

# Tackling Ageism and Discrimination

 **Equinet**  
**European network**  
**of equality bodies**

## **An Equinet Perspective**

In the context of the European Year for Active Ageing and Solidarity  
between Generations 2012

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## Introduction

2012 has been designated as the 'European Year for Active Ageing and Solidarity between Generations' by decision of the European Parliament and the Council of the European Union on foot of a proposal of the European Commission (COM(2010)462 final). This decision recognises and responds to the fact that the European Union is in a process of significant population ageing. Eurostat data for the period 2001 to 2006 showed that the population of the European Union expanded by 1.9% over this period<sup>1</sup> and that the number of people aged over 65 grew by 8.9% while the number of people aged from 0 to 14 years decreased by 4.4% in this period<sup>2</sup>.

The purpose defined for the European Year is to encourage and support Member States, their regional and local authorities, social partners and civil society to:

- Promote active ageing;
- Do more to mobilise the potential of the rapidly growing population in their late 50s and above; and
- Thereby, preserve solidarity between the generations.

The European Union institutions define active ageing as 'creating better opportunities and working conditions to enable older workers to play their part in the labour market, combating social exclusion by fostering active participation in society, and encouraging healthy ageing'.

The European Year builds on the Council Resolution of 2007 on 'Opportunities and Challenges of Demographic Change in Europe: the contribution of older people to economic and social development'. This resolution emphasised the need to increase the possibilities for active participation by older people, the new economic opportunities created by the growing demand of older people for certain goods and services, and the importance of a positive public image of older people.

The European Commission has emphasised a focus on older people in 'Europe 2020 – A strategy for smart, sustainable, and inclusive growth'. The strategy sets an employment target of 75% and emphasises the need for greater involvement of older workers if this target is to be reached. It points out that Member States need to promote active ageing policies as part of the Flagship Initiative 'An Agenda for New Skills and Jobs'. It makes particular mention of the need for Member States to address the specific circumstances of older women as part of the Flagship Initiative 'European Platform against Poverty'.

Equinet welcomes the opportunity to present this *perspective* in support of the European Year for Active Ageing and Solidarity between Generations. Equinet is the European network of equality bodies established by statute under equal treatment legislation across all Member States. This *perspective* draws directly from the work of the equality bodies in implementing this equal treatment legislation at Member State level. It is therefore confined to the issues that arise within the mandate of the equality bodies rather than offering a more comprehensive viewpoint. An Equinet survey of the work of equality bodies on the age ground was conducted to enable and inform this *perspective*. A special meeting of the Equinet Working Group on Policy Formation was convened to discuss and shape this *perspective* and the Working Group continued this participation in finalising this *perspective*.

The prohibition of any kind of discrimination is stated in the Charter of Fundamental Rights of the European Union under its Article 21: 'Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited'.

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<sup>1</sup> No data was available for the United Kingdom

<sup>2</sup> Goll Michael (2010), *Ageing in the European Union: where exactly?*, Eurostat Statistics in focus, 26/2010

The Council Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation. It prohibits discrimination in employment and occupation on a number of grounds including the ground of age. The Directive does not include a requirement on Member States to establish an equality body. The proposal for a Directive to prohibit discrimination beyond the labour market on the ground of age, among other grounds, has yet to be enacted. However, many Member States have gone beyond the requirements of the European Union equal treatment Directives in establishing equality bodies whose mandates include an age ground and in enacting equal treatment legislation that prohibits discrimination on the age ground both in employment and beyond in the provision of goods and services.

The track records of equality bodies with respect to their work on the age ground are diverse. The Directive allowed Member States a generous time frame within which to bring the age ground into domestic legislation. A number of equality bodies have been established only recently. This means that many equality bodies can bring a new energy to fighting equality and non-discrimination on the ground of age and can offer further commitment in terms of engaging with this issue. It is of note that a number of equality bodies have already indicated that they intend to use the European Year to develop a specific focus on the age ground in their work.

There are also a significant number of Member States with a longer history of implementing the prohibition on discrimination on the age ground and a significant number of equality bodies that have a long history of operation. This means that many equality bodies bring a breadth of experience to the issue of active ageing from their work in promoting equality and combating discrimination on the age ground in employment and beyond, like in the provision of goods and services.

The purpose of Equinet in preparing this *perspective* is to mobilise and support the engagement of equality bodies in the work of the European Year for Active Ageing and Solidarity between Generations. The European Year presents a valuable opportunity for the equality bodies to develop their work on the age ground and to bring the issues of older people to the fore.

Equinet further hopes that this *perspective* will stimulate and support a European Year that will:

- Enhance the policy context for the work of the equality bodies in promoting equality and combating discrimination on the age ground in all areas of life.
- Engage equality bodies at European and Member State level so that their experience can inform new commitments, directions and priorities for active ageing.
- Present a real and lasting challenge to ageism and discrimination and the manner in which these phenomena diminish older people and block their contribution to society.

In this *perspective* Equinet will focus in particular on the situation and experience of older people and on the diversity of older people. This reflects the experience of equality bodies where it is predominantly older people who are currently putting forward allegations of discrimination on the age ground. It also reflects the emphasis in the purpose established for the European Year itself. Equinet intends to develop a particular focus on the situation and experience of young people and on the diversity of young people in a future *perspective*.

## Ageism

The starting point for this *perspective* and the core message from the work of the equality bodies is that discrimination against older people presents a major barrier to any ambition for active ageing. This discrimination is reported in relation to employment and in relation to the provision of a wide range of goods and services. The age ground and, specifically, allegations of discrimination by older people, make up a significant percentage of the case-files of many equality bodies across the Member States.

The European Council Resolution of 2007 emphasised the importance of a positive public image of older people. The experience of the equality bodies suggest that stereotyping of older people, negative value judgements of age and ageing, ageist attitudes, prejudice and a sense that age itself might be a valid justification for discrimination are all prevalent across the Member States. The equality bodies are clear that it is these phenomena that enable, lead to and even serve to justify discrimination experienced by older people.

Ageism, in the experience of the equality bodies, is a widespread and damaging phenomenon across the European Union. It is a cultural phenomenon. It is a flawed part of the common sense articulated in many European cultures. Ageism accords meaning to chronological age such that people all too often judge or assess a person's capacity, ambition and worth on the basis of their age. The expectations held of any person by the wider society are then governed by what age they are. Ageism finds expression in institutional systems, individual attitudes and inter-generational relationships.

Institutional practices that have come to the attention of equality bodies that reflect this ageist culture include the use of age limits to govern access to services or participation in the workplace, other forms of discrimination that exclude older people from work or from key services, and inadequate policy responses to the situation of older people such that they find themselves marginalised and disadvantaged in society.

Individual attitudes that have come to the attention of equality bodies that reflect this ageist culture cover a range of stereotypes and false assumptions. These stereotypes and assumptions such as the supposed lack of capacity for innovation of older people, relate to the supposed dated nature of the skills held by older people, and the supposed dependence, passivity or vulnerability of older people.

Inter-generational relationships that have come to the attention of equality bodies that reflect this ageist culture start from a norm that appears to suggest that discrimination against older people is somehow justifiable and even normal in being part of how things have always been done. This makes discrimination against older people harder to name as a problem and less visible as an issue. Harmful inter-generational relationships can also stretch to physical, emotional and verbal abuse of older people on the basis of their age. In particular equality bodies deal with a range of allegations from older people of harassment in the workplace and in the provision of services.

Ageism generates both discrimination and inequality for older people. It blocks their access to and enjoyment of resources such as jobs and incomes, education, health and accommodation. It leads to discrimination and poverty for older people. It blocks their access to power and decision making. Stereotypes of older people as out of date, confused or senile mean that often they do not get a say in decisions that impact on them. It blocks their access to and enjoyment of status and standing in society. The result of this is that their needs are not deemed to be a priority and are often not given due consideration. It blocks their access to relationships of care, love, solidarity and respect. Research in all Member States has pointed to experiences of physical, emotional and verbal abuse of older people.

Ageism negates the diversity of older people. In turn it can have a particular impact on different groups of older people. The equality bodies deal with a range of cases where discrimination on the age ground intersects with discrimination on other grounds. This reflects the multiple identities older people hold and the differential impact of ageism on these different groups. In particular older women, older minority ethnic people and older people with disabilities have brought such issues to the attention of equality bodies.

A key focus for the European Year of Active Ageing and Solidarity between Generations needs to be the elimination of this ageism. The equality bodies, in their work of implementing equal treatment legislation, can offer particular insights into this phenomenon. The equality bodies, with their mandate to promote equality and to combat discrimination on the age ground, also have a particular contribution to make to the elimination of this ageism.



## Survey of equality bodies

Equinet conducted a survey of its member equality bodies in April-June 2011 to gather data on and explore their work on the age ground in combating discrimination against and promoting equality for older people. Twenty three equality bodies responded to the survey questionnaire. These equality bodies were based in twenty one different Member States.

A significant number of these equality bodies are vested with the power to address age discrimination in areas of life beyond the labour market, despite the absence of a European Union equal treatment Directive in this field. Fourteen of the equality bodies answering the survey have a mandate that covers age discrimination in the field of employment and occupation as well as in fields beyond the labour market, such as the provision of goods and services, housing, education, and health care. Five of the equality bodies provide protection against age discrimination in the labour market only. The other four equality bodies have no mandate to deal with age discrimination for the moment. In certain cases other types of bodies in these countries provide protection against discrimination on the age ground.

Nine of these bodies were tribunal type equality bodies, predominantly concerned with hearing, investigating, and deciding on individual instances of discrimination brought before them, and fourteen of these bodies were promotion type bodies, predominantly concerned with providing legal advice and assistance to individuals alleging discrimination, supporting good practice in organisations, developing a knowledge base on equality and discrimination and raising awareness of rights under equal treatment legislation.

This pool of equality bodies represents a significant diversity in geographical terms as well as in terms of mandate, powers and experiences. It is important therefore to note that the survey can provide a qualitative rather than a quantitative picture even when numerical indicators such as those of case work are mentioned.

The survey questionnaire explored the following areas of the equality bodies' work on the age ground:

- Vision, strategies and objectives of the equality body.
- Legal work – providing legal advice and representation to people who experience discrimination or hearing, investigating and deciding on individual cases.
- Promotional work – providing support for good equality practice in employment and service provision by organisations.
- Research work – developing a knowledge base on equality and discrimination.
- Communication work – raising awareness of rights under equal treatment legislation and contributing to a culture favourable to these rights and to the age diversity of the population.

In most countries age discrimination is a relatively new field of action as Member States, the general public and equality bodies start to realise the extent of the problem and the substantial impact age discrimination has on older people in particular. A large number of equality bodies reported that many people in society do not know or do not think that discrimination against older people is prohibited and tend to downplay the importance of age discrimination compared to other forms of discrimination. This leads to under-reporting of age discrimination and presents a significant barrier to the work of the equality bodies.

### ***Vision, strategy and objectives***

The survey showed that equality bodies typically adopt a horizontal approach in their vision, strategy, and objectives. They focus on mainstreaming the age ground within all their activities alongside the other grounds that fall within their mandate. As such they do not have specific objectives formulated with regard to age discrimination.

A small number of equality bodies usefully adopt a horizontal and a vertical approach in their vision, strategy and objectives. In this they focus the bulk of their work on mainstreaming the age ground alongside all other grounds within their mandate. However they reserve a portion

of their endeavours to focus specifically on the age ground and the particular issues within this ground.

Some bodies that do not have a mandate in relation to the age ground nonetheless include a focus on this ground within their work. They take a multiple discrimination approach whereby they address the intersection between the grounds they work on with the ground of age. Other bodies that have a mandate with regard to the age ground also include a multiple discrimination approach in their work. The intersection of grounds most frequently dealt with are the intersection between gender and age (in particular the situation and experience of older women), race and age (in particular issues of immigration, family reunification, caring services, access to benefits, and language acquisition) and disability and age (in particular issues of care and of reasonable accommodation).

It can be valuable for equality bodies to work on all three of these levels taking:

- A horizontal multi-ground approach to initiatives where age is one ground within a range of other grounds targeted.
- A vertical single ground approach with initiatives that address issues specific to the age ground.
- An intersectional approach with initiatives that address the diversity of people within the age ground and the particular issues for specific groups that arise from this diversity.

Most of the equality bodies reported that they engage in work on the age ground. Yet data on which age groups they addressed was not always available. It would appear however from the reports that this work mainly concerns older people.

A number of **positive examples** were reported where equality bodies worked on a range of levels in relation to the age ground. These included:

- ▶ The **Equality Authority** in Ireland names a specific objective relating to age discrimination in its Strategic Plan: *'To take initiatives that further equality for groups and individuals experiencing inequality by highlighting and supporting practical responses to ageism experienced by older people'*.
- ▶ The **Centre for Equal Opportunities and Opposition to Racism** in Belgium has a specific focus on age discrimination in its new strategic plan for the period 2011-2013.
- ▶ The **Equality Ombudsman** in Sweden and the **Ombudsman Office** in Croatia had a special focus on age discrimination issues in 2009 and 2010 respectively.
- ▶ The **Federal Anti-Discrimination Agency (FADA)** in Germany has decided to make 2012 the year against discrimination on the ground of age with several events and campaigns planned.
- ▶ The **Ombudsman for Minorities** in Finland does not have a mandate for age discrimination but has recognised that the diversity of minority ethnic groups intersects with the diversity of older people and has participated in events on minority ethnic groups and older people.

### **Legal work**

Most equality bodies reported that they deal with each complaint (not only age discrimination complaints) on a case-by-case basis. This is valuable in developing a critical mass of

casework on the age ground. Some equality bodies however underlined that they do not have litigation powers which can be problematic. Tribunal-type equality bodies reported that their mandate is to formally decide all cases received. A few equality bodies reported that they pursue some form of specific litigation strategy for age discrimination cases. This can be valuable in developing legal certainty in relation to discrimination on the age ground given the relatively recent introduction of this ground and in making best use of scarce resources. However it can be important to ensure that strategic litigation encompasses a critical mass of casework in a context where there can be denial and invisibility surrounding the issue of age discrimination in society.

A number of **positive examples** of strategic litigation were reported. These included:

- ▶ The **Equality and Human Rights Commission (EHRC)** in Great Britain (United Kingdom) has a test case strategy where newer areas of anti-discrimination law (such as age) are of particular interest in order to establish the to-date rather limited case law and to test the full extent of the law. Current test cases included issues of forced retirement, dismissal, change of job requirements and provision of a care package on the disability and age grounds.

Equality bodies reported very different numbers of complaints and inquiries relating to age discrimination with their share in all complaints/inquiries/cases received ranging between 20% in Austria, 17.3% in the Netherlands, 16.9% in Lithuania, 16.8% in Germany, 15.5% in France, 10.5% in Hungary, 10% in Denmark, 8% in the Czech Republic, 7% in Luxembourg, 5% in Belgium and around 3% in Great Britain (United Kingdom), Ireland and Bulgaria. A number of respondents did not have data as to the share of complaints originating from older people under the age ground. However, it was their clear empirical observation that an overwhelming majority of age discrimination cases are being brought by older people.

The casework of the equality bodies reveals the main areas where older people report experiencing discrimination. 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 and forced retirement.

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

An overwhelming majority of equality bodies responding to the survey emphasised, based on their experience, the need to provide legal protection against age discrimination beyond the field of employment. The experience reported by most equality bodies is that age discrimination is present in other fields of life as well – in some countries, such as Lithuania, resulting in more complaints than the employment sector.

In the fields beyond employment, most complaints concerned:

- Access to insurances (travel, motoring, pension, life and health insurances);
- Banking services (consumer credits, credit cards, loans, mortgages and accounts).

A smaller number of equality bodies report issues of discrimination in relation to housing, social protection, social care and health care.

Multiple discrimination emerged from the survey as a phenomenon in this casework. Age as a discrimination ground was most often reported as intersecting with the grounds of gender, disability, and racial or ethnic origin in discrimination complaints handled by equality bodies.

Many equality bodies reported a proactive approach whereby in many age discrimination cases they attempt to resolve the dispute without entering into a legal process, aiming to reach a friendly settlement. Some equality bodies report this as of particular relevance to older people.

The survey reveals a range of factors that serve as barriers to equality bodies developing their legal work in relation to age discrimination. These include:

- The low level of reporting of incidents by people who experience discrimination on the age ground. This seems to be a particular issue in many countries where it is still seen as normal or justifiable to discriminate on the age ground. This can lead to a culture where older people accept or do not recognise discrimination.
- A hierarchy of grounds is reported. This emerges due to the broad range of exemptions that can apply to the age ground offering a broad possibility to justify age discrimination.
- Equality bodies point to the lack of adequate resources to fully develop their mandate and maximise their impact on age discrimination.
- In a number of jurisdictions the equality bodies reported a relative weakness of non-governmental organisations (NGOs) representing older people, or the absence of NGOs addressing age discrimination, or the lack of resources available to these NGOs. Non-governmental organisations emerged as important actors in combating age discrimination and key partners for equality bodies in addressing discrimination against older people and promoting equality for older people.

### ***Promotional work***

Some two thirds of the equality bodies reported an engagement in promotional activities to support good equality practice by employers and service providers. Most of these activities are based on a horizontal approach with promotional tools and initiatives addressing all grounds within the mandate of the equality body. Some equality bodies voiced their opinion that such a horizontal approach to promotional activities was the most effective one.

The main target groups reported for these activities were employers and trade unions. NGOs emerged as an important partner in the development of these activities with a number of equality bodies reporting networking initiatives with NGOs representing older people. There was only limited reference made to promotional work on the age ground with service providers.

A range of promotional activities were reported by the equality bodies. These included:

- Provision of training events and workshops to raise awareness of employers and trade unionists of their obligations and to support good practice.
- Preparation and dissemination of guidance materials and brochures on good practice.
- Presentation of awards to stimulate and acknowledge good practice.
- Publication of legal opinions to clarify the legal norms in relation to age discrimination.
- Legal review of legislation and public policy to determine whether it is in accordance with anti-discrimination provisions.

A number of issues in relation to equality and non-discrimination for older people can be identified from the range of promotional work developed by equality bodies. These include:

- The manner in which age limits serve as a response to age diversity and create exclusion for older people in a range of different manners and fields.
- Limited awareness and skills among employers in the management of age diversity.
- The importance of flexible work options in supporting participation by older people in the labour market.
- A lack of engagement by service providers in developing age friendly service provision.

- The manner in which legislation and policy that is not developed with a conscious focus on the needs and situation of older people can end up excluding older people.

A number of **positive examples** were reported where equality bodies worked on a range of levels in relation to the age ground. These included:

- ▶ The **Centre for Equal Opportunities and Opposition to Racism** in Belgium has used, and the former **High Commission against Discrimination and for Equality (HALDE)**, now **Defender of Rights**, in France is developing, an easy-to-use web tool to help employers assess and confirm whether their job advertisements are written in a non-discriminatory manner.
- ▶ The **Danish Institute for Human Rights** reported a number of horizontal activities that promote equality and diversity in the workplace. These included the diversity training, diversity guidelines and the MIA Award to acknowledge and reward Danish employers for the most equal and diverse workplaces.
- ▶ The **Equality and Human Rights Commission (EHRC)** in Britain (United Kingdom) has a 'Working Better' project which seeks to promote innovative ways of working, particularly more flexible options, in order to improve equality and human rights in the workplace. The project has a stream that focuses specifically on the needs of older workers who want to stay longer in the labour market.
- ▶ The **Equal Treatment Commission** in the Netherlands issued legal advice on a range of issues including age limits in job advertising, age barriers in pension schemes, and age limits in unemployment benefits legislation.
- ▶ The **Commission for Protection against Discrimination** in Bulgaria conducted a review of labour, social security and pension legislation and suggested amendments and improvements to provisions containing elements of unequal treatment.
- ▶ The **Equality Authority** in Ireland has prepared general guidance on age friendly customer service and targeted guidance for the health, transport, hospitality and leisure services.

### **Research**

Few equality bodies reported engaging in research work on the age ground. Many highlighted the need for more data on age discrimination and for research to deepen the understanding of age discrimination. Resources appear to be a significant barrier to developing work in this field. Some equality bodies reported making use of European funding to rectify this and conducting or commissioning EU-funded or co-funded research projects.

A small number of equality bodies reported recently concluded, ongoing or planned research projects. These include surveys on age discrimination, research on job advertisements, research on unemployment and poverty of older people, research on good practice by employers and research on the quality of social services for older people.

A number of positive examples were reported where equality bodies conducted or commissioned research on the age ground. These included:

- ▶ The **Federal Anti-discrimination Agency (FADA)** in Germany has published a study on age discrimination providing an overview of legal provisions and situation in relation to scientific knowledge on age discrimination. The study also pointed out the current research gaps.
- ▶ The **Slovak National Centre for Human Rights**, in cooperation with a national non-governmental organisation, the Elderly Assistance Forum, carried out an empirical investigation into the poverty and social exclusion of older people in 2008 and conducted an analysis of the quality and accessibility of social services for older citizens in 2010.
- ▶ The **Public Defender of Rights** of the Czech Republic carried out research on employment advertisements and plans research on access of older people to bank products.
- ▶ The former **High Commission against Discrimination and for Equality (HALDE)**, now **Defender of Rights**, in France has conducted a survey on unemployment of older people to determine links between job applications and job offers.
- ▶ The **National Commission for the Promotion of Equality (NCPE)** in Malta conducted research as part of the Voice For All project to identify good practices on all grounds of discrimination with the public and private sectors, the media, civil society and the educational sphere.

### **Communication work**

Most equality bodies reported that awareness-raising about their work and the equal treatment legislation is their key communication priority. This is linked to a concern at the high levels of under-reporting in relation to discrimination on the age ground. In most cases equality bodies reported that they do not have sufficient resources to develop a specific communication strategy targeting older people and therefore concentrate their communication work on horizontal activities relating to all discrimination grounds and targeting the wider society. Some equality bodies reported that they endeavour to target older people more specifically with their communication activities, mainly by cooperating with older people's NGOs.

A small number of equality bodies have developed communication initiatives that go beyond seeking to provide information on rights and how to vindicate one's rights. These equality bodies have identified a culture of ageism as being at the root of the discrimination experienced by older people. Communication activities have been developed that seek to challenge ageism and contribute to cultural change in the wider society.

Communication activities reported include annual reports, newsletters, publication and dissemination of brochures, websites, networking with NGOs, provision of training events, talks and lectures, media campaigns and press releases, and outdoor public education campaigns.

Some equality bodies indicated a lack of strong well resourced NGOs protecting older people's rights and interests as a barrier to successful communication activities. Other barriers identified include insufficient resources, the complexity of age discrimination, the

diversity of the life situations of older people and the fact that age discrimination is often considered less severe than other forms of discrimination.

A number of **positive examples** were reported where equality bodies worked on communication strategies linked to the age ground. These included:

- ▶ The **Equality Authority** in Ireland operates an Annual Say No to Ageism Week which seeks to challenge ageist attitudes with the use of outdoor advertising, a poster campaign for workplaces and promotional materials for general venues.
- ▶ As part of the specific focus on age discrimination in its new strategic plan for 2011-2013 the **Centre for Equal Opportunities and Opposition to Racism** in Belgium will feature its work on the age ground as a special item in its annual report and the related communication activities.
- ▶ In 2012 the **Federal Anti-discrimination Agency (FADA)** in Germany will have a focus on combating discrimination on the ground of age which will also materialize in communication campaigns, brochures and events. FADA will have a specific focus on tackling age discrimination and ageism and will cooperate with NGOs and the campaign will be publicly supported by prominent persons.
- ▶ The **Equal Treatment Board** in Denmark uses its website, publishes a newsletter and issues press releases to disseminate its decisions in cases including on age discrimination.

## Key practice themes

Two key practice themes emerge from the work reported by the equality bodies that could shape and inform the promotion of good practice by employers and service providers in relation to age equality and older people. They are practice themes that could be developed and implemented specifically and solely on the age ground or they could be developed and implemented simultaneously with other grounds.

These are the practice themes of *Proactively Managing Age Diversity* which could be taken up by employers and of *Age Friendly Service Provision* which could be taken up by service providers. The work of the equality bodies offers valuable insights into the actions required under each of these themes.

The European Year for Active Ageing and Solidarity between Generations could usefully take up, promote and support the further development and implementation of these two practice themes. Both sets of practices have the capacity to advance the participation of older people and to eliminate the ageism and discrimination that serves to block their participation. They have a key contribution to make to active ageing.

### ***Proactively Managing Age Diversity***

The proactive management of age diversity in the workplace is good for older employees. It also benefits all employees and contributes to business success. It ensures older employees retain employment and continue to offer their contribution and long experience to the

workplace. It builds a confidence in human resource management among all employees and secures a strong organisational loyalty from the workforce. It eliminates the potential for discrimination and harassment and the damage such incidents can do to the workplace morale.

The proactive management of age diversity is based on a planned and systematic approach to equality for older workers. It seeks a workplace open to participation by older people, welcoming of older workers and age diversity, and committed to equality for older workers. Such an approach requires:

*Commitment across the workplace*

- Develop and implement an equality policy that sets out a workplace commitment to eliminating discrimination and harassment on the ground of age, to securing the participation of older workers at all levels, to introducing the flexibilities required to retain and attract older workers, and to advancing equality for older workers.

*Capacity of all staff*

- Provide equality and diversity training to all staff to support their awareness and valuing of age diversity, to enable them to challenge ageism, and to build their skills to manage and work within an age diverse workforce and to implement the equality policy.

*A plan*

- Devise and implement an action plan to advance equality for older workers in the workplace and in recruitment to the workplace. This should be based on a review of workplace policies, procedures and practices for their impact on older workers.
- Accord responsibility to a senior staff member for driving implementation of the equality policy and the equality action plan.

*Decision making*

- Analyse data on age diversity in the workplace to enable evidence based decision making rather than decision making informed by stereotypes and false assumptions.
- Engage with older workers and older peoples' organisations to develop participative based decision making informed by a diversity of ages.
- Assess the impact of key decisions on older workers and their participation in the workplace.

***Age Friendly Service Provision***

Age friendly service provision is good for older customers. It also benefits the business and contributes to business success. It attracts older customers and builds the customer base of the business. It enhances the image of the business and develops customer loyalty. It eliminates the potential for discrimination and harassment and the reputational damage resultant from such incidents.

Age friendly service provision is welcoming of older customers, knowledgeable about their needs, respectful of their dignity and perspective, free from ageism and discrimination and designed to take account of the particular needs, experience and situation of older people. Depending on the nature and scale of the service age friendly service provision requires some mix of the following elements:



*Dialogue with older people*

- Consult with older customers and organisations of older people about their potential specific needs and how best to meet them and consult with older customers about how to adjust the delivery of services to ensure they are accessible.

*Staff capacity*

- Provide training to develop staff awareness about ageism and equality for older people and their own perspectives on age diversity.
- Develop and implement a policy to ensure no discrimination or harassment of customers on the basis of age and respect for the dignity of older customers.

*Service design for all*

- Audit the services provided and the delivery of these services, to assess if they meet the needs of older people.
- Audit the services, and the manner in which they are delivered, for any barriers to older people and to ensure their accessibility to older people.
- Develop specific services or specific delivery mechanisms to target the particular needs of older people where these are necessary.

*Informed customers*

- Provide accurate, relevant and accessible information to older people about the services and the manner in which they are delivered.
- Provide or enable advocacy support to older customers to ensure that they can articulate their needs and wishes and that they can secure their rights.

*Coherence of commitment*

- Employ older workers so that customers can engage with an age diverse staff.
- Proactively manage the age diversity of staff.

## Key priorities

This survey of the work of equality bodies across the Member States offers a range of insights that could be taken up and addressed as part of the European Year for Active Ageing and Solidarity between Generations. These insights could inform the approach taken by equality bodies, by Member States and by the European Commission to the European Year.

### **Equality Bodies**

Equality bodies could consider some of the following suggestions:

1. Develop a specific initiative targeting older people during the European Year. Such an initiative could focus on the issue of under-reporting of discrimination by older people. It could take on to highlight and challenge the prevalence of a culture of ageism in society. It could seek to promote and advance a practice by employers of proactively managing age diversity and/or by service providers of age friendly service provision.
2. Engage and network with organisations representing older people to support a mutual education that would strengthen the work of these organisations to combat age discrimination effectively and would enhance the knowledge of equality bodies on the experience and situation of older people and on how best to combat the discrimination they experience and to advance equality for older people.
3. Participate in the institutional structures developed at Member State level to manage and support the European Year.
4. Contribute to the development and implementation of Member State strategies for the European Year with a focus on the issues of ageism and discrimination.

### **Member States**

Member states could consider some of the following suggestions:

1. Make provision during the European Year in their National Reform Programme under Europe 2020 for particular initiatives to enhance labour market participation by older people. These initiatives could include action to support employers to implement strategies of proactively managing age diversity and to support service providers to implement age friendly service provision.
2. Develop a focus on challenging ageism and eliminating discrimination in their active ageing policies as part of their response to the European Year. This could include actions to promote age friendly service provision and compliance with equal treatment legislation by public sector bodies providing services in the fields of housing, social protection, health services and social care. It could include the creation of systems to assess, at design stage, the potential impact of new policies on equality for older people as part of a wider equality mainstreaming initiative. It could include action to review the use of age limits in legislation and in administrative practice.
3. Introduce legislation to prohibit discrimination on the age ground in areas beyond the labour market where such legislation does not exist.
4. Take action to support and resource the work of equality bodies in addressing under-reporting of discrimination by older people, in working to eliminate discrimination experienced by older people and promoting good practice for equality for older people in employment and in service provision.

### **European Commission**

The European Commission could consider some of the following suggestions:

1. Promote and support initiatives to advance a positive public image of older people through advancing an understanding of ageism and its causes, stimulating cultural change that would undermine ageism and supporting action to eliminate discrimination as a priority within the strategy developed as part of the European Year.
2. Develop actions to contribute to a better understanding of and response to the identity, situation and experience of older women, older people with disabilities and older members of minority ethnic groups within the initiatives developed as part of the European Year.
3. Stimulate a renewed political focus during the European Year to advance the proposal for a Directive to prohibit discrimination on the grounds of age, disability, sexual orientation and religion in fields beyond labour market and work towards a minimum number of objectively justified exemptions on the age ground.

## **Conclusion**

The European Year for Active Ageing and Solidarity between Generations offers a valuable opportunity to take stock of the barriers presented by ageism and discrimination to the goal of active ageing. It provides a means to advance initiatives to further challenge ageism and eliminate discrimination. It is only in this way that active ageing and the participation of older people in the workplace and in the wider society can be advanced.

These issues of ageism and discrimination therefore provide a challenge to all stakeholders involved in the European Year. In particular the European Commission and the Member States can advance action to remove these barriers to active ageing as part of the strategy for the European Year and as part of the ongoing implementation of the Europe 2020 Strategy.

Equality bodies can play particular roles in addressing these issues given their mandate and their experience in working to promote equality and combat discrimination on the age ground. Equality bodies could further their work on the age ground to enhance their contribution during the European Year to challenging ageism, eliminating stereotypes and discrimination

on the age ground and improving intergenerational solidarity. They could engage fully with the European Year to enhance the focus on ageism and discrimination within the initiatives developed as part of the European Year and to offer their experience and expertise in this regard.

Equinet looks forward to playing a positive role in supporting equality bodies to make this contribution to the European Year. Equinet hopes to engage with key stakeholders in encouraging their commitment to this agenda and their focus on the key themes of proactively managing age diversity and developing age friendly service provision. This *perspective* will hopefully serve as a foundation for Equinet's future work in this area.

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## Equinet member organisations

### AUSTRIA

Ombud for Equal Treatment  
[www.gleichbehandlungsanwaltschaft.at](http://www.gleichbehandlungsanwaltschaft.at)

### BELGIUM

Centre for Equal Opportunities & Opposition to Racism  
[www.diversite.be](http://www.diversite.be) and [www.diversiteit.be](http://www.diversiteit.be)

### BELGIUM

Institute for the Equality of Women and Men  
<http://igvm-iefh.belgium.be>

### BULGARIA

Commission for Protection against Discrimination  
[www.kzd-nondiscrimination.com](http://www.kzd-nondiscrimination.com)

### CROATIA

Office of the Ombudsman  
[www.ombudsman.hr](http://www.ombudsman.hr)

### CYPRUS

Office of the Commissioner for Administration  
(Ombudsman)  
[www.ombudsman.gov.cy](http://www.ombudsman.gov.cy)

### CZECH REPUBLIC

Office of the Public Defender of Rights  
[www.ochrance.cz](http://www.ochrance.cz)

### DENMARK

Board of Equal Treatment  
[www.ast.dk](http://www.ast.dk)

### DENMARK

Danish Institute for Human Rights  
[www.humanrights.dk](http://www.humanrights.dk)

### ESTONIA

Gender Equality and Equal Treatment Commissioner  
[www.svv.ee](http://www.svv.ee)

### FINLAND

Ombudsman for Equality  
[www.tasa-arvo.fi](http://www.tasa-arvo.fi)

### FINLAND

Ombudsman for Minorities  
[www.ofm.fi](http://www.ofm.fi)

### FRANCE

Defender of Rights  
[www.defenseurdesdroits.fr](http://www.defenseurdesdroits.fr)

### GERMANY

Federal Anti-Discrimination Agency  
[www.antidiskriminierungsstelle.de](http://www.antidiskriminierungsstelle.de)

### GREECE

Greek Ombudsman  
[www.synigoros.gr](http://www.synigoros.gr)

### HUNGARY

Equal Treatment Authority  
[www.egyenlobanasmod.hu](http://www.egyenlobanasmod.hu)

### HUNGARY

Office of the Parliamentary Commissioner for  
the Rights of National and Ethnic Minorities  
[www.kisebbsegombudsman.hu](http://www.kisebbsegombudsman.hu)

### IRELAND

Equality Authority  
[www.equality.ie](http://www.equality.ie)

### ITALY

National Office against Racial Discrimination - UNAR  
[www.unar.it](http://www.unar.it)

### LATVIA

Office of the Ombudsman  
[www.tiesibsargs.lv](http://www.tiesibsargs.lv)

### LITHUANIA

Office of the Equal Opportunities Ombudsperson  
[www.lygybe.lt](http://www.lygybe.lt)

### LUXEMBURG

Centre for Equal Treatment  
[www.cet.lu](http://www.cet.lu)

### MALTA

National Commission for the Promotion of Equality  
[www.equality.gov.mt](http://www.equality.gov.mt)

### NETHERLANDS

Dutch Equal Treatment Commission  
[www.cgb.nl](http://www.cgb.nl)

### NORWAY

Equality and Anti-Discrimination Ombud  
[www.ldo.no](http://www.ldo.no)

### PORTUGAL

Commission for Citizenship and Gender Equality  
[www.cig.gov.pt](http://www.cig.gov.pt)

### ROMANIA

National Council for Combating Discrimination  
[www.cncd.org.ro](http://www.cncd.org.ro)

### SERBIA

Commission for the Protection of Equality  
[www.ravnopravnost.gov.rs](http://www.ravnopravnost.gov.rs)

### SLOVAKIA

National Centre for Human Rights  
[www.snsnp.sk](http://www.snsnp.sk)

### SPAIN

Spanish Race and Ethnic Equality Council  
[www.igualdadynodiscriminacion.org](http://www.igualdadynodiscriminacion.org)

### SWEDEN

Equality Ombudsman  
[www.do.se](http://www.do.se)

### UNITED KINGDOM - GREAT BRITAIN

Equality and Human Rights Commission  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### UNITED KINGDOM - NORTHERN IRELAND

Equality Commission for Northern Ireland  
[www.equalityni.org](http://www.equalityni.org)

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 Equinet  
European network  
of equality bodies



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