

# Time to think positive about age

**Steve Williams**, Head of Acas Equality Services, looks at the new legislation due to come into force in October.

From October 2006 age discrimination will be unlawful in employment and vocational training. Now is the time to look at how policies and procedures can accidentally reinforce stereotypes about age.

In the workplace our managers and colleagues make decisions about us which are influenced by our birth date. Capability and potential is often judged by how old we are. Stereotypes abound – young people are ‘lacking in experience’ and old people ‘lose their drive’. This new legislation addresses these often unconscious attitudes and employers need to be reviewing their practices and procedures to ensure that they will be compliant.

## **Age Discrimination Legislation 2006 – key points:**

- The regulations cover employment and vocational training.
- Pre and post-employment practices and procedures are affected (i.e. recruitment, provision of references).
- People of all ages are covered.
- All workers – employees, self-employed, contract worker, office holders (including the police and members of trade organisations) are protected.
- Upper age limits for unfair dismissal and redundancy have been removed.

- There is a default retirement age of 65 (to be reviewed in 2011).
- All employees have the ‘right to request’ to work beyond the default retirement age of 65 or any other retirement age set by the company and all employers have a ‘duty to consider’ requests from employees to work beyond 65.
- Exemptions are allowed if they can be objectively justified or if there is a genuine occupational requirement, BUT both are likely to be difficult to prove. However, the legislation will protect individuals or companies who are forced to discriminate on age grounds in order to comply with other legislation e.g. bar staff serving alcohol must be at least 18.
- Benefits based on a length of service requirement of five years or less, the ‘five-year exemption’, are exempted and will be able to continue. After the five-year exemption, employers must show that there will be an advantage from rewarding loyalty, encouraging the motivation or recognising the experience of workers by awarding benefits on the basis of length of service.
- Employers may be held liable for the discriminatory actions of their employees.

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## Age check

### Recruitment advertisements

- Avoid specifying a minimum/maximum length of experience as this disadvantages certain age groups (also, when asking for 'graduates' this may discriminate against older workers so make sure the qualification is relevant and consider alternative qualifications or experience if possible) but asking for graduate qualifications is ok providing it is a necessary requirement.
- Advertise in a cross-section of media so you get in touch with all age groups.
- Do not ask for date of birth on application forms (this information can go on your monitoring form) or unnecessary employment history.
- Use skills/competence-based application forms.

### Selection procedures

- Train managers to avoid stereotypes e.g. the assumption that younger workers do not have the skills for management or older workers are just coasting towards retirement.
- Monitor the results of your recruitment and selection. Do you need to take positive action to help recruit certain age groups? For details visit the Department of Trade and Industry website at [www.dti.gov.uk/er/equality/age](http://www.dti.gov.uk/er/equality/age).

### Training

- Make sure training is open to all – do not overlook an older person for training, thinking they may not be interested in career development.

### Performance appraisal

- Set the same standards of performance regardless of the age of the employee.
- When writing appraisal reports avoid comments like 'does well despite their age' or 'shows remarkable maturity for their age'.

### Redundancy policy

- Review your policies: use of LIFO (last in, first out) or length of service to select employees for redundancy is likely to be discriminatory.

### Equality policy

- Add age to your equality policy and talk to your employees about how you tackle age discrimination.
- Make sure your bullying and harassment policies cover age.

### Know your workforce

- Think about who is likely to retire and when.
- Consider flexible working for older workers.

Acas' free age guidance tells you everything you need to know about the age regulations – visit [www.acas.org.uk](http://www.acas.org.uk) where you can also book training sessions.