse the socio-economic impact of discrimination against older workers.

The report starts with a brief contextual chapter to establish a number of the factors relevant to addressing the challenge of age discrimination in employment: the demographic situation, the contribution of the EU and the current situation of economic crisis.

In a next step the labour market situation of older people is described. The labour market situation is set out in terms of activity rates, unemployment rates and retirement ages. Retirement age is given particular prominence, as this is a key issue for older workers and is a key tool in government policy.

Subsequently, the labour market experience of older people is examined in terms of discrimination cases under equal treatment legislation, stereotyping, older people experiencing discrimination in accessing employment and older people experiencing discrimination in the workplace. There is a particular focus on the issue of stereotyping, as it appears to underpin much of the discrimination experienced by older people in employment. The intersection of the grounds of gender, disability and race with the ground of age are then examined in terms of multiple discrimination experienced by older people.

The report goes on to examine government measures in relation to employment and older people. The contribution and role of individual companies, equality bodies, NGOs and social partner organisations is then explored.

Public opinion in relation to age discrimination and intergenerational solidarity in the Member States is reported on next, with a particular focus on the media, both as an actor to influence public attitudes and as an indicator of these attitudes.

Summary of conclusions

The conclusions in this report can be summarised as follows.

Older people experience disadvantage in the labour market in terms of lower activity rates. Discrimination is a significant barrier for older people in their access to and participation in the workplace. This situation coincides with high levels of unemployment among young people.
This challenges policy makers to take an intergenerational approach to policy making to ensure that they respond to the needs of both age groups and reduce the threats posed to intergenerational solidarity.

There is a negative stereotypical image built up of older workers as being slow to learn, inflexible, costly and out-of-date. This stereotyping of older people is identified as a significant enabler of the discrimination they experience and a factor in under-reporting where older people internalise the stereotypes and fail to see their experience of discrimination as discrimination.

The discrimination issues in access to work relate to direct discrimination in job advertising that specifies age requirements, as well as direct discrimination at the point of recruitment. Discrimination suffered by unemployed older workers in seeking to re-enter the labour market results in substantial risks of long-term unemployment.

Age discrimination at work includes termination of employment contracts on the ground of age. Older workers can also feel pressured due to stereotyping and age discrimination in the workplace to leave the labour market. This affects wellbeing and morale at work. Discrimination in the workplace also impacts on the promotion prospects of older workers and results in their under-representation in workplace training.

Age discrimination is perceived as often intersecting with the grounds of gender, disability and racial or ethnic origin, although evidence of specific acts of multiple discrimination is difficult to find. Nevertheless, situations of double disadvantage among, for example, older women, people with disabilities or older minority ethnic people can be evidenced and require a policy response.

Policy action to improve labour market participation of older people includes the development of policy and programmes in order to challenge stereotyping of older workers, to enhance employability and stimulate employers to hire older people, to stimulate employers to invest in their older workers and to encourage employees to stay longer in the workplace.

The main policy tool to combat age discrimination is equal treatment legislation. There are varying levels of ambition evident in this legislation ranging from provisions to prohibit discrimination to provisions that require a more proactive approach to age equality by employers.

The main thrust of policy in relation to retirement ages is to raise the legal retirement ages in the Member States. A more nuanced perspective would be flexibility in retirement ages, systems to enable gradual retirement and mechanisms to allow a combination of income from work and from pensions.
Individual companies, equality bodies, NGOs and social partner organisations all play roles in improving the labour market participation of older people and in combating age discrimination.

Many companies have developed age diversity strategies and have implemented good practice in the recruitment and retention of older workers. However, many companies have yet to understand or respond to the business case for age diversity and to invest in good practice on this issue.

Equality bodies exist in all Member States, but not all have a remit on the ground of age and this limits efforts to address age discrimination. Many report issues due to limited resources.

NGOs advocate the interests of older people in many Member States. However, it would appear that there can be limited engagement by NGOs with workplace related issues and this might usefully be further developed.

Social partner organisations are taking an increasing interest in the issue of active ageing. It will be important to further mobilise their interest in this area.

The potential to challenge age discrimination is undermined and intergenerational solidarity is diminished where there is a lack of awareness of the fact that age discrimination is prohibited. The current limited media focus on age discrimination and intergenerational solidarity emerges as a barrier to change. However media coverage is reported to be growing and it could play a key role in shaping future public opinion and public debate.

A broad range of stakeholders emerge as playing roles in enhancing the labour market participation of older people and combating age discrimination. Government policy is key in this regard. Particular challenges emerge in relation to developing policy on retirement ages. Equality bodies, NGOs and social partner organisations have all made important contributions. It is clear that there is a greater contribution still to be mobilised from these important stakeholders.

Summary of recommendations

At a European level the implementation of the Europe 2020 growth strategy and its flagship initiatives and the 2012 European Year for Active Ageing and Solidarity between the Generations offer opportunities to address the issues identified. Seven core themes emerge from this report which merit attention mostly at Member State level.

*Discrimination* – Equal treatment legislation is the key policy response to age discrimination. The very likely significant under-reporting and varying number of complaints amongst several EU countries in relation to age suggests that the legislative and institutional infrastructure needs to be reviewed to secure its
fitness for the purpose of eliminating age discrimination and that further efforts are needed to make older citizens aware of their rights.

**Retirement age** – Legal retirement ages are currently a focus for policy makers in many Member States. Different approaches are being pursued by Member States: a) definitive raising of the retirement age and b) developing flexibilities around the retirement age, gradual retirement and combining work and pension income. Peer learning on these different approaches between the Member States and a process of defining good practice in this policy area is needed.

**Policy strategy** – The complexity of the disadvantages and discrimination experienced by older people suggest that government policy is most effectively developed and implemented as a coherent strategy. The parameters to be pursued within such a policy strategy include:

- Enhance the image of older workers.
- Improve the employability of older workers.
- Stimulate employers to recruit older workers.
- Support employees to work longer.
- Stimulate employers to retain older workers.
- Secure flexibility in retirement possibilities.

**Good practice within companies** – Companies across the Member States have developed a body of good practice in the management of age diversity. There are limitations in the take-up by companies of this practice, hence it is important to share it, to communicate the business case for its implementation and to support a critical mass of companies to implement such practice in each Member State.

**Mobilising the social partners** – Trade unions and employer’s associations play important roles in supporting the labour market participation of older people and in combating age discrimination. The relevant organisations at a European level have usefully developed a ‘Framework Agreement on Inclusive Labour Markets’ which could be the basis for further activity with a particular focus on older workers.

**Intergenerational solidarity** – The current situation of economic crisis poses threats to intergenerational solidarity. Renewal of the concept of intergenerational solidarity and development of new approaches to sustaining it need to be a policy objective and a policy theme.

**Intersectionality** – Older women, older people with disabilities and older minority ethnic people emerge as experiencing particular disadvantage. Policy initiatives which target women, people with disabilities and minority ethnic people need to take specific account of age diversity in their design and implementation. Likewise, policies which target older people need to have built into the design the objective that they benefit different groups of older people.
1 INTRODUCTION

1.1 The purpose of this report

This synthesis report is focused on older workers, employment and discrimination. It has a threefold purpose to:

a. set out the situation of older workers on the labour market;

b. describe and analyse the discrimination issues experienced by older workers in relation to employment;

c. analyse the socio-economic impact of discrimination against older workers.

1.2 The preparation of this report

This synthesis report has been prepared on the basis of reports prepared by national experts in the 27 Member States. The national reports examined the following areas:

a. The demographic situation in the Member State.

b. The labour market situation of older men and women in terms of employment, self-employment, unemployment and inactivity.

c. The obstacles for older people in access to employment and evidence of discrimination in this area.

d. The obstacles for older people in the workplace and evidence of discrimination in this area.

e. The experience of multiple discrimination with a particular focus on older men and women, older people with disabilities and older minority ethnic people.

f. Public opinion in the Member State towards age discrimination and intergenerational solidarity.

g. Government measures to improve labour market participation by older people and to fight discrimination against older people, including a particular focus on the role of equality bodies.

h. The role of NGOs, trade unions and employer associations in relation to fighting age discrimination.

i. Good practice by enterprises and business associations to ensure the presence, welfare and participation of older workers.
1.3 The starting point for this report

Age discrimination in employment is the starting point for this report. Discrimination on the ground of age in employment is prohibited under the Council Directive establishing a general framework for equal treatment in employment and occupation (2000/78/EC). This usefully defines three forms of discrimination:

a. Direct discrimination is defined in terms of one person being treated less favourably than another person is, has been or would be treated in a comparable situation because of their age.

b. Indirect discrimination is defined in terms of situations where an apparently neutral provision, criterion or practice puts people of a particular age at a disadvantage compared to people of another age.

c. Harassment is defined in terms of unwanted conduct related to the person’s age that has the purpose or effect of violating the dignity of the person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Ageism is the underpinning concept for this synthesis report. It is the concept through which the experience and situation of older people in employment can best be analysed and understood. Ageism turns the biological phenomenon of ageing into a social phenomenon, where associations are created between chronological age and what is, or is not, expected of a person of that age.

Ageism raises issues of stereotyping and how the characteristics of people are defined on the basis of their age. Stereotyping is the cornerstone around which the discrimination experienced by older people is constructed. Stereotyping is therefore the first element addressed in the analysis of discrimination experienced by older people which is presented in this synthesis report.

Ageism and stereotyping create the conditions for age limits and the exclusion of older people on the basis of age limits. This is because age limits take no account of the personal circumstances of the individual. The issue of age limits for older people can often revolve around retirement and different retirement ages. A particular focus is given to this issue in this synthesis report.

Ageism involves a combination of institutional practices, individual behaviours and relationships between older people and others. This combination provides the framework for the understanding of discrimination in this report.

a. Ageist institutional practices can emerge in the form of indirect discrimination. There is limited jurisprudence in this area. Indirect discrimination becomes visible in the outcomes in the labour market for
older people. The presentation of the labour market situation of older people can therefore be examined for indicators of discrimination.

b. Ageist individual behaviours can emerge as direct discrimination in the workplace. There is some case law developed under equal treatment legislation in this area.

c. Ageist relationships can include harassment in the manner in which colleagues relate to older people in the workplace.
2 CONTEXT

This chapter provides a context for the description and analysis of the experience of older people of discrimination in employment in the chapter that follows. It identifies three factors with the capacity to influence and shape this experience. These are the demographic situation in the Member States, the contribution of the EU and recent developments in terms of economic crisis.

2.1 Demographic situation

It is well known that the demographic structure in the Member States is changing due to ageing. People live longer and the fertility rate is decreasing, which results in a larger proportion of people aged over 65. The situation in the Member States varies slightly, but in all countries there is the same trend towards a larger share of the 65+ group in the total population in the near future. This will lead, for example, to there being 27% of people over 65 in Poland by 2027 and 33% in Italy by 2051.¹

Two countries have relatively young populations:

- The only country reporting that its population is getting younger is Luxembourg. Luxembourg is a country of immigration and benefits from the generally younger age of immigrants.
- The population of Ireland is relatively young with 67% under 44 years of age and a small proportion of people over 65. Whereas life expectancy in Ireland is below the EU average but increasing, it is expected that the proportion of older people in the total population will rise considerably in a short time. In 2021 the proportion of older people will have grown by 55%.

2.2 The contribution of the EU

All Member States are experiencing this process of significant ageing of the population. This has a serious impact on the European workforce, as the number of people who are part of the workforce will start to shrink, while the number of people who leave the workforce due to ageing will continue to increase by about two million people per year.

This presents challenges for the EU and all Member States in:

a. ensuring the sustainability of public finances, in particular the financing of healthcare and pensions;

b. realising the contribution that older people make to society and to the economy;

c. achieving social inclusion, equality and intergenerational solidarity.

¹ See Annex 1 for data on percentage of the population over 65 in the Member States.
Age discrimination in employment acts as a barrier to the extension of working lives and to the social inclusion of older people. In limiting the choices of and opportunities for older people, it has a negative impact on the wellbeing and ultimately the health of older people.

The European Union has responded to these and other challenges faced by older people through a range of initiatives including:

a. enacting Council Directive (2000/78/EC) to prohibit discrimination on the age ground in employment and occupation and proposing a Directive to prohibit age discrimination beyond the labour market;
b. including a focus on older people in Europe 2020 – A strategy for smart, sustainable and inclusive growth;
c. launching the European Year for Active Ageing and Intergenerational solidarity 2012.2

2.3 Recent developments

The economic crisis is changing the composition of the labour market and, in certain areas, has had an impact on the ability of older workers to remain in their current employment or to be re-hired following dismissal. In several countries age discrimination in employment has become a more significant issue. Financial losses and pressure to perform on the job have made older workers more insecure. Age stereotyping persists and could be exacerbated.

Older people have become a growing focus for policy makers, with increasing unemployment, prolonging working life and raising the retirement age on the policy agenda.

However, in most Member States the unemployment rate in the older age groups has not risen more than for other age groups during the crisis to date. This could be due to older people moving into retirement or inactivity. The main problem for older workers is their limited chances for re-employment once unemployed and this could lead to long-term unemployment.

The economic crisis has had a significant negative impact on the labour market situation of young people who are experiencing high levels of unemployment. In a context of limited employment opportunities for all, these high levels of unemployment, coupled with the labour market disadvantage of older people and allied to a policy context that seeks to prolong working life for older workers, may throw the different generations into competition with each other which may in turn be a source of intergenerational tensions. This issue is raised in the national reports and the importance of sustaining intergenerational solidarity is indicated in this report.

http://ec.europa.eu/social/ey2012.jsp
Consequently, there is a dilemma for policy makers. On the one hand there is the imperative to address the high unemployment rates of young people. On the other hand there is the imperative to address the labour market disadvantage of older people and to prolong working life to respond to the aspirations of older people and also to address public finance and dependency issues. This dilemma demands that policy makers take an intergenerational perspective in assessing and responding to the needs of both these different age groups. While this report is focused exclusively on older workers, it is not inconceivable that a future report might have to focus on discrimination and disadvantage experienced by young workers.

In **Estonia**, in the early 2000s, the economic situation was positive, with stable economic growth, a low or moderate unemployment rate and an increase in people’s incomes. All generations benefited from these developments. In 2004-2008 the unemployment rate among people in the 50-74 age group was always lower than in the working age group (25-49). Their labour force participation rate slightly increased, partially due to the increase in the retirement age for women. With the rapid rise of the unemployment rate in the crisis years of 2009-2010 for all age groups, the unemployment rate of those aged 50-74 was still slightly lower than for those aged 25-49 (for both men and women). Looking at the situation of specific age groups, a relatively high unemployment rate was registered for those aged 55-59 in 2010 (but not in 2009).

In **Greece**, the current economic crisis has brought about significant changes. Greece is currently struggling to secure the future viability of the pension system and achieve a better functioning and more equitable labour market by helping the ‘outsiders’ (typically women and young people) secure jobs. While these are vital for increasing Greece’s chances of recovery, older workers may be adversely affected.

In the **UK**, one of the significant developments of the recent recession is the increase in flexible working. This has not all been positive, as people have been forced to go part-time or even have their wages cut. But one reason for the relatively low increase in unemployment is because more workers have accepted alternative work practices, and this is likely to increase in the future. However, the current coalition government (Conservative/ Liberal Democrat) in the UK is seeking to remove what it views as ‘excessive’ regulation or ‘red tape’.

(http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/). It has indicated that it will remove the right to request flexible working and has also suggested that other workplace benefits are simply too costly for employers to provide. This will obviously weaken the rights of employees. It could also result in people working longer to earn income to escape old age poverty.
3 LABOUR MARKET SITUATION OF OLDER PEOPLE

This chapter describes the position of older workers in the labour market. An overview of the activity rate of older age groups is provided as well as of the unemployment rate among older age groups in comparison to other age groups. The chapter concludes with an overview of the retirement ages in the Member States.

3.1 Activity rate among older age groups

In many Member States employment and labour market activity rates begin to decrease in the 55-60 age group and falls significantly after the age of 60. The activity rate for older age groups is, in general, significantly lower than for younger age groups. From the age of 55 onwards, people tend to withdraw from the labour market. This withdrawal is more pronounced and starts earlier for women. There is a significant relationship between the inactivity rate and the possibilities for retirement and a culture of early retirement.

The labour market fields where older workers can be found vary from country to country. Some national reports note an over-representation of older workers in public administration. Others point to an over-representation in industrial occupations such as machine operators. The agricultural sector is also often mentioned in this regard. In addition, there is considerable variety in the educational level required for the jobs and fields occupied by older workers. Some national reports note that older workers are more often employed in lower grade jobs and the level of education attained by this generation is lower than for younger generations.

Examples of the influence of education level for older workers.

- **Sweden** reports that more highly educated people, in particular men, who are employed as knowledge workers, e.g. working at universities, tend to work longer, very often past the legal retirement age.
- Data from Statistics **Denmark** show that higher education also means a higher employment rate and retirement age.
- The **Luxembourg** report mentions that the employment rate of lower educated people is 58%, while people with a post-secondary diploma have an employment rate of 83%.

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4 See Annex 4 for an overview of employment rates by age group in Member States.
In 12 Member States a large proportion of older workers are self-employed. There are several explanations for this phenomenon. One of them is that self-employed workers tend to work longer than other workers and another is that people in older age groups more often work in fields where self-employment is common, such as the agricultural sector. A further explanation is that older workers can afford to take the risk of being self-employed, since they are no longer looking after dependent children. However, there are also some countries where self-employment is higher in other age groups, for example among 44-50-year-olds (Romania, Slovenia and Slovakia).

The employment rate for women in almost all Members States in all age categories is lower than the employment rate for men. However, the differences are greater in the older age groups.

### 3.2 Unemployment rate for older people

The unemployment rate for older people in most countries does not significantly differ from other age groups, except for the youngest age groups (15-25). In general this youngest age group has the highest unemployment rate. The older age group was not more severely affected in this regard by the economic crisis than other age groups. The unemployment rate increased, but not more than for other age groups.

#### Examples of unemployment rates among older workers.

- Exceptionally, in France the unemployment rate among older workers increased. This can be explained by the fact that the minimum age of eligibility for exemption from actively seeking work was increased, rising from 57.8 to 58 years in 2009, to 59.4 in 2010 and 60 in 2011.
- In Greece the unemployment rates among older workers were at a markedly lower level in 2009 than the average for all age cohorts. This was due to strict employment protection regulations and high rates of self-employment.

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5 Austria, Czech Republic, Denmark, Greece, France, Italy, Luxembourg, the Netherlands, Poland, Portugal, Sweden and the UK.
However, the risk of long-term unemployment rises significantly with age, due to particular difficulties in re-entering employment. Difficulties in entering (or re-entering) the labour market may begin from the age of 45 in some countries, such as Hungary and Romania. In most EU Member States people who are over 50 and become unemployed for whatever reason have great difficulties in finding a new job and often experience long-term unemployment.

The lower re-employment chances for older workers could also indirectly influence the unemployment rate among older people. Older people who become unemployed may choose to move directly to inactivity or, when possible, early retirement. The discrepancy between the lower activity rates in the older age groups and the fact that the unemployment rates in the older age groups are not different from those for other age groups could be explained by such choices being made by older people.

**Examples** of the risk of long-term unemployment for older people.

- The Dutch report describes the position of older workers in the labour market as a golden cage. Their positions are safe as long as they stay with the same employer, but changing jobs is difficult and if they lose their jobs, it is virtually impossible to find another.
- In Romania a person who becomes unemployed and is over 45 has a clear disadvantage in finding a job.
- In Bulgaria the longest periods of unemployment are registered for people in the 50+ age group (9.2 months).
- In Poland the average period for seeking employment among people in the 44-54 age group is 11.8 months, while in the 55-74 age group it is 38.7 months.
- In Belgium being or becoming unemployed for people aged 50+ often means a definitive withdrawal from the labour market. This applies even more to the women in this age group.

### 3.3 Retirement ages

The legal retirement ages in the EU Member States range from 60 to 68. Some countries still have different retirement ages for men and women and different retirement ages for specific professions. For example, in Finland dancers can retire at the age of 44, engine drivers at 55 and nurses at 58. In Bulgaria military staff and secret service employees can retire at 45. Some EU Member States have a legal general retirement age, whereas in other countries the retirement age is established in collective agreements for each branch of industry.

A comprehensive overview of all legal retirement ages is difficult to present, because in some countries retirement may depend on different factors, such as the number of years worked (e.g. Bulgaria) or, for women, on the number of children raised (e.g. Czech Republic).
In Sweden the retirement age is flexible (between 61 and 67) as it is in Finland (between 63 and 68). In France the minimum state pension age is 60 but the full pension is gained at 65.\textsuperscript{6}

In most Member States the opportunity currently exists to retire earlier than the legal retirement age. These early retirement possibilities often originated from measures taken during previous economic downturns, when policies were developed to create opportunities for younger people. Labour market policies used early retirement as a tool to combat unemployment. The policies in the Member States are now increasingly aimed at stimulating older workers to remain active. Gradually, early retirement schemes are likely to disappear, resulting in an average retirement age which will be nearer to the legal retirement age.

However, the \textit{actual} average retirement age in most Member States, although rising, is still lower than the legal retirement age.\textsuperscript{7} There are a variety of reasons for this. For example, in France there seems to exist what can best be described as an “early exit culture”. It is reported that it is not easy to change the preferences and attitudes of the majority of employees and employers in this regard.

\textsuperscript{6} See Annex 2 for an overview of the legal retirement ages in Member States.

\textsuperscript{7} See Annex 3 for an overview of the actual retirement ages in Member States.
4 EXPERIENCE OF LABOUR MARKET DISCRIMINATION AMONG OLDER PEOPLE

This chapter describes and analyses the experience of older people of discrimination in employment. The chapter opens with an examination of casework on the ground of age under equal treatment legislation and the matter of under-reporting. It then addresses the issue of stereotyping, given its centrality in the practice of discrimination against older people in employment. The experience of discrimination by older people in seeking to access work and at work is then examined. The chapter concludes with a focus on multiple discrimination which examines the intersections of gender and age, disability and age, and ethnicity and age.

4.1 Cases and complaints

Equinet, the European network of equality bodies, recently published a study on age discrimination. In a 2011 survey equality bodies reported very different numbers of complaints and enquiries relating to age discrimination, with their share of all complaints/enquiries/cases received ranging between 20% in Austria and around 3% in Great Britain (United Kingdom), Ireland and Bulgaria.

The Equinet report reveals the main areas in which older people are reporting experiencing discrimination to equality bodies. In the field of employment age limits – stated and unstated – emerge as a significant issue. Most complaints concerned:

- job advertisements;
- access to employment and recruitment;
- dismissal;
- forced retirement.

A smaller number of equality bodies also reported issues of harassment in the workplace and discrimination in promotion.

The results of the Equinet study are in line with the findings of national reports. The reports note that most cases filed concern discrimination in access to employment, followed by cases relating to the termination of employment contracts on grounds of age. Reasons given by employers for such contract termination include:

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employers want to address a young client base;\(^9\)
employers want to reduce salary costs;\(^{10}\)
employers hold the opinion that older workers lack team skills.\(^{11}\)

**Examples** of age discrimination cases.

In **Finland**, a company called Outotec was found guilty of age discrimination in the Supreme Court. The company had hired new (and younger) personnel and laid off people aged over 57. The district court of Finland Proper ordered the paper company Metso Paper to pay compensation to a former employee because the employee had been laid off for invalid grounds. The employee had been told that there was less work due to economic fluctuation. At the same time, the company had hired a new person who was 30 years younger than the complainant.

However, the country reports also show many examples where few complaints are filed. It would appear that there is significant under-reporting by older people. This matter is also raised in the Equinet report, in which it is suggested that this is a particular issue in many countries where it is seen as normal or justifiable to discriminate on the age ground and a culture emerges where older people accept or do not recognise discrimination.

Reasons identified in the national reports for this under-reporting include the following.

- Employees are generally reticent about filing a complaint on discrimination or harassment if they want to keep their jobs.
- Age distinction based on stereotypes and preconceptions can be hard to prove.
- Low awareness of the possibility of asserting one’s rights.
- Low penalties for employers for failure to comply with labour laws.
- Fear of long and onerous judicial proceedings.
- Fear of deterioration of the working atmosphere on the eve of retirement.

Because of the growing awareness of age discrimination and the increasing wish of older workers to remain employed the number of complaints reported could be expected to rise.

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\(^{10}\) Austria, Equal Treatment Commission (*Gleichbehandlungskommission*) II/105/10, [www.bka.gv.at/DocView.axd?CobId=42390](http://www.bka.gv.at/DocView.axd?CobId=42390)

4.2 Stereotyping

Stereotyping is at the heart of many forms of discrimination but it plays a particularly powerful role in relation to age discrimination. Stereotyping is a process whereby all members of a particular group are labelled with so-called group characteristics. These characteristics are fixed and unchanging and the process inevitably over-simplifies complex social realities.

Stereotyping of older workers is commonplace across Europe and contributes to discrimination in the hiring, promotion and retention of older workers. Although there has been limited research into stereotyping of older people in the Member States, most national reports note that stereotyping of older workers is widespread and creates an atmosphere conducive to their early deactivation and to blocking their professional mobility.12

Some national reports note that age stereotyping should be regarded as one of the main reasons for age discrimination. As a result of stereotyping, older workers can, for example, be under-represented in workplace vocational training and job promotion. Others report that it is quite common to hear from older people that their age was the reason for not being hired for work or not being considered for promotion.

However, employers do not often admit that they are not hiring people because they are older or because of stereotypes they hold about older workers. Occupational age segregation can nevertheless result from age stereotyping. Stereotyping can lead to employers expecting older people to work in particular sectors and can therefore serve to block their employment in other sectors. Moreover, stereotyping can affect decisions of employers to employ older people in certain positions and may also discourage older people from applying for those positions.

A recent manual published by the Institut Universitaire International Luxembourg identifies some common stereotypes concerning older workers in Luxembourg society which may be deemed to apply across all Member States. These stereotypes include the notions that:

- "(older workers) are not flexible, they have difficulties dealing with stress and do not know how to adapt, particularly to new technologies."
- "An unemployed older worker is an incompetent older worker."
- "Older workers want a managerial and decision-making position."
- "Older workers cost too much."

Stereotypes are longstanding and resistant to change and thus necessitate concerted action to change public awareness if older workers are to have real choices about remaining in the labour market.

4.3 Access to the labour market

The national reports highlight obstacles in access to the labour market for older people. The key obstacles reported are discriminatory job advertising and discrimination at the point of recruitment. These obstacles are dealt with in the next two sections.

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14 Interview with the Director of the Socialisation and Vocational Training Centre of Lithuania (Socializacijos ir darbinio mokymo centras; http://www.sidmc.org), 19 January 2011 by the Lithuanian expert. Activities of the Centre include support for the labour market integration of older people.
4.3.1 Job advertisements

Discriminatory requirements in job advertisements are reported in several national reports. These advertisements can be seen as proof of direct age discrimination. For example, research in Belgium screened 2,798 advertisements and found 11% to have a direct or indirect link to age criteria, the following year the figure was found to be 7%.

These age-related references indicate an assumption that during the selection process, age criteria will be (implicitly) used in the decision-making process.

**Examples** of direct discrimination in job advertisements.

- Many of the cases and complaints reported to the Bulgarian Non-discrimination Commission are related to job advertisements, primarily on the internet. On www.jobs.bg (one of the most popular sites in Bulgaria for job adverts) there are several announcements where a specified age is mentioned as one of the main requirements for applicants. Most often the age limit is 35.
- A study carried out in France in 2001 showed that one fifth of French job advertisements made reference to age. More than 90% of these advertisements were targeted at 25-40-year-olds.
- In Germany, examples of online advertisements can be presented which explicitly addressed applicants between 25 and 50 years old.
- In Estonia, the Commissioner for Gender Equality and Equal Treatment reported that she has received several complaints concerning age, sex and other discrimination in job advertisements.
- In Italy, research carried out in 2004 by Laboratorio Armonia (Sda-Bocconi) analysed data from advertisements seeking employees. Of the 5,189 advertisements (published between 1993 and 2004) 42.4% included explicit age requirements. The most requested age (in 86.9% of cases) was under 44.

4.3.2 Recruitment

It is reported that discrimination frequently occurs at the point of recruitment. The evidence for this obstacle is mainly based on opinions, but is generally perceived in all Member States, according to the Eurobarometer results. Moreover, further evidence can be found in cases brought to Ombudsmen, equal opportunities offices or court, as shown in the examples in the box below.
Examples of complaints filed on discrimination in access to the labour market.

- In Germany, age discrimination constitutes the most frequent ground of legal action on discrimination. In 2010 the Federal Anti-discrimination Office received 1,441 complaints from citizens. Of these, 242 (18.62%) were related to age discrimination, compared with 17.7% in 2009 and 15.84% in 2008.
- The Italian report gives information about four cases reported to the National Office Against Racial Discrimination (Ufficio Nazionale Antidiscriminazione Razziale, UNAR).
- Latvia reports that the total number of complaints concerning age discrimination made to the Ombudsman’s Office in 2007-2010 was 49.
- In Malta, 38% of people who claimed to have been discriminated against on the ground of age felt discriminated against when seeking employment.
- Many age discrimination complaints have been filed with the Dutch Equal Treatment Commission (Commissie Gelijke Behandeling, CGB). Most of these complaints relate to the recruitment and selection of personnel by employers. In 2009 the CGB received 105 complaints of age discrimination relating to employment, which is 22% of the total number of complaints it received.
- Slovakia has seen a significant increase in complaints submitted to the Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudské práva, SNHCR) in the area of labour. Several applicants described that they were openly told that a position was not suitable for them due to their age.

Some studies identify recruitment as being the stage where businesses display the most reluctance in relation to older workers. The reluctance of businesses and organisations to recruit older workers appears to have several causes. Persistent stereotyping of older people is one of the main ones. Older workers are stereotyped as being less flexible, slower, unable to learn new skills and being sick more often than people from younger age groups.

A second cause identified is that employers expect older people to lack necessary skills and knowledge, such as IT and languages. This expectation has some ground where, in some countries, older cohorts had fewer educational opportunities to be trained in foreign languages and to become familiar with new technologies.

Employers are also reported as being reluctant to hire older workers because of the higher costs they fear.

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This is reported particularly in those countries where salary has a progressive basis and increases with the number of years worked and/or where older workers are entitled to more regular days off or are allowed to work fewer hours a week. These positive measures to enable older workers to work longer can be used against them.

Examples of age discrimination in recruitment.

- In Finland, a study was conducted showing that one third of employers did not even know that it is prohibited by law to discriminate on the ground of age.
- In Hungary, individuals over 45 face discrimination when looking for employment. Insufficient knowledge of foreign languages and lack of computer skills are used as arguments to reject applicants over 50; however, many other stereotypes also make it difficult for this age group to find work.
- In a study in Portugal in 2007 a sample of 700 people was surveyed and 50 managers were interviewed on issues related to age discrimination and work. The vast majority of the respondents (80%) said that there was discrimination against older workers and that this discrimination occurred mainly during recruitment.
- In Poland, an experiment was conducted using fictitious CVs of two women and two men, one of them aged 40 and one of them 54. The chance of receiving an invitation for a job interview proved to be highly dependent on age.

Once unemployed, age discrimination in recruitment makes re-entry into the labour market for older workers far more difficult than for younger workers. An important consequence of age discrimination in recruitment is therefore the risk for older workers of long-term unemployment, as is reported in 12 of the national reports.

4.4 Older workers in the workplace

The national reports highlight obstacles experienced by older workers in the workplace. The key obstacles reported pertain to:

- working conditions;
- workplace training;
- promotion.

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There is an underlying issue of older people being pushed out of the workplace which emerges under working conditions. This picks up the issue of contract termination which is also identified in the national reports.

**Examples** of discrimination in the workplace.

- According to a study on the working conditions of metal workers conducted by FIOM-CGIL (the largest trade union in the Italian metal-working industry) in 2008, 4.7% of respondents declared that they had been subjected to age discrimination in the last 12 months.
- In the Dutch national survey of working conditions (NEA) 2009, 2% of all the employees who were interviewed indicated that age discrimination in the workplace occurs regularly, while the degree to which discrimination manifests itself varies by sector.

### 4.4.1 Working conditions

Older workers can benefit from salary scales and promotion related to length of service. Older workers can also benefit from laws which protect them against dismissal in situations of reorganisation or down-sizing, with employees who were first in being the last out.

However, age discrimination and stereotyping are reported to have an influence on the workplace atmosphere and on the motivation and energy of older workers. Older workers can feel pressured to consider early retirement or demotion. In the current economic crisis older people can feel marginalised and obliged to leave the workplace. This experience stems from different forms of discrimination, sometimes direct, mostly indirect and sometimes harassment. It includes insults from colleagues, lack of recognition and intolerant managerial attitudes.

In the Netherlands, since the introduction of the Equal Treatment in Employment (Age discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid, WGBL) in 2004, a debate has arisen on special schemes for older employees. Many collective agreements still contain schemes granting more favourable terms of employment to older employees than to younger ones. On the one hand, these “accommodation measures” may contribute towards older employees continuing to work for longer. On the other hand, they may weaken the labour market position of older employees, because they make them relatively expensive. These schemes may also lead to a negative image of older employees. According to the CGB, they may also be in conflict with the WGBL because they cannot be justified objectively. The government and social partners are therefore agreed that these schemes will be adjusted and that the emphasis will move towards schemes designed to encourage the employability of all employees, irrespective of their age.
Reasons for older workers to feel marginalised differ.

- In Denmark, in 2010 every sixth 55-59-year-old worker felt under pressure to consider early retirement to make room for younger colleagues due to the economic recession. HK-Denmark did an investigation among its members (7,000 participated) regarding discrimination in the labour market, which revealed that 40% of those who felt discriminated against in the labour market did so on the basis of age. Those most affected were people between the ages of 55 and 59 and those over 60.

- Evidence of discriminatory attitudes towards older workers in Bulgaria shows that these attitudes take different forms: age-related insults, unfavourable comments and sophisticated forms of aggressive attitude, such as inequality of wages and violations of equal working conditions.

- The Spanish national report notes that discrimination towards older workers seems to be far more common among employers than colleagues. According to experts, NGO representatives and recruitment agencies, discrimination against workers aged 45+ may take place in the context of restructuring and mass layoffs, such as in the current context of economic crisis. Older workers may have higher wage levels which is a source of difficulty in accessing employment in a time of economic crisis. However, employers tend to perceive younger workers as more malleable, more flexible and more computer savvy; they are seen to have fewer family burdens and, finally, have lower levels of unionisation and are less interested in collective bargaining. To some degree these perceptions reflect economic imperatives, but they are also based on prejudice and stereotypes.

- In France, older workers express overall significant dissatisfaction with certain aspects of their work. According to a survey conducted in May 2010, a total of 95% believe that work causes more stress than ten years ago, 53% do not feel that their professional activity is meaningful and 41% would be prepared to leave their company. Among the issues causing dissatisfaction, those which figured most highly were prospects for promotion or advancement (81%), quality of management (69%), pay (59%), the extent to which their initiatives are taken into account (59%) and lack of recognition of their professional usefulness (53%).

- There are also findings of the opposite type: according to the job satisfaction survey conducted among approximately 10,000 Hungarian employees as part of the Hewitt Inside Best Workplace survey, employees aged over 50 are far less critical of the top management and company operations. Older Hungarian workers explicitly feel a strong emotional bond with their workplace. They enjoy their daily work duties far more than the Hungarian average; they are the ones who endeavour to bring out the best in themselves day after day. This is the age-group which aims to perform above expectations.

4.4.2 Workplace training

Older workers in most Member States are under-represented in workplace training. Given their lower initial educational levels, older workers’ participation in such training should be more extensive than for workers of other ages.

However, companies do not appear to want to invest in older workers, as the length of their working life is perceived to be shorter than their younger counterparts.
However, barriers to training for older workers are not only on the employer’s side. Older workers may avoid participating in training programmes. The strategy of both employers and older workers seems to be focused on the notion of a limited working life and not on the value of lifelong learning. Stereotyping and discrimination underlie the attitudes of both employers and older workers themselves towards investing in training. The attitude of the older workers may also be influenced by previous experience of training. What is needed is training and training methodology designed to meet the needs of older workers.

The picture is not the same in all Member States. Some companies do provide training to their older employees, either to improve their employability or to ensure a professional ‘recycling’ that facilitates their adaptation to new technologies and management methods.

Examples of differences in extent of training opportunities for older workers.

- In Germany, only 10% of overall further education provision reaches the age group of 50-to-64-year-olds.
- In Denmark, there is no evidence of diminished opportunities for older workers for promotion or access to vocational training.
- A recent survey of the labour conditions for older workers in Spain by Adecco shows that a significant proportion of both unemployed (68.8%) and employed (46.5%) workers undertake training courses. The data provided by Adecco perhaps exaggerates the reality of training in and out of employment, as a longitudinal Eurofound survey of training of both self-employed and contracted labour shows significantly lower rates. However, the latter does show a substantial increase in the proportion of workers over 50 who have undertaken training paid for by their employer or from their own resources in the past year.
- The French national report states that the rates of continuing education decline steadily with age but age-related differences are less significant than those related to specific characteristics of the employee (level of academic qualification) or of the company (size and sector). Thus those in managerial occupations continue to receive more training than manual and non-manual workers. The most striking differences do not relate to age but to socio-professional category, since those in managerial occupations aged over 50 undergo more training than manual workers under 30.
- In Hungary, few individuals aged over 45 take part in adult training programmes. According to research, companies in Hungary (employing at least 50 employees) prefer to train employees under the age of 45; the older the employee, the less important their training is to the company.
- In Italy, there is some evidence that older workers are subjected to forms of discrimination as far as continuing vocational training (CVT) activities are concerned.
- In the Netherlands, a study showed that the number of training courses attended remained more or less the same up to the age of 55. Employees in the 55-64 age group take fewer training courses, but also indicate that they place less value on such a term of employment than younger employees would.
4.4.3 Promotion

In several Member States collective labour agreements and labour contract regulations can include rules for automatic promotion for employees after a certain number of years of employment in the same organisation. This is an advantage for older workers.

In many Member States, however, it is reported that employees aged over 50 who want to apply for a higher position within the same company or organisation experience difficulties. Discrimination in relation to promotion is at issue. Older workers are also less involved in workplace training, partly due to a lack of attention from their employers to their personal growth and advancement. This under-representation is likely to lead to fewer opportunities for promotion, although there is limited evidence for this.

Examples of the lack of opportunity for promotion for older workers.

- In Ireland, negative perceptions about older workers result in workers failing to be called for job interviews, not getting promotions, being made redundant or forced to retire early. Age Action, in conjunction with Contact Recruitment, ICTU and PARTAS carried out a research project funded by the EU and found that 38% of firms considered the promotion prospects for those aged over 50 to be fewer than for those aged under 50. These figures were even higher in the public sector (41%) and the retail sector (40%).
- Individual interviews carried out in 2007 with Polish employers from four selected sectors of the economy – education, services for companies and real estate, trade and repair, as well as manufacturing – revealed that they do not take near-retirement-aged workers (50-65 years of age for women and 55-70 for men) into account in planning promotions, assuming that it’s not worth investing in them. They feel that these employees are more at the “waiting for retirement” rather than the fully-fledged operations stage of their careers.

4.5 Multiple discrimination

Age as a discrimination ground, according to the Equinet Report,¹⁸ often intersects with the grounds of gender, disability and racial or ethnic origin in discrimination complaints handled by equality bodies. This finding corresponds with the national reports, although evidence of specific incidents of multiple discrimination is hard to find.

4.5.1 Gender and age

One example of multiple discrimination is the existence of different retirement ages for men and women in several Member States. In practice, however, the average retirement ages of men and women also differ, even when the legal retirement age is the same.

The gender differences in retirement age may, in some cases, result in a highly visible disadvantage for women in the labour market. Women who, due to motherhood, have interrupted their career, end up having, in comparison with men, limited opportunity to utilise experience and qualifications gained. Employers may abuse the earlier retirement age by refusing to extend the employment contract of a woman, due to the numbers of younger job seekers. The potential disadvantage to women in comparison with men also includes the fact that earlier retirement contributes (in addition to unequal pay) to gender differences in pension levels.

**Examples** of different retirement ages for men and women.

- The current **Czech** legislation sets different rules for men and women. It specially grants women a “retirement bonus”, depending on the number of children raised. The parenthood of men, and even of those who care for their children alone, is not taken into account in the pension insurance act.
- In **Germany**, different legal retirement ages for men and women were abolished during the last pension reforms between 2000 and 2006. The effective retirement age was 62 in 2007. Women experience disadvantage when they retire, for their professional careers are frequently interrupted by leave to care for family members, inactivity and unemployment or reduced by part-time work.
- The **Estonian** legislation introduced in 2001 does not prescribe a different retirement age for men and women and set the retirement age for both men and women at 63. Previously it was 60 for men and 55 for women. However, a transition period was foreseen for women born in 1944-1952. The new retirement age valid from 2017 is set at 65 and the transition period is evenly provided for both men and women born in 1953-1960.

In Austria the Ombud for Equal Treatment (**Gleichbehandlungsanwaltschaft**) reported several cases of automatic dismissals of women when they reach the legal retirement age of 60.19 Some collective bargaining agreements set out that reaching the legal retirement age is a legitimate ground for dismissal. Complainants argue that they are able and willing to work and consider different age limits for men and for women as discriminating on grounds of age and gender.20

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19 The legal retirement age entitles men and women to retire with a full pension.
Employment rates for women in the older age groups are lower than those of men. This applies to most Member States. Latvia provides an exception for the 55-59 age group. There is no evidence that these lower rates are caused by direct discrimination against older women but some national reports note situations that indicate multiple discrimination. In Hungary, according to the Legal Defence Bureau for National and Ethnic Minorities (A Nemzeti és Etnikai Kisebbségi Jogvédő Iroda), women aged over 45 are most frequently exposed to discrimination.

Women in the older age groups also work more in part-time jobs or in mini jobs. Partly because of this, women in the older age groups face a high risk of poverty. Discrimination in the labour market and structural discrimination factors, such as discontinuities in career paths and high levels of part-time working periods due to childcare and other caring responsibilities, contribute to a gender pay gap and consequently to lower pensions for women.

Discrimination on a combination of grounds is common in job advertisements.

- The Austrian Ombud for Equal Treatment in its last bi-annual report notes a company seeking female secretaries aged between 25 and 35, male fitters aged between 25 and 35 and a call to apply as ‘Christ Child’ directed at young women aged 16-20 with German as their mother tongue. In all cited cases the advertising agencies received a warning from the competent district administrative authority.
- In 2009 the Cypriot equality body filed an example of a multiple discrimination complaint regarding a job advertisement, found on an Estonian agency site, which discriminated on the basis of age and sex and was brought before the Equality Body by the Estonian Commissioner for the Equality of the Sexes. The job opening was a private company in Cyprus, through an agency, seeking to employ male cooks aged 35-40.

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21 See Annex 4 for employment rates.
4.5.2 Disability and age

Disability and age is reported as a second combination of factors that lead to multiple discrimination. The percentage of unemployed disabled people increases significantly with age. This phenomenon can only partly be explained by the fact that the proportion of people with disabilities also increases with age.
4.5.3 Ethnicity and age

In several countries there are discrepancies in the rates of unemployment and activity between older minority ethnic people and older people generally. However, the unemployment rates in all age groups are higher for minority ethnic people. In general older minority ethnic people face a higher risk of poverty than other older people.

Example of ethnicity and age and policy response.

In the United Kingdom there is evidence that older ethnic minority people are doing worse than older people overall. Pensioner poverty now stands at 18%, rising to 30% for older Black Caribbean’s and 49% for Bangladeshis/Pakistanis. This partly explains the previous government’s decision to initiate a pension fund for low-earners, a policy that the current government will soon implement.

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22 See, for instance, the situation in the Netherlands, Klein Hesselink et al (2009).
5 GOVERNMENT POLICIES

5.1 Policies to improve labour market participation

The Member States have had very broad and differing responses to improving the labour market participation of older people and combating discrimination against older workers in their societies. Some Member States have formulated and implemented active ageing strategies while others have implemented specific measures which actively intervene in the labour market.

Three types of policy intervention emerge from the national reports. These are policies to improve labour market participation, policies to combat age discrimination and policies in relation to retirement age.

Several types of government measures to improve labour market participation by older people can be distinguished from the national reports. They can be broadly grouped in three categories:

a. Policies to address stereotyping, which mainly include campaigns to improve the image of older workers.

b. Policies to improve access, which mainly include:
   - supporting employers to hire older workers;
   - supporting the employability of older workers

c. Policies to improve retention, which include:
   - supporting employers to invest in older workers;
   - supporting employees to work longer.

5.1.1 Reducing stereotyping

Influencing the image of older workers is generally reported as being achieved through media-oriented campaigns. These include activities such as short films and public information campaigns. Some of these campaigns also encourage older people to take action themselves.

Example of campaign on stereotyping.

In Estonia the ‘Older people - valuable labour market resource’ campaign run by the NGO Teine Võimalus (Second Chance) in 2009-2011 aimed to raise awareness among employers and the general public and to tune their attitudes positively towards older workers. At the same time the campaign aimed to stimulate people over 50 to enhance their competitiveness in the labour market by improving their use of information technologies.
5.1.2 Improving access

Encouraging employers to hire older workers is generally reported as being effected through government programmes which reduce the labour costs for employers who hire older workers. In Luxembourg, for example, the employer can recover the social security contributions (the employer’s and the employee’s share) when hiring an unemployed person over 45. The social security contributions will continue to be reimbursed until the individual reaches retirement age.

Some Member States have developed special measures to increase the employability of older workers, including a focus on vocational training. Some of these programmes focus exclusively on older workers and others integrate this group into ‘lifelong’ training programmes.

Examples

- **Spain** subsidises private companies in employing workers aged over 45 through so-called ‘employment bonuses’ (‘bonificaciones por empleo’) (similar to those incentives provided for the employment of workers aged under 30).
- In **Portugal**, important work has been done by the New Opportunities Initiative (**Inicial Novas Oportunidades**). Since 2005 more than a million adults have enrolled in this initiative to receive training and learn new skills. More than 300,000 of these adults are aged 45 or over. A considerable proportion of those enrolled (close to 40%) have already completed certification. In a country like Portugal, where there is a large deficit in academic and vocational qualifications compared to the rest of the European Union, especially among the older population, this initiative will have important positive impacts in the future.
- **Malta** would like to increase its focus on vocational training for older workers in the future. The National Strategic Reference Framework is complemented by two operational programmes, one of which is entitled ‘Empowering people for more jobs and a better quality of life’. In turn this operational programme is based on four priorities, one of which aims to improve education and skills and invest in the employability and adaptability of the workforce. The emphasis in relation to older workers is placed on ensuring lifelong learning and continuing and workplace training and education. The operational programme states that currently the “lifelong learning ratio, measured by the percentage of population aged 25 to 64 participating in education, training or courses, is only around half that recorded in the EU”. (http://finance.gov.mt/image.aspx?site=MFIN&ref=OP2).
- In the **UK**, training opportunities are integral to lifelong career management. Many government statements promoting the importance of lifelong learning and the need for workforce training for all ages have been made. The Leitch Report said that the demographics of the workforce made this essential and proposed more ambitious qualifications targets for adults. Major current reforms in skills and adult learning provision aim to increase employer leadership of skills delivery. Employer-led ‘commissions for employment and skills’ will play a central role.
5.1.3 Improving retention

Encouraging employees to work longer is reported as being a focus in, for example, Austria, where income reduction compensation is subsidised for older workers who reduce their working hours and are thus enabled to continue working. Another example is the Belgian programme to encourage people to stay in work beyond the age of 62 through a bonus on top of their normal pension.

Examples

- In Belgium, there are programmes in which labour costs are reduced when an employer hires someone who is unemployed and older than 45 or 50. Other measures address retention policy in relation to older workers, aimed at adjusting the work post for older workers so that they can remain in work for a longer period of time.
- In the Netherlands, successive governments have taken a variety of measures over the past decade to increase labour market activity among older people and to improve their access to employment. Three types of measures can be distinguished: 1) encouraging employees to continue working for longer or to start looking for work again; 2) encouraging employers to continue investing in their ageing workforce by providing training courses and recruiting older employees; and 3) influencing the (negative) image of older workers.
- The NESTORGOLD seal of quality was created by the Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection (Bundesministerium für Arbeit, Soziales und Konsumentenschutz, BMASK). It is awarded after a procedure assessing the adequacy of the organisational structure for all ages. The procedure includes a commitment to the NESTORGOLD Charter and an initial assessment of the status of the organisation with regard to age-appropriate orientation and is supplemented by strategic planning and implementation of measurements for improvement. This is followed by an external assessment by a panel, based on 26 indicators. Indicators include:
  - taking into account needs and strengths of employees of different ages;
  - models of career development suitable for different phases of life;
  - conscious commitment to anti-discrimination aiming at equal opportunities for all age groups;
  - learning as part of working from the start until retirement;
  - clear commitment to gender equality and to including staff members of all ages.

The indicators are monitored for the level of the individual, the level of the organisational structure, the level of organisational culture and the level of the engagement with the issue age-appropriate orientation internally as well as externally. Each company selected for the assessment procedure receives financial support of EUR 1,000. The costs of the overall procedure amount to between EUR 5,000 and EUR 20,000, depending on the size of the company and the number of employees. The seal of quality is awarded for a period of three years and can be applied for repeatedly.

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5.2 Policies to combat age discrimination

Member States have introduced equal treatment legislation prohibiting age discrimination in employment and vocational training. In some Member States this predated the Council Directive (2000/78/EC) and in others it came in the wake of this Directive. In general, the legislation prohibits direct and indirect discrimination and harassment. It contains a range of exemptions on the age ground. In most instances the legislation includes a number of different grounds. This enables a limited focus on multiple discrimination, even though in most instances there are no specific provisions in relation to multiple discrimination.

A small number of Member States have included positive obligations in the equal treatment legislation. These can include provisions which require public authorities to have due regard to equality in carrying out their functions, including their function as employer. These can also include some limited obligations on employers to be proactive in advancing age equality in the workplace.

Example

The UK introduced age discrimination legislation covering employment as well as vocational training when the Employment Equality (Age) Regulations came into force in October 2006. The Regulations covered many aspects of working life from recruitment to retirement and pensions. The legislation generally made it unlawful to discriminate against a person on grounds of their age. However, there are some exemptions. On October 2010, the Equality Act became law. The Act brings together nine separate pieces of legislation, including the Age Regulations, into one single Act, simplifying the law and strengthening it in important ways to help tackle discrimination and inequality. The Act includes positive obligations on public authorities.

5.3 Policies in relation to retirement age

Many Member States have raised or plan to raise retirement ages. They cite a number of reasons, including rationales based on addressing demographic changes, coping with the consequences of economic crisis and reducing gender discrimination by equalising the retirement age for men and women. In some countries there has been debate about compulsory retirement ages being discriminatory. In Estonia and Sweden it was questioned whether it would be in line with the Constitution to allow employers to dismiss older workers solely due to their age.
The good practice exchange of the European Commission Governmental Expert Group on Non-Discrimination in Vienna in March 2011\(^{25}\) included a focus on retirement age policies. The final seminar report identifies the importance of good practice in managing the end of working life. It suggests the potential for tension between the diverse needs and aspirations of older people, the needs of the state and pension systems and the needs of employers. It points to policies which allow flexibility in the age of retirement, enable forms of gradual retirement and allow a combination of income from work and pensions as important in resolving these tensions.

6 STAKEHOLDER PRACTICES

Several stakeholders have a contribution to make in addressing age discrimination and improving the situation of older workers in the labour market. Individual companies are key players in this regard, given that they provide the context for labour market participation by older people. Equality bodies, NGOs and social partner organisations can also play valuable roles supporting older people to engage with the labour market and supporting companies to implement good practice.

6.1 Company practice

Companies in the Member States are increasingly aware of the business case for age diversity. The particular contribution of experienced older workers is recognised and the creativity and workplace culture that flows from a workforce of diverse ages is acknowledged. Business success informs the need to retain and attract qualified older workers and to introduce equality and diversity strategies to maximise the benefits of this diversity. A wide range of age diversity strategies are employed both by large and by small and medium-sized enterprises. Some companies implement the strategies by themselves and others seek cooperation with broader associations or local government. A range of good practices can be identified from the national reports.

- **SICK AG**, an industrial equipment/commercial machinery company in Germany, has a policy to appoint older workers as mentors for younger employees through mixed-age training groups and project teams. Moreover, the company maintains strong ties with retired employees by inviting them to company functions. SICK AG also places strong emphasis on employee health and safety through initiatives addressing ways in which healthy ageing can be achieved in the workplace, and through comprehensive flexible working options. SICK AG also offers a combined working time and retirement investment account system which allows employees greater flexibility in using overtime credits. Overtime work can be monetised, converted into pension contributions or used to plan extended leaves of absence or temporary schedule changes.

- In Denmark, a private company, SILVAN (a large national chain of do-it-yourself (DIY) retailers) attracts skilled workers aged over 50, e.g. carpenters, to the workforce. The aim is both to make use of skilled knowledge of materials, approaches and expertise, and to boost SILVAN’s confidence levels and what they can offer in relation to customers. SILVAN has developed a category titled ‘Senior jobs’, which follow a specific procedure in terms of learning process and recruitment. The SILVAN website has a lot of information about these jobs and how to apply for them. SILVAN has produced a special folder describing the ‘Senior jobs’. Once a person has applied and has been deemed eligible for a position and is then recruited, they start out with a simple introduction course in the local branch of SILVAN where they are to work. This is followed by technical and practical training. Later, training is provided in the specific department of the branch and is supplemented by an upgrading of skills through education programmes on a ‘try-it-yourself’ basis. The jobs are aimed at people aged 50 and over and the company has developed a flexible system where the ‘senior’ employee can gradually reduce their working hours. The company has examples of employees aged over 70 working a few hours each week.
Examples of diversity strategies in business.

- **In Belgium**, research focused on small and medium-sized enterprises (SMEs), investigated the push and pull factors playing a role in early retirement. It was found that the specific context of SMEs is important and that these enterprises offer certain opportunities for older workers, such as job rotation, short lines of communication and smaller organisational structures where their strengths and experience are known and appreciated.

- **In Finland**, Finnish municipalities and companies have continued to develop plans which support wellbeing at work and guarantee that employees enter early retirement and health-related retirement later. In 2006, the Finnish National Programme for Ageing Workers and the projects which implemented the work (VETO, TYKES and NOSTO) was awarded the Carl Bertelsmann Foundation prize of EUR 150,000.

- **In the UK**, a broad variety of employers have established a standard on good practice in relation to older workers, the goal being to fully embrace age discrimination legislation within their training and recruitment activities as well as to attract older individuals and to tap into their experience and well-developed life skills. British Gas undertook a complete audit in order to review all the existing processes, policies and strategies relating to the age legislation. Centrica’s Work:wise programme was designed to offer individuals, irrespective of grade or statutory requirements, greater control over their work-life balance. ASDA was a pioneer in the positive recruitment of older workers. As a result of policies such as Benidorm leave, which allows staff to take extended leave in the winter months, and extending the right to request flexible working to all employees, over a fifth (21%) of its staff are now aged 50 or over. ASDA reports that, as a result of employing older workers, it experiences reduced staff turnover and recruitment costs and enhanced staff and customer satisfaction.

However, these initiatives within companies are not evident in all Member States. Age diversity strategies remain absent or underdeveloped in companies in a number of countries.

Example of limited age diversity strategies in companies.

In **Slovenia**, a study carried out by the Faculty of Economics and the Institute for Management in 2008 showed that employers are aware of the ageing of the population of Slovenia and the rising proportion of older workers. However, the study also showed that they have not developed mechanisms and tools to adjust to these changes in the labour force, such as the adaptation of workplaces, vocational training, etc. As few as 10% of companies consider special programmes for older workers and a management system with a focus on older workers is only in place in foreign-owned companies. A total of 86% of companies neither have such special programmes, nor are they considering developing and implementing them.
6.2 Equality bodies practice

Equality bodies were established in the wake of equal treatment legislation in all Member States. Some equality bodies have been accorded the competency to address complaints on the ground of age, while others have not.26

There are tribunal-type equality bodies, which essentially hear and make decisions on cases of discrimination. There are promotion-type equality bodies, which have a broader role, including support to victims of discrimination, awareness-raising, research activities and promotion and support of good practice amongst employers.

The Equinet report, *Tackling ageism and discrimination*,27 was based on a survey of its member equality bodies and was carried out in April-June 2011.

The response of the equality bodies in the Member States towards combating discrimination based on age has been mixed. The Equinet survey identified a number of barriers to their legal work in this area. These barriers include the low level of reporting of incidents of discrimination, the hierarchy between grounds in the legislation due to the number of exemptions on the ground of age, lack of resources and, in a number of jurisdictions, the relative weakness of NGOs representing older people.

6.3 NGO practice

NGOs play a range of roles in relation to older people in the Member States. They can represent the interests of older people and provide a voice for their concerns. They can develop, advance and lobby for new policy in relation to older people. They can provide services to older people, particularly in the area of care. They can also offer new opportunities for development to older people.

NGOs are active on the issue of age discrimination in many Member States. However, in many instances they do not have a focus on labour market issues for older people. Organisations which are concerned with the position of older workers and older people in the labour market are often connected to large political parties (e.g. Austria), based on ideological or political convictions (e.g. Belgium) or initiated by trade unions.

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26 See Annex 5 for an overview of the equality bodies and their duties regarding age discrimination.
In some countries there are a number of organisations representing the interests of older age groups which co-operate through platforms or umbrella organisations, such as the German Federal Association of Senior Citizens’ Organisations (Bundesarbeitsgemeinschaft der Seniorenorganisationen, BAGSO), which represents more than 100 associations and the interests of 13 million older people.

Where no specialised NGOs are active, the interests of older workers are sometimes looked after by general trade unions or political parties. In Finland, for instance, there is no specific NGO solely addressing age discrimination in employment. One of the reasons for this may be that most employees are organised in trade unions and are active through those organisations. There is also one political party which concentrates on older people’s concerns and has as one of its political goals to eliminate age discrimination against young and older people.

In some Member States active ageing and retaining older people in the labour market are not currently public topics. Where no specialised NGOs are active, the interests of older workers are sometimes looked after by general trade unions or political parties. In Finland, for instance, there is no specific NGO solely addressing age discrimination in employment. One of the reasons for this may be that most employees are organised in trade unions and are active through those organisations. There is also one political party which concentrates on older people’s concerns and has as one of its political goals to eliminate age discrimination against young and older people.

In some Member States active ageing and retaining older people in the labour market are not currently public topics. In those countries NGOs targeting the older population mainly provide care services for those who are no longer able to be independent or other types of services for people who are retired.

6.4 Trade union and employer association practice

Trade unions and employers’ associations can play different but complementary roles in supporting labour market participation by older people and combating age discrimination. Employers’ associations can promote the business case for age diversity and support good practice by their members. Trade unions can support individual older members who experience discrimination, bring a focus on older workers into collective bargaining and promote policies and practices for equality for older workers.

Active ageing appears to be of growing interest to trade unions and employers’ associations, as the workforce across Europe continues to age and new responses to demographic change are developed.

This represents a change of policy for some trade unions in cases where the tradition was previously to maintain the idea that older workers should leave the workforce in order to allow the younger generation to enter it.

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28 This is mentioned in the Romanian report, for example. In Poland the issue of employing older women and men is not very often taken up by the media. Age discrimination in general has not been the subject of public or political debate in Portugal.

29 Example of trade union practices on antidiscrimination in the European Union can be found at: http://ec.europa.eu/social/BlobServlet?docId=6163&langId=en

30 See Annex 7 for an overview of the trade unions and employers’ associations in each Member State.
Governments are aware that trade unions and employers’ associations should play a crucial role in the process of identifying what sort of measures need to be introduced to enhance labour market participation by older people. In such contexts these issues can become a focus for social dialogue and tripartite initiatives.

In several countries trade unions participated in or took the initiative in developing policies on the management of active ageing and the establishment of flexible forms of the employment/retirement relationship, as well as of working conditions in relation to active ageing.31

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31 For example, Estonia, Greece, Hungary, Romania and Sweden.
7 PUBLIC OPINION

7.1 Perceptions of age discrimination in the Member States

Eurobarometer data show that the perception of Europeans that age is a ground for discrimination increased considerably from 2008 to 2009 (although the respondents were not asked to distinguish between discrimination against older and younger people). In 2009, 58% of Europeans considered that age discrimination was widespread and this was the perception of the majority in 22 of the 30 countries in which the survey was conducted. One of the main conclusions of the Eurobarometer is that, in a context of economic crisis, age is now seen at EU level as the most discriminated ground when it comes to finding a job. The survey showed that older people (aged over 40) were the ones who believed that age discrimination was common.

Two factors are most likely to underpin these perceptions. One factor is growing awareness of demographic ageing in European countries and of the issues that this raises in all spheres of social life. The other factor has to do with age dynamics in the labour market, such as the fact that older unemployed people have more difficulty in finding a new job and the fact that older workers are at greater risk of losing their jobs if the companies where they work are experiencing economic difficulties or begin restructuring processes.

Nevertheless, as we have seen above, older age groups do not appear to have been more adversely affected by the economic crisis in terms of unemployment than other age groups. However, this conclusion must be seen in a context where older people may move from unemployment to being inactive or retiring, due to discrimination when they want to re-enter the labour market.

**Example** of perceptions of age discrimination.

In the Netherlands, there is a widespread feeling that employers discriminate predominately on the basis of age when recruiting staff. In a survey conducted in 2009, 58% of Dutch people mentioned this in replying to the question of on which ground employers discriminate the most. Similarly, in the latest Eurobarometer survey, 53% of the respondents in the Netherlands thought that when a company has a choice between two job candidates with equal skills and qualifications, the candidate’s age is likely to become a recruitment criterion.

Public opinion can also be looked at in terms of decision makers, for example among human resources (HR) managers. Research published in 2007 in Belgium, for instance, found that older HR managers are more positive in their attitudes towards older employees and recruits, compared to younger HR managers.

The older managers are more positive about the impact of an older personnel structure on overall corporate goals and about the capacities of older employees. Because it is common practice for more junior HR managers to recruit and select, it is important that employers are aware of this potential bias and remediate these biases through targeted company training.33

One factor which creates the conditions for age discrimination is the economic crisis. A total of 64% of the European respondents to the Eurobarometer survey on Discrimination in the EU in 2009 think that the economic crisis will contribute to an increase in discrimination in the labour market on the basis of age.

Examples of the influence of the economic crisis on the perception of older workers.

- In Germany, perceived discrimination in the labour market on the ground of age seems to be especially widespread. A total of 69% of the German respondents to the Eurobarometer survey, Discrimination in the EU in 2009, think that the economic crisis will contribute to an increase in discrimination in the labour market on the basis of age. These findings are also of interest in comparison to the results of Eurobarometer 2008. At that time, only 34% of German respondents answered that in their opinion age discrimination was widespread, with 45% of them saying they felt age to be a disadvantage in the labour market. This means that within one year dominated by the crisis, the German results concerning perceived discrimination in the labour market increased considerably.

- In Hungary, a deteriorating climate of opinion due to the economic crisis has corroded social cohesion and solidarity, weakened trust and enhanced economic envy. This has become worse over the past few years. According to a survey in 2008, many people were apprehensive of impoverishment after retirement but almost everyone felt that intergenerational solidarity would help to alleviate this problem. However, the same survey in 2010 found a weakening of social solidarity with pensioners.

The perception of age discrimination has increased in recent years. This indicates that awareness of this kind of discrimination has grown, which is the first essential step in combating age discrimination. Lack of awareness of age discrimination is one of its causes and one of the factors leading to under-reporting of age discrimination.

The very recent Eurobarometer survey on Active Ageing launched in January 2012 with the occasion of the European Year concludes that "Workplace age discrimination is the most widespread form of age discrimination with one in five citizens having personally experienced or witnessed it. ......" 34

34 Special Eurobarometer 378 Active Ageing Report, p.7

7.2 Intergenerational solidarity

Intergenerational solidarity has been an important theme developed across the Member States and at European level. The concept of intergenerational solidarity forms a key part of the societal case for equality for older people. It is an important concept in underpinning investment in labour market participation by older people.

The economic crisis has put the concept and practice of intergenerational solidarity under pressure. On the one hand governments see the necessity to stimulate older age groups to remain active on the labour market. On the other hand the unemployment rate among the youngest age groups has increased. Public attitudes are noted in the national reports which resent:

- older workers for occupying jobs that should be taken by young people;
- older people for receiving pensions which are consuming the declining public finances;
- the prospects for younger generations who will have to work longer and for more hours and will have less time and money to enjoy once they are older.

The national reports indicate that attitudes towards intergenerational solidarity differ greatly across the EU. This may be due to different ideas of the extended family and the role of the state which impact on the perceptions of older workers and others in relation to the desirability of remaining in the labour market. These perceptions are likely to influence important societal and economic actors and institutions, such as employers, employers’ associations, trade unions and government authorities, as they respond to the ageing of the workforce.

The polarising influence of the economic crisis is in some cases being responded to by initiatives from societal institutions which seek to stimulate intergenerational solidarity. Such initiatives draw from the existing positive attitude towards older people. While there may be negative sentiments in society about the place of older people in the labour market, there may at the same time be a more general attitude towards older people which is positive.
7.3 Media and public debate

The media play important roles in relation to public opinion on the issue of age discrimination. They can stimulate and reinforce stereotypes of older people just as they can expose and challenge these stereotypes. The media can give visibility to age discrimination and stimulate public concern about it. They can provide the fora where public debates can take place on intergenerational solidarity and on the situation, experience and aspirations of older people in society. The media thus both influence public opinion and frame the debate for policy reform.

Across the Member States the media appear only occasionally to pick up on debates concerning active ageing and intergenerational solidarity or conflicts between the generations. Most of the media achievements referred to in the national reports were focused on the effects of age discrimination on society and the role of government in addressing the issue.
However, the intensity of attention to age discrimination varies considerably between different countries. The perception of age discrimination has increased in recent years and this growing awareness is mirrored by a growing attention to age discrimination in the media.

**Examples** of countries where the media is actively reporting on age discrimination.

- In **France**, over the past decade the issue of older people and employment has been prominent in the press, on the internet, at conferences, in academic journals and other specialist publications (*Notre temps*), in marketing books and HR management textbooks. Public debate often ends up prolonging government decision making relating to pension reforms or to increasing the participation of older workers in the labour market.
- In the **Netherlands**, age discrimination is recognised in the media as a common problem. One frequently heard comment during the debates on raising the retirement age and limiting the duration of unemployment benefits is that the government must first address the problem of age discrimination in the labour market.

**Examples** of countries where the media is barely reporting on age discrimination.

- In **Greece**, there is little public debate on the implications of ageing, apart from the issue of the future viability of the social insurance system and the need to retain workers in the labour market for longer periods compared to the past. The media rarely, if ever, reports on the issue of the employability of older people, let alone on the issue of discrimination against older people in the workplace.
- Public debate on the employability of older workers in the workforce is almost non-existent in **Sweden**. It has been suggested that this may be due to the fact that the social partners settle all issues relating to skills development and continuing professional development within the frameworks of collective bargaining.

A less expected source of media attention for age discrimination comes from a debate about the age of the media workforce itself.

**A case** of age discrimination in the media.

A major issue of discussion in the media in the **UK** concerns age discrimination in the media itself, where journalists and editors are far younger than the average reader. There have been numerous cases of older women presenters retiring early, or being replaced with younger presenters. Most recently, Miriam O’Reilly won an age discrimination case against the BBC. Miriam O’Reilly and three other women were told in November 2008 that they were being removed as presenters of the BBC One programme *Countryfile*, as part of a revamp of the show. O’Reilly, 52, who worked at the BBC for 25 years, lodged papers at London central employment tribunal, claiming that the broadcaster discriminated against her on grounds of sex and age.
8 CONCLUSIONS AND RECOMMENDATIONS

8.1 Conclusions

The population is ageing in all Member States, with the numbers of those in work decreasing and the numbers of those leaving the workplace due to ageing increasing. This challenges the sustainability of public finances, diminishes the contribution of older people and threatens intergenerational solidarity.

Older people have become an increasing focus for policy makers in the context of economic crisis. The crisis has impacted negatively on the potential for older workers to remain in the workforce and on the levels of age discrimination in employment. However, the unemployment rate of older people does not appear to have risen faster than other age groups as a result of the crisis, although this could be a result of movement by unemployed older people into inactivity or retirement. In a context of high unemployment among young people coupled with labour market disadvantage for older people, policy makers are challenged to take an intergenerational approach to policy making in responding to the needs of both age groups, so as to reduce threats to intergenerational solidarity.

The activity rate of older people over the age of 55 is lower than for other age groups. This suggests a level of disadvantage in the labour market. The withdrawal process is more pronounced and earlier for women and this suggests some form of double disadvantage. However, the unemployment rates do not differ significantly for older people. This could also be due to older workers becoming unemployed, but choosing to move into retirement or not to register as unemployed. Older people are less likely to be re-employed and long-term unemployment is a significant issue for them.

Discrimination emerges from the national reports as a significant barrier for older people entering/re-entering or remaining in the labour market. This takes the form of direct discrimination, indirect discrimination and harassment. However, the number of cases being lodged under equal treatment legislation does not reflect the scale of the problem and there are significant issues of under-reporting by older people of their experiences of discrimination.

Stereotyping is identified as a significant enabler of this discrimination. It can also be a factor in under-reporting where older people internalise the stereotypes and fail to see their experience of discrimination as discrimination. There is a negative image built up of older workers as being slow to learn, inflexible, costly and out of date. In such a context cultural change is required if age discrimination is to be eliminated.
The discrimination issues in relation to access to employment centre on difficulties unemployed older workers encounter in seeking to re-enter the labour market, with the subsequent risk of long-term unemployment, direct discrimination in job advertisements which specify age requirements and direct discrimination at the point of recruitment. The latter point is also a key factor in the re-entry difficulties experienced by unemployed older workers. Reluctance among employers to hire older workers is found to rest on stereotypes held about older workers, possible limitations in their skills base, the perceived cost of older workers and lack of awareness of equal treatment legislation.

Age discrimination at work includes issues in relation to the termination of employment contracts on the ground of age. Older workers can also feel pressured to leave the labour market, due to stereotyping and age discrimination in the workplace.

Discrimination issues in the workplace also centre on working conditions, workplace training and promotion. Harassment in the workplace, based on age stereotypes, influences wellbeing and morale at work for older workers. Older people are under-represented in workplace training. This is at odds with the educational disadvantage which is often a factor for older workers. Discrimination is evident in the lack of promotion prospects for older workers. Promotion prospects are also affected by the under-representation of older people in workplace training.

The national reports support the conclusion of the Equinet report, *Tackling ageism and discrimination*,\(^{35}\) that age discrimination often intersects with the grounds of gender, disability and racial or ethnic origin. However, evidence of specific acts of multiple discrimination is difficult to find.

Older women are disadvantaged by the existence of different retirement ages compared to men. This can lead to refusal by employers to extend employment contracts once the legal age of retirement is reached and can restrict women from applying their expertise and qualifications to the same extent as men. In particular, this can contribute to lower levels of pensions, a situation which is exacerbated by the gender pay gap.

The employment rates among older women are lower than for older men. Older women are also more likely to be employed in part-time jobs or in mini jobs. The percentage of people with disabilities who are unemployed rises significantly with age. Unemployment rates are significantly higher among older minority ethnic people than for older people generally. These situations of double disadvantage highlight the need for a policy response which takes account of the intersection between the different grounds of discrimination.

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There is a significant policy focus on older people and the labour market. Policy initiatives concentrate on improving the labour market participation of older people, combating age discrimination and addressing retirement ages.

Three strands of policy action emerge from the national reports in relation to improving the labour market participation of older people. These include policies and programmes to challenge the stereotyping of older workers, to improve access for older workers by enhancing their employability and by stimulating employers to hire them and to improve retention by stimulating employers to invest in their older workers and by encouraging employees to stay longer in the workplace.

Equal treatment legislation prohibiting age discrimination emerges from the national reports as the main policy tool for combating age discrimination. There are varying levels of ambition evident in this legislation, ranging from provisions to prohibit discrimination to provisions that require a more proactive approach to age equality by employers.

The main thrust of policy in relation to retirement ages which emerges from the national reports is the raising of the legal retirement ages in the Member States. A more nuanced perspective emerged from the final report of the good practice seminar of the European Commission Governmental Expert Group on Non-Discrimination held in Vienna in March 2011. This emphasised the importance of flexibility in retirement ages, systems to enable gradual retirement and mechanisms to allow a combination of income from work and from pensions.

Individual companies, equality bodies, NGOs and social partner organisations all play roles in improving the labour market participation of older people and in combating age discrimination. It is clear from the national reports that there are challenges which need to be met if these different stakeholders are to make their full contribution in all Member States.

Many companies have developed age diversity strategies and have implemented good practice in the recruitment and retention of older workers. This is key to improving labour market participation by older people and eliminating age discrimination. However, it is clear that many companies, and in some Member States most companies, have yet to understand or respond to the business case for age diversity and to invest in good practice on this issue.

Equality bodies have been established with varying remits in all Member States. Not all Member States have a promotion-type equality body with a remit on the ground of age and this limits efforts to address age discrimination. In some Member States equality bodies do not have sufficient resources to make their

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full contribution. There are also issues of under-reporting which continue to hamper the effectiveness of equality bodies and equal treatment legislation.

NGOs advocate the interests of older people, contribute to policy formation, provide services to older people and enable older people to seize new opportunities. These roles are important and might usefully receive further support, as they are not present or fully developed in all areas in all Member States. It would appear that there can be limited engagement by NGOs with workplace-related issues and this might usefully be further developed.

Social partner organisations are taking an increasing interest in the issue of active ageing. In some Member States the social partners act in tripartite arrangements with government to advance policy and practice on this issue. These organisations have a valuable contribution to make, given their engagement with key actors in the workplace setting, and it is important to further mobilise their growing interest in this area.

Public opinion on older workers and age discrimination plays an important role in the opportunities for older people to participate actively in the labour market and in society. Stereotyping of older workers negatively affects their ability to enter, re-enter or remain in the labour market, access vocational training and secure job promotion. The potential to challenge age discrimination is undermined where there is a lack of awareness that age discrimination is prohibited.

Intergenerational solidarity is diminished where public opinion is hostile to older people, holds stereotypes of older people or is indifferent to the situation of older people. In general, it would appear that public opinion is positive towards older people and concerned about the potential for age discrimination to increase. However, public opinion in support of intergenerational solidarity is being tested and could be undermined in the current context of economic crisis.

The media play a key role in shaping public opinion and in providing the fora for necessary public debate on issues of age discrimination and intergenerational solidarity. There would appear to be a limited media focus on these issues, although it is suggested in the national reports that this focus is now beginning to grow.

The national reports establish that there is a growing focus on older workers in the Member States. This would appear recently to be driven largely by the economic crisis. Policy and practice will inevitably feel the impact of the economic crisis. However, this could be a moment to look beyond responding to immediate imperatives and to take the opportunity to develop a reform process which would enhance equality for older people while also addressing the demands of the economic crisis.
It is clear from the national reports that stereotyping of older workers and age discrimination present barriers to any policy process which seeks to enhance equality for older people or even just to respond to the demands of the economic crisis. Equal treatment legislation emerges as the foundation stone for efforts to combat this stereotyping and discrimination. However, it is clear that greater investment and further development of an infrastructure to address these issues is still required, given their persistence.

A broad range of stakeholders emerge from the national reports as playing roles in enhancing labour market participation by older people and combating age discrimination. Government policy is key in this regard and particular challenges emerge in relation to developing policy on retirement ages. Equality bodies, NGOs and social partner organisations have all made important contributions. It is clear that there is a greater contribution still to be mobilised from these important stakeholders.

### 8.2 Recommendations

The situation and experience of older people in the labour market requires further action at a European level and at the level of the Member States. Low activity rates, widespread stereotyping, high levels of age discrimination and diminishing intergenerational solidarity present significant challenges for policy makers and all stakeholders. The context of economic crisis has secured a focus on older workers and, while it constrains the space for new initiatives, it does at least provide a stimulus for new action. It will be important to ensure that this new action serves the needs of older people as well as responding to the imperatives of economic crisis.

At a European level, the implementation of the Europe 2020 Strategy offers valuable opportunities to enhance the situation of older workers. The employment target of 75% makes specific reference to the greater involvement of older workers. It will be important to ensure that older people are enabled to benefit within all relevant flagship initiatives so as to reduce the evident disadvantage in the current activity rates of older people.

The flagship initiative ‘An Agenda for New Skills and Jobs’ offers particular potential for enhancing the labour market participation of older people. It references the importance of a healthy and active ageing population to allow for social cohesion and greater productivity and identifies the need for Member States to promote active ageing policies. It will be important that this focus on active ageing emphasises the elimination of stereotypes of older people and age discrimination, given the obstacles that these pose to active ageing.
At a European level, 2012 has valuably been designated as the European Year for Active Ageing and Solidarity between Generations. The European Year provides a context which could usefully be mobilised to develop and pursue a sustained combating of all forms of stereotyping of older people. Cultural change is required to eliminate stereotyping, as stereotypes by their very nature form part of common sense and, ultimately, culture. Cultural change is complex and requires sustained action. A legacy from the European Year might usefully be a strategy across the Member States of long-term action on stereotyping.

Seven core themes emerge from this report which merit attention at European level and at Member State level.

1. **Discrimination**
   Equal treatment legislation is the key policy response to age discrimination. The national reports suggest that there is a limited focus on implementation of this legislation on the age ground. Equality bodies report barriers of under-reporting and lack of resources. It would be useful to review the infrastructure and to secure its fitness for purpose in eliminating age discrimination. This infrastructure includes the legislation, the equality body, the relevant public authorities and civil society stakeholders.

2. **Retirement age**
   The issue of legal retirement ages is currently a focus for policy makers in many Member States. There is a gender inequality in the different retirement ages for men and women which appears to disadvantage women and this disadvantage needs to be addressed. A number of different policy responses are being pursued in the Member States. These seem to divide roughly into two strands – on the one hand a definitive raising of the retirement age and on the other the development of flexibilities around the retirement age, gradual retirement and combining work and pension income. It would be important to support peer learning on these different approaches between the Member States and to begin a process of defining good practice in this policy area.

3. **Policy strategy**
   The manner in which age discrimination presents in all aspects of the employment relationship – including job advertisements, recruitment, working conditions, promotion and contract termination – and the complexity of the disadvantages experienced by older people suggest that government policy is most effectively developed and implemented as a coherent strategy rather than as piecemeal initiatives. This report establishes the parameters which need to be pursued within such a policy strategy. These parameters would address the need to:
   - enhance the image of older workers;
4. Good practice within companies
Companies across the Member States have developed a body of good practice in the management of age diversity. This good practice encompasses a capacity to combat age discrimination, to address the particular needs of older workers and to advance equality for older workers in all areas and aspects of the workplace. It is clear from this report that there are limitations in the take-up by companies of this practice. It is important to share this good practice, to communicate the business case for its implementation and to support a critical mass of companies to implement such practice in each Member State.

5. Mobilise the social partners
Trade unions and employers’ associations play important roles in supporting the labour market participation of older people and in combating age discrimination. This report highlights the need to further mobilise these stakeholders in all the Member States. The relevant organisations at a European level have usefully developed a ‘Framework Agreement on Inclusive Labour Markets’ and this could form the foundation for activity, with a particular focus on older workers, which might mobilise the social partners at all levels on these issues.

6. Intergenerational solidarity
The current situation of economic crisis is seen in this report to pose threats to intergenerational solidarity. This is bad for older people in that it could diminish the supports they currently enjoy and need. However, it is also bad for society, given the wide-ranging contribution made by older people to economic and social life. It would be important to renew this concept as a policy objective and a policy theme and to develop new approaches to sustaining intergenerational solidarity in strained economic circumstances.

7. Intersectionality
Older women, older people with disabilities and older minority ethnic people emerge in this report as experiencing particular disadvantage. It would be important to examine and better understand the particular obstacles that these groups face. These groups need to be a focus for specific policy initiatives, targeted to address their particular situation. Policy initiatives which target women, people with disabilities and minority ethnic people need to take specific account of age diversity in their design.
and implementation to ensure that they benefit all members of these groups. Likewise policies which target older people need to be assessed at the design stage to ensure that they include and benefit these different groups of older people.
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Ugebrevet A4 Nr. 8 01.03-08.03-2010 Kriseramte seniorer føler sig presset til efterløn.
### ANNEX 1  PROPORTION OF THE POPULATION OVER 65 IN PERCENTAGES, 2010

<table>
<thead>
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<th>Country</th>
<th>Total</th>
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<td>18.2</td>
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</table>

*Source: Eurostat 2011*

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37 Countries are not listed in alphabetical order but in the order of their listing in Eurostat statistics.
# ANNEX 2 LEGAL RETIREMENT AGES

An overview of retirement ages in the EU Member States is given here, but with the observation that some of the ages are not as strictly adhered to in practice as they are presented here.

<table>
<thead>
<tr>
<th>Country</th>
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<th>Women</th>
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<td>Austria</td>
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<td>60 38</td>
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<tr>
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</table>

Source: Country experts

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38 Men can only retire at this age if they have worked a minimum of 37 years.
39 Women can only retire at this age if they have worked a minimum of 34 years.
40 In Cyprus the retirement age for employees in the public sector is 63, but people start to retire from the age of 55, depending on the number of years they have worked.
41 In Ireland there is no single fixed retirement age for employees. However, the specific retirement age set out in contracts is usually 65.
### ANNEX 3  ACTUAL AVERAGE RETIREMENT AGES, 2009

<table>
<thead>
<tr>
<th>Country</th>
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<th>Male</th>
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<td>64.1</td>
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*Source: Eurostat 2011*

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42 Countries are not listed in alphabetical order but in the order of their listing in Eurostat statistics

43 Data not from Eurostat but from country expert
## ANNEX 4  AGE GROUPS AND EMPLOYMENT RATES IN PERCENTAGES, 2011

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<thead>
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<td>Males</td>
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</table>

Source: Eurostat 2011

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44 Countries are not listed in alphabetical order but in the order of their listing in Eurostat statistics
ANNEX 5  EQUALITY BODIES AND AGE DISCRIMINATION

The Austrian system of equality bodies comprises the Ombud for Equal Treatment (OET) (*Gleichbehandlungsanwaltschaft*) and the Equal Treatment Commission (ETC) (*Gleichbehandlungskommission*). The remit of the OET is to provide counselling to victims of discrimination and to assist them in fighting for their rights, whereas the ETC has a tribunal character and makes decisions on issues of discrimination. The scope of both institutions covers discrimination on grounds of age in employment.

The equality body in Bulgaria, the Protection against Discrimination Commission (PADC) (*Комисия за защита от дискриминация*) covers the ground of age together with other discrimination grounds. The activities of the Commission, although not directly aimed at countering discrimination against older workers, includes receiving and processing complaints in relation to discrimination, imposing fines and the dissemination of information.

In Cyprus, the Office of the Commissioner for Administration (Ombudsman) is the equality body. It covers discrimination based on racial or ethnic origin, religion or belief, disability, age, sexual orientation and gender.

The equality body in the Czech Republic is the Public Defender of Rights – Ombudsman (*Veřejný ochránce práv – Ombudsman*). The organisation has the following mandates:

- To provide methodological assistance to victims of discrimination.
- To perform research in the area of discrimination.
- To publish reports and issue recommendations on discrimination-related issues.
- To make provisions for the exchange of information with European institutions for equal treatment.

The grounds of discrimination covered by the Public Defender of Rights are: gender, race/ethnicity, age, nationality, disability, religion or belief, sexual orientation and transgender, maternity and paternity, and wider grounds in some situations.

In Denmark, the Board of Equal Treatment (*Ligebehandlingsnævnet*) is responsible for dealing with all types of discrimination in the labour market, including age. So far the Board has dealt with 31 cases pertaining to age discrimination. Of these, the Board decided that 22 could be ruled as discrimination based on age.

In Estonia the role of the Commissioner for Gender Equality was expanded from 1 January 2009, to extend its competencies to cover several other grounds of discrimination, including age.
However, the majority of complaints filed with the renamed Commissioner for Gender Equality and Equal Treatment (Soolise võrdõiguslikkuse ja võrdse kohlemise volinik) remain based on gender. Age discrimination is not specifically prioritised by the Commissioner. The second equality body is the Chancellor of Justice, which has various functions including promoting equality, but it has never specifically prioritised age discrimination.

The Finnish equality bodies, the Ombudsman for Equality (Tasa-arvovaltuutettu) and the Ombudsman for Minorities (Vähemmistövaltuutettu), do not cover age discrimination.

The French equality body, the Equal Opportunities and Anti-Discrimination Commission (Haute Autorité de Lutte contre les Discriminations et pour l’Egalité, HALDE)\(^4\)\(^5\), played a key role in the recognition of age as a ground of discrimination. Starting with its 2005 report, HALDE has made particular efforts to combat age discrimination. Each annual report contains a classification by ground of discrimination of the complaints submitted to the body and this has also helped to legitimise age as a separate ground of discrimination. With 599 complaints in 2009, i.e. 6% of the total, age was the fourth most commonly alleged ground of discrimination, after origin, state of health or disability and sex. The share of age-related complaints has remained stable since HALDE became operational in 2005.

In Germany, the Federal Anti-discrimination Office (Antidiskriminiernugsstelle des Bundes) covers the ground of age. So far, specific action to counter discrimination of older workers has not yet been taken, but the board of the equality body is planning to focus on age discrimination in 2012.

In Greece, the government is taking steps to re-organise the Labour Inspectorate (SEPE), one of three equality bodies entrusted with the promotion of the equal treatment principle (the other two bodies are the Ombudsman and Equal Treatment Committee). SEPE acts as a conciliator between the employer and the employee when discriminatory behaviour is reported. Since the adoption of the Anti-Discrimination Law (Law 3304/2005), however, the Inspectorate has recorded very few complaints of discriminatory behaviour on the basis of age. In the latest annual report (2009), for example, only one case of discriminatory behaviour on the ground of age was recorded.

In Hungary, the Equal Treatment Authority was founded on 1 January 2005 as a central office under the supervision of the Ministry of Justice. Most complaints are lodged in connection with labour matters, mainly affecting Roma people, women aged over 50 and raising children, as well as people with disabilities.

\(^4\)\(^5\) HALDE was from 1 May 2011 incorporated into the institution of the Defender of Rights (Défenseur des droits)
From among the most typical cases published on the authority’s website in 2010, decisions regarding discrimination based on age were made in two cases; a compromise was reached in nine cases and one complaint lodged was rejected.

The Irish Equality Authority strives to eliminate discrimination in the workplace and in the provision of goods and services, accommodation and education. The grounds covered are gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community.

The Italian Equality Body is the National Office Against Racial Discrimination (Ufficio Nazionale Antidiscriminazione Razziale, UNAR). The mandate of UNAR is the promotion of equal treatment and combating discrimination based on race or ethnic origin. It does not cover age discrimination.

In Latvia, the functions of a national independent body for non-discrimination are performed by the Ombudsman’s Office. In its most recent report for 2010 the Ombudsman’s Office paid attention to restrictions imposed by legislation on representatives of specific professions concerning their continued employment after they have reached retirement age, and analysed the risk of age discrimination in the labour market.

The Lithuanian equality body is the Office of the Equal Opportunities Ombudsperson. The Ombudsman investigates complaints relating to direct and indirect discrimination and sexual harassment. The Ombudsman both reports on the implementation of laws and submits recommendations to state, government and administrative institutions of the Republic of Lithuania concerning the revision of legal acts and policy priorities for the implementation of equal rights. Both private and public bodies are subject to the competence of the Ombudsman.

The grounds of discrimination covered are gender, age, sexual orientation, disability, race, nationality, language, origin, social status, religion, belief, convictions and attitudes.

In Luxembourg, the Centre for Equal Treatment (Centre pour l’Egalité de Traitement) covers the ground of age. It organised a roundtable on this subject in 2010.

The equality body of Malta, the National Commission for the Promotion of Equality (NCPE) was set up with the aim of monitoring the implementation of the Act on Equality for Men and Women and to promote equality in spheres where it may be lacking. It does not cover age discrimination.

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In the Netherlands, the Law on Equal Treatment (Wet gelijke behandeling, WGBL) has been in force since 2004. The Act is directed at employers, (temporary) employment agencies, collective agreement partners and so on.

It bans any direct distinction being made on grounds of age and any indirect distinction by reference to characteristics that are generally commensurate with age in the fields of employment, the professions and vocational education. The Dutch equal treatment body, the Equal Treatment Commission (Commissie Gelijke Behandeling, CGB), has issued advisory reports on a large number of topics related to age discrimination, partly to prevent too many separate requests for opinions on the same topic.

These opinions also have the advantage that they generate greater clarity about the standards among a broad target group.

In Poland, under the Act on the Implementation of Certain Regulations of the European Union on Equal Treatment, in force since the beginning of 2011, the powers of the equality body are divided between the Government Plenipotentiary for Equal Treatment (GPET) (Pełnomocnik Rządu do Spraw Równego Traktowania) and the Polish ombudsperson, the Human Rights Defender (HRD). Both institutions deal with all grounds of discrimination, therefore also age discrimination. However, in actual fact, their current activity in this area consists mainly of taking up cases, the number of which is low. Since 2010, a unit to counteract discrimination against older people has been operating within the confines of the GPET and includes representatives of the government, the HRD, the Social Insurance Institution of Poland, National Health Fund and NGOs. In addition, since March 2011 an expert committee for older people has been operating within the HRD office.

There is no equality body in Portugal with respect to age. There are only institutions with formal goals for the defence of equality and the fight against discrimination on the grounds of gender, sexual orientation, ethnic and racial origin and religion.

The equality body of Romania, the National Council for Combating Discrimination (Consiliul National pentru Combaterea Discriminarii, CNCD), aims to prevent, sanction and eliminate all forms of discrimination, but does not really focus on age discrimination.

In Slovenia, the remit of the Office for Equal Opportunities (Urad za enake možnosti) covers age-related discrimination. However, it does not perform any activities related to this topic, since (in its opinion) it is only the coordinator of such policies which should be initiated by other governmental bodies (e.g. ministries). Needless to say, such policies are de facto not being initiated, so little, if anything, is done to prevent discrimination against older workers. The Office for Equal Opportunities deals mainly with gender-related discrimination.
The Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudske práva) is, according to anti-discrimination legislation (and under international human rights conventions and treaties), authorised and required to act in cases of discrimination on the ground of age. However, no cases concerning age discrimination have been reported.

The Advocate of the Principle of Equality (Zagovornik načela enakosti) in Slovenia deals with cases of discrimination based on age, but has received few complaints based on this ground. The Human Rights Ombudsman (Varuh človekovih pravic) also deals with age-related discrimination, but deals only with employment in the public sector and not in the private sector.

In Spain, there is no equality body covering the ground of age discrimination.

In Sweden, the Equality Ombudsman (Diskrimineringsombudsmannen, DO) has developed materials and tutorials which can be used by employers to develop active measures to combat discrimination. The Equality Ombudsman is a government agency which seeks to combat discrimination on grounds of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

In the UK the Equality and Human Rights Commission (EHRC) has – among others – the task to exercise its functions with a view to encouraging and supporting the development of a society in which people’s ability to achieve their potential is not limited by prejudice or discrimination. The EHRC has acted in several cases concerning age discrimination.

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48 www.do.se/en/
ANNEX 6 ACTIVITIES OF TRADE UNIONS AND EMPLOYERS’ ORGANISATIONS IN ACTIVE AGEING

The social partners in Austria are actively engaged in age discrimination issues. The initiative Work and Age (Arbeit & Alter) has created a very informative website, providing information on demographic changes, funding possibilities for older workers and potential employers, and information on how to establish working conditions for all ages. There are also numerous examples in Austria of government, NGOs and the social partners setting up initiatives at the provincial level focused on older workers, including Initiative 50 in Lower Austria, ‘Work has a future’ (Arbeit hat Zukunft) in Salzburg and Initiative 40 Tirol.

In Belgium, the atmosphere during the negotiations for the ‘generation pact’ in 2005 was tense, with demonstrations and strikes organised by the trade unions. Now the social partners play a very important role in policy making, for example in the activation policy towards unemployed people over 50. An initial, ongoing evaluation of the generation pact (2010, conducted by the Federal Government FOD WASO) indicated that the effect of the generation pact was rather limited. But more recently (18 March 2011) the RVA (National Employment Office) announced in its 2010 annual report that fewer people in their early fifties were entering early retirement.

Three major trade unions in Cyprus (the Pancyprian Federation of Labour (PEO), the Cyprus Workers’ Confederation (SEK) and the Democratic Labour Federation of Cyprus (DEOK) have policy commitments against age discrimination. Importance is given to age discrimination in relation to younger workers and they have a separate structure to deal with issues concerning young workers. They are especially concerned about young workers’ access to employment and reduction of unemployment, and their access to goods and services, such as training, education, housing, etc. They also include in their policy statements and action programmes campaigns and other measures for older workers, especially in the present economic crisis, and pensioners. PEO has also established a specialised structure for elderly people, the Union of Cypriot Pensioners (EKYSY).

The issue of older workers and active ageing in the Nordic countries has been researched by a Nordic network. The results show that peer pressure among workers plays an important role in deciding when workers enter retirement. Trade union tradition also exerts an influence in maintaining the idea that older workers should leave the workforce in order to allow the younger generation to enter it. Trade unions provide little information to the media on issues related to active ageing and prolonging working life.

In Germany, the trade unions were rather late in accepting the shift in labour market policies for older workers.
The larger unions, such as IG Metal (which represents metal and electrical engineering, automobile and the iron and steel industries) and Verdi (which represents the public sector), explicitly required to maintain early exit options under financially and socially acceptable conditions. Early exit had been regarded as a tool for the humanisation of work for older workers.

Only recently have trade unions shifted towards more age-oriented policies. The Confederation of German Trade Unions (DGB) adopted political key points for older people in 2008 which specify the new political approach. First of all, the unions focus on the elimination of early retirement options and advocate for a flexible exit from working life. They promote age-integrative policies which include ageing and age-oriented workplaces, health promotion and prevention of health risks, age-mixed teams, respect for the knowledge and experience of older employees and participation by older workers in further vocational training and lifelong learning. Flexible working arrangements and the raising awareness of executives about a culture of ageing-based work are regarded as complementary.

In Greece, an EU EQUAL initiative EMPEIPIA (Experience) brought the social partners together to develop successful policies on the management of active ageing and the establishment of flexible forms of the employment-retirement relationship, as well as of working conditions in relation to active ageing. Here, for the first time, employer organisations and trade unions came together in open social dialogue about active ageing. The partners were the INE-GSEE Trade Union Confederation (INE/GSEE) and the general confederation of Small-and-Medium Sized Businesses, Craftsmen-Traders of Greece (GSEVEE). The project led to the creation of a central ‘observatory’ for active ageing issues in Athens, accompanied by a network of ‘antennae’ which cover the whole of Greece and therefore ensure that all regions are covered. The observatory is still active today, operating under the auspices of the Economic and Social Council of Greece.

In Hungary, in December 2009, the LIGA trade union decided to promote its demands, namely restoring the statutory retirement age for the old-age pension to 62, by holding a referendum. It reasoned that the government should initiate public consultation with social partners and society, before reaching this kind of decision. With regard to the populations of countries in which the statutory retirement age for the old-age pension was raised, the life expectancy at birth of the Hungarian population is far lower. It is so low in the case of men that there is every chance that they will never receive a pension. The Constitutional Court abolished this referendum in February 2011 after it had earlier been approved by the National Election Committee.
In addition, among Hungary’s employers’ associations, the Confederation of Hungarian Employers and Industrialists organised a conference in June 2010, entitled ‘Demographic ageing and economic activity’, within the framework of the EU-funded project ‘Ageing Workforce 2 – Ensuring Employability and Productivity of an Ageing Workforce’. Within the framework of this project, experts and employers jointly sought answers to the question of what sort of measures need to be introduced to reduce the negative economic consequences ensuing from inactivity among older people. In their view, transforming the social security systems, preventing early retirement and inducing a shift in the attitudes of employers, as well as employees, may offer a solution to the demographic changes affecting European countries. Enterprises need to receive more support in order for them to be able to tackle problems arising in the workplace in connection with old-age, as well as to be able to provide training and education for ageing employees.

In Estonia, the Trade Union Confederation presented a study on ‘Flexicurity in Estonia’. The Confederation believes that there are four components of an effective and balanced labour market, but only one has received attention – increasing the flexibility found in employment legislation. The other three components (social security, active employment policies and life-long learning), are underfunded. According to the study, this makes Estonia the country with the highest poverty risk for unemployed people in the EU.

In Lithuania, trade unions aim to ensure the absence of any pressure on or discrimination against older people at work. Trade unions play an important role in assisting older people to retain their jobs in the event of pressure on the part of management. In case of company reorganisation, older people are put at quite serious risk of being discriminated against. During the implementation of the EQUAL project in 2008, the Trade Union Confederation developed recommendations on the provisions regulating guarantees of stability in employment relations for older people and inclusion of lifelong learning, qualification improvement and re-skilling opportunities in collective agreements. The provisions were approved at the sitting of the Tripartite Council on 17 June 2008.

In Poland, little notice is taken by trade unions of the issue of age management. These organisations sometimes participate in activities to improve the situation of older people in the labour market, for example, they took part in EQUAL projects, but mainly as partners rather than leading institutions. They focus more on protecting workers’ rights. In negotiating collective agreements or social packages they focus on the issues of guarantees of employment, labour protection and compensation. Issues such as training for older workers, methods of ensuring older workers remain economically active or preparing them for retirement are not in the mainstream of the unions’ interest. Nonetheless, older workers benefit from union protection in various situations.
For example, in collective bargaining there are guarantees that in the event of the delegation of senior employees to other tasks, for which they would normally receive different payment, they do not receive any reduction in salary.

In Poland, it is difficult to identify specific projects for older workers which are led by employers’ organisations (although they do participate in some such projects as partners, for example, the Polish Confederation of Private Employers, Lewiatan, is part of the Benefits of Maturity project implemented by the ADP). Employers’ organisations do, however, take part in discussions and public debate on the situation of people over 50 in employment.

In Romania in 2009, the National Confederation of Free Trade Unions, FRATIA (BROTHERHOOD), together with the Women’s Organisation of the National Federation of Pensioners launched a campaign called ‘Active ageing and solidarity between generations’.

In Sweden, trade unions have developed materials which can be used to educate and support trade union representatives in their work to combat discrimination in working life. The material can be used by the trade unions to develop active measures to prevent discrimination in working life and to provide support for their members if and when they are subjected to discrimination.

Also in Sweden, the trade union confederation (LO) has recently released a report discussing the pension system. Its conclusion is that if blue collar workers are to be able to prolong their working life, working conditions must change. The blue collar trade union, IF-Metall, has a notice on their website discussing working conditions, where it is stated that many older workers are discriminated against in working life, which makes it difficult for their members to change careers later in life. The trade union states that, in order for people to be able to work longer, they must change jobs, and discriminatory practice in recruitment will function as a barrier for older workers if they have the wish to change careers.

In the UK, trade unions have a number of policies and positions on age discrimination. They provide support to members working to ensure that their employers develop adequate age discrimination policies under the Equality Act 2010, such as around recruitment and retirement (e.g. Unite). Indeed, Unison continues to campaign for the full implementation of the Equality Act. It recently expressed opposition to the withdrawal of specific equality duties on public authorities, such as the duty to produce equality impact assessments. Unions also provide legal information to ensure that their members are aware of their rights. They also campaign for better work-life balance (e.g. TUC) and for fair pensions.
In the UK, the Employers Forum on Age provides examples of employer good practice in terms of complying with age discrimination laws in order to support businesses to develop appropriate policies in recruitment and other areas.