

National Assembly for Wales
Equality of Opportunity Committee

Older People and Employment Discrimination

November 2009



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

An electronic copy of this report can be found on the National Assembly's website:
www.assemblywales.org

Further hard copies of this document can be obtained from:
Equality of Opportunity Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Tel: 029 2089 8618
Email: Equality.comm@wales.gsi.gov.uk

National Assembly for Wales
Equality of Opportunity Committee

Older People and Employment Discrimination

November 2009



Committee Membership



Ann Jones
Chair
Vale of Clwyd
Labour



Eleanor Burnham
North Wales
Welsh Liberal Democrat



Jonathan Morgan
Cardiff North
Welsh Conservative Party



Janet Ryder
North Wales
Plaid Cymru



Joyce Watson
Mid and West Wales
Labour

Chair's Introduction



It is vitally important that people are able to work for as long as they want or need to. Enabling older people to work longer not only benefits the individual through allowing them to remain active and maintain social contacts, it also eases the pressure on the pension system, reduces pensioner poverty and makes a valuable contribution to society through the passing on of valuable skills and knowledge to younger workers.

However, evidence suggests that discrimination on the grounds of older age is still a problem in Wales, not only for those people already in employment but also for those seeking employment. Previous periods of economic downturn have had a greater impact on older workers, resulting in higher numbers of older people losing their jobs and not gaining reemployment. Initial figures suggest that this is the case in the current recession.

With this in mind the Equality of Opportunity Committee decided to carry out an inquiry into discrimination against older people in relation to employment. Whilst there is strong anecdotal evidence that older people face discrimination, the Committee found that it is difficult to find actual evidence of this as there is a lack of information available. Whilst a vast amount of data is collected in relation to employment, there appears to be little information on the specific challenges facing older people. This makes it difficult to ensure Welsh Assembly Government policies and programmes effectively target older people's needs.

The report makes seven recommendations to the Welsh Government. There is a need to focus on the specific challenges facing older people. There also needs to be more of a cross cutting approach across Welsh Government departments to ensure all employment and business

related policies and programmes take account of the needs of older people.

The inquiry was a short, focused investigation centred on taking evidence from key Welsh Ministers. A small, temporary reference group of key organisations was established to provide advice on the main issues in relation to older people and employment. I would like to take this opportunity to thank them for their input into the inquiry.

Ann Jones AM
Chair, Equality of Opportunity Committee

Background and Introduction

1.1 In March 2009 the Equality of Opportunity Committee agreed to conduct a short inquiry into discrimination against older people in relation to employment.

1.2 The inquiry focused on scrutinising the Welsh Assembly Government (Welsh Government) on the employment related outcomes of the Older People's Strategy. The Committee invited a small, informal reference group of key stakeholders to identify areas of concern regarding discrimination against older people in relation to employment. The Terms of Reference for the inquiry are attached at Annex A, along with a list of the organisations that formed the temporary reference group.

1.3 There is a lot of anecdotal evidence to suggest that discrimination on the grounds of older age is a problem within the UK and Wales, both for older people already in employment and those who are 'economically inactive' but want to work. More than a third of the population of Wales (37.1 per cent) is over the age of 50, and more than one in five (24.1 per cent) is over the age of 60¹.

1.4 A report produced by the Bevan Foundation on behalf of the Wales TUC in May 2008² states that:

- The likelihood of being in employment decreases markedly as age rises;
- Both men and women aged 50–54 have employment rates that are on a par with those of workers aged 25–49. However, the rate declines sharply for 55–59 year olds, and decreases further amongst 60–64 year olds;
- 7.5 per cent of males over state pension age and 9.5 per cent of females over state pension age in Wales are in employment.

1.5 Research published by Prime Cymru in January 2008³ considered some of the factors which result in the levels of economic activity amongst those aged between 50 and 64 in the UK:

¹ According to ONS 2007 mid year estimates

² Bevan Foundation [Wales TUC Equal at Work Project: Equality and Trade Unions in Wales](#) May 2008

³ Christopher Smallwood and Linda Obiamiwe. [Improving Employment Prospects for the over 50s](#). January 2008. Prime Cymru.

- Ill health is the single most common reason for which people in this age group disengaged from the labour market. One third of adults between 50 and 64 are disabled, and about 1.2 million or nearly 15 per cent of those aged between 50 and 64 are on Incapacity Benefit (IB) – half of those who are inactive;
- The Department for Work and Pensions estimates that 22 per cent of the age group are the 'affluent early retired' who are financially secure who do not want a job;
- The conclusions of the authors of the Prime Cymru commissioned research are broadly in line with those of Age Concern and the TUC in estimating that, amongst the 50 to the mandatory retirement age group in the UK, there is a “reserve army” of up to 800,000 people who would want to work if the barriers to employment could be overcome.

1.6 The Bevan Foundation report concludes that discrimination could well be a contributory factor in the lower employment rates for older workers:

A key issue in the lower rate of employment of older workers is whether their exit from the labour force is voluntary or not. Research suggests that over 50s leave employment because of a mixture of people’s preferences and the opportunities they have to exercise them, and there is strong evidence that less advantaged groups (e.g. people in less skilled occupations) tend to have less choice and control over their employment. Older people who have previously lost their job e.g. through redundancy have been found to be less likely to be working in their 50s and 60s, and those who did then return to work did so to jobs with shorter hours and substantially lower pay. However, even when factors such as health and labour market history are taken into account, there is a significant difference in employment that may well be due to discrimination on the grounds of age.

1.7 Age Concern and Help the Aged published a report this year which estimated that 65 per cent of older people believe age discrimination still exists in the workplace and that 76 per cent of older people

believe the country fails to make good use of the skills and talents of older people⁴.

⁴ Age Concern and Help the Aged [One Voice: Shaping our ageing society](#), 2009

Policy Context

2.1 Some of the policy areas relevant to work related discrimination against older people are non-devolved, including the mandatory retirement age, the unlawfulness of age discrimination in some settings and the state benefit system. Therefore the inquiry focused on scrutiny of the actions taken by, and plans of, the Welsh Government to ensure that older people enjoy the same work related opportunities as younger people.

Strategy for Older People in Wales

2.2 The 10 year Strategy for Older People in Wales was published by the Welsh Government in 2003. The first phase of the strategy ran from 2003-2008 and a second phase, from 2008-2013, was launched in 2008.

2.3 The first phase of the Strategy for Older People in Wales includes the following relevant strategic aims and objectives (chapter 4):

- To promote and develop older people's capacity to continue to work and learn for as long as they want, and to make an active contribution once they retire;
- To work with the UK Government to support the recruitment and retention of older people in employment;
- To work with the UK Government in the implementation of legislation to tackle discrimination in employment on the grounds of age;
- To help more older people to set up their own businesses and to encourage the transfer of knowledge and experience from older/retired business people to new entrepreneurs;
- To promote and develop the availability of IT facilities in communities and IT skills for older people.

2.4 The second phase of the Strategy includes the following strategic aims and objectives (chapter 3):

- To develop policies to increase the capacity of the over 50s to continue to work, learn, volunteer and care, making an active contribution for as long as they wish, and ensure that older people do not live in poverty;
- Support the recruitment and retention of older workers and increase economic activity by improving access to jobs for the

over 50s, including the disabled and those who have experienced ill health;

- Enable older employees to re-train and upgrade their skills and, in addition, pass on their skills and experience, in part through intergenerational learning in the workplace;
- Support flexible working practices to accommodate carers and develop programmes to ensure gradual transitions to retirement;
- Encourage volunteering programmes involving the over 50s in order to extend the active contribution of older people in society.

Single Equality Scheme

2.5 The Welsh Government has published a Single Equality Scheme which is a three year strategy running from 31 March 2009 until 31 March 2012. The scheme builds on the three former equality schemes for gender, race and disability. It also focuses on the additional strands of religion and belief and non belief, age, sexual orientation and transgender issues. The Scheme includes a number of aims and actions for Welsh Government departments which could impact on older job seekers, including the following:

To deliver a truly accessible business support service across Wales that takes account of people's needs arising from each of the equality strands.

Develop a series of internally led projects, working with a broad range of external partners in third sector, private and public sectors to deliver support to economically inactive, under represented groups, including disabled people or those with work limiting illness, to enable them to gain employability skills and enter sustainable employment. Initial targets are to engage with 23,000 participants, help 8,300 enter sustained employment and 1,200 to enter further learning.

Skills That Work for Wales

2.6 The Welsh Government's Skills That Work for Wales: A Skills and Employment Strategy and Action Plan, published in July 2008, includes a section on upskilling older workers which states:

We will work with employers and trade unions to ensure that older workers are able to take advantage of all our existing skills programmes and the new, more flexible learning opportunities created through the Vocational Qualification Reform Programme and enabled by the Credit and Qualifications Framework for Wales.

Legislative Context

3.1 Age discrimination covers a wide area, and includes discrimination in recruitment and selection, during employment, on the termination of employment and following the end of employment.

3.2 The main legislation in this area includes the:-

- EC Employment Directive 2000/78/EC; and
- Employment Equality (Age) Regulations 2006 (*the 2006 Regulations*).

3.3 Age discrimination is not defined in this legislation, and is not confined to one particular age group. The 2006 Regulations protect people of all ages - both young and old - against age discrimination. However, some legislation protects older people specifically from discrimination on the grounds of age. It is interesting to note, that unlike the other grounds for discrimination, a person's age is constantly changing.

EC Employment Directive 2000/78/EC

3.4 The Employment Directive 2000/78/EC lays down a framework for combating discrimination on grounds including age, and placed Member States under an obligation to introduce legislation making age discrimination unlawful in the areas of employment, occupation, and vocational training. For the UK, this obligation has been met by the Employment Equality (Age) Regulations 2006 which reflect the EC Employment Directive.

The Employment Equality (Age) Regulations 2006

3.5 The 2006 Regulations:

- make it unlawful to discriminate against people on grounds of their age or perceived age in employment, employment related activities, and vocational training, and further and higher education;
- provide protection in most aspects of employment including recruitment, being considered for training or promotion, being made redundant, and dismissal;
- create certain types of discriminatory conduct which includes; direct and indirect discrimination (regulations 3),

victimisation (regulation 4), instructions to discriminate (regulation 5), and harassment (regulation 6);

- make certain types of discrimination on the grounds of age unlawful unless the employer can justify the discrimination or an exception applies;
- make it unlawful for an employer to discriminate against a person in the recruitment and selection process subject to certain exceptions;
- introduce a mandatory retirement age of 65 years and establish a statutory retirement dismissal procedure; and,
- remove age criteria in other legislation including the upper age limit for complaints of unfair dismissal, claims for redundancy payments and statutory sick pay, and minimum age limits for statutory maternity, paternity and adoption pay.

3.6 Since the 2006 Regulations came into force, to reach a decision based on age, as opposed to evaluating a persons experience, fitness, ability, etc is unlawful unless one of the exceptions applies, or a justification test is satisfied.

3.7 Employment in the context of the 2006 Regulations means "employment under a contract of service or of apprenticeship or a contract personally to do work....."

Direct and indirect discrimination

3.8 Direct discrimination occurs where a person's age is used as a reason for treating them less favourably than someone else. Indirect discrimination occurs where a blanket policy, provision, criterion or practice disadvantages a certain age group, compared with others.

Objective justification

3.9 Under the 2006 Regulations, both direct and indirect age discrimination are unlawful unless:-

- it pursues a legitimate aim; and
- it is a proportionate means of achieving that aim.

3.10 So age discrimination may still be lawful, if it can be objectively justified, that is if it can be shown that the less favourable treatment, or the blanket policy, provision, criterion or practice, is a

proportionate (appropriate and necessary) means of achieving a legitimate aim.

Victimisation, instructions to discriminate, and harassment

3.11 The 2006 Regulations make it unlawful to victimise, instruct someone to discriminate, or harass someone because of their age. Victimisation is where an individual is treated less favourably because of raising an age discrimination complaint or for having done anything relating to such a complaint such as giving evidence in support of another individual. Harassment on the grounds of age is also prohibited where an individual, on the grounds of age, engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for another. Harassment and victimisation (unlike direct and indirect) discrimination can never be justified by an employer.

Statutory Exceptions

3.12 The 2006 Regulations also provide for a number of exceptions which permit employers in certain circumstances to discriminate on the basis of age without having to justify it. In summary the statutory exceptions include:

- i. genuine occupational requirements;
- ii. acts under statutory authority;
- iii. a need for "positive action";
- iv. retirement; and
- v. benefits based on length of service.

Mandatory retirement age

3.13 The 2006 Regulations create a mandatory retirement age of 65 years which allows employers to retire employees at or above 65 years without constituting age discrimination. Compulsory retirement below 65 years is unlawful unless this can be objectively justified.

3.14 The regulations also set out a retirement dismissal procedure that must be adhered to. Employees have the right to work beyond 65 years or any other retirement age set by their employer. The dismissal procedures impose notification requirements on the employer, afford

an employee a right to request not to retire, a duty on the employer to consider an employees request and an appeals process.

3.15 Voluntary retirement is unaffected, and people who want to retire under 65 years will still be able to do so with the agreement of their employer. This does not affect state pension age.

3.16 The UK Government has indicated that a review of the mandatory retirement age will take place in 2010.

The Government of Wales Act 2006

3.17 Under the Government of Wales Act 2006 the Welsh Ministers are under a duty to:

- Make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people (section 77(1)).
- After each financial year, publish a report containing:
 - a) a statement of the arrangements made in pursuance of section 77(1) which had effect during that financial year; and,
 - b) an assessment of how effective those arrangements were in promoting equality of opportunity,
- Lay a copy of the report before the Assembly (section 77(2)).

The Equality Bill

3.18 There is an ever increasing body of case law developing in the area of age discrimination.

3.19 The Equality Bill which is currently progressing through Parliament enshrines age as a protected characteristic, and contains some provisions to ensure that older people are treated fairly and equally.

3.20 The Equality Bill which was published on 27 April 2009 retains a mandatory retirement age of 65 years.

Key Issues

4.1 As well as the contributions of the informal reference group, the Committee took evidence from the Minister for the Economy and Transport, the Minister for Social Justice and Local Government, and the Deputy Minister for Skills. The Committee also wrote to all Ministers requesting details of how the Single Equality Scheme will help to address discrimination against older people in the workplace, in particular in organisations and workplace settings that fall within the areas of responsibility within their specific portfolios.

4.2 All contributors to the informal reference group recognised that employment discrimination against older people is a problem. The Wales TUC summarised some of the issues:

Anecdotally, trade union officers have reported on older workers being unfairly selected for redundancy which is especially prevalent during the economic downturn where many redundancies are being made. In sectors such as journalism and teaching, younger and cheaper workers are favoured in replacing older workers. This causes difficulties for younger workers who may be exploited (especially notable in journalism) but also for older workers who wish to continue working beyond retirement age. Indeed, the comments made to the Wales TUC largely focus on older workers being denied their request to continue working after retirement age, or not being able to secure flexible or part time working.

4.3 Age Concern Cymru and Help the Aged would like to see more done to address the unlawful behaviour of some employers in relation to age discrimination:

It is our view that recruitment, selection, advertising, promotion and retirement are the key areas of risk for employers in complying with age legislation. It would therefore be advisable for the Assembly to examine all employment policies and practices to ensure that explicit and implicit age bars which might amount to unlawful age discrimination are identified and removed.

4.4 During the course of the inquiry the following emerged as the key issues facing older people in retirement:

- The mandatory retirement age
- Multiple discrimination
- Impact of current economic climate
- Lack of work based opportunities
- Lack of flexibility in the workplace
- Technological barriers

The Mandatory retirement age

4.5 Equality of opportunity is not an area of devolved power, and therefore Ministers in Wales currently have no legislative power in this area. The Employment Equality (Age) Regulations 2006 currently stipulate a mandatory retirement age of 65, and the draft Equality Bill retains this. The UK Government has indicated that it intends to review the mandatory retirement age in 2010. The Welsh Government removed the requirement for staff to retire at a certain age in January 2009.

4.6 Age Concern Cymru and Help the Aged Wales argued that the mandatory retirement age is essentially discriminatory:

A policy of allowing employers to force people to retire at 65 is completely at odds with the aim of extending working lives and promoting a positive vision for our ageing society. A default retirement age creates a barrier to opportunities for selection, promotion, training and job mobility for people in their late 50s and early 60s. A 'fixed' point at which individuals can be asked to retire, inevitably influences employer decisions about their personal development and opportunities in the years leading up to it. Older workers who do leave their jobs are far less likely than other age groups to find employment subsequently.

4.7 The Wales TUC provided evidence submitted by a trade union representative in the education sector indicating that requests to continue working beyond the mandatory retirement age are often turned down:

The main cases which come to our attention are in relation to retirement ages and request to continue working. A number of branches are reporting more difficulty in achieving successful outcomes where people want to continue working due to the

number of redundancy or restructuring programmes underway in colleges and universities. One branch recently raised with me the failure of a college to impact assess their age equality policy as the decisions on request to continue working appeared to be detrimentally impacting on women.

4.8 Age Concern Cymru and Help the Aged Wales suggest that the removal of the mandatory retirement age would be a significant step in addressing employment discrimination against older people.

We would like to see the National Assembly for Wales explore the possibilities for ending this legalised discrimination through legislative powers, or alternatively through making strong representations to the UK Government.

4.9 In his evidence to the Committee, the Minister for Social Justice and Local Government would not express a view on whether the mandatory retirement age should be abolished. However, he pointed to the fact that the Welsh Government have taken steps in areas within their control to ensure equality of opportunity for people of all ages. For example, they have removed the mandatory retirement age for Welsh Government employees, and have worked with the Fire Service to remove mandatory retirement ages for fire fighters.

The Impact of Multiple Discrimination

4.10 In addition to the evidence that older women are more likely to have their request to work beyond the mandatory retirement age turned down, the Wales TUC also pointed to this firsthand account of multiple discrimination:

“I have worked in the print trade for more than 14 years. During that time I had spent many years as the only female working on the shop floor in a pre dominantly male environment. This environment was kinder towards the younger females that I occasionally worked with, during a short period of time. As an elder female I have experienced terms of isolation, ridicule, persecution and rejection.

From my experiences I found some discriminations go hand in glove, it can be difficult to separate the two... Some events that I

have encountered could be either sex or age discriminate, one event I was subjected to discrimination against my age or disability, or both!

The company lacked the direction to instil discrimination guide lines towards the staff, the male gender were very comfortable with their biased attitudes, as long as it was not a member of their family!

The selection for redundancy was made on a point system, I was incorrectly marked and robbed of a few points. I would also have had a higher mark to sustain my employment if I had the same training as the men. During my 9 years service with my last company, I had to step back and watch all the male gender employed after me, train to an advanced level.”

4.11 Other barriers identified by the contributors to the informal reference group included obesity and disability, both of which have a higher prevalence amongst older people and a lack of formal qualifications which again is more common amongst the older age group. A perception that employers will discriminate on the grounds of age was also identified as a barrier.

4.12 In their evidence to the Committee, the Minister for the Economy and Transport and his officials stated that current data did not show the impact of programmes for older people with different needs.

The impact of the current economic climate

4.13 The contributors to the informal reference group all expressed concerns about the impact of the recession on older workers and older jobseekers. The impact of the recession on young people has been widely reported in the media. However, official statistics also indicated that people over 50 have experienced an above average increase in the number of jobseeker’s allowance claims and the lowest success in finding re-employment within three months of redundancy compared with other age groups

Lack of work based opportunities

4.14 A trade union representative in the education sector reported that they were aware of cases of their members being overlooked for development, progression or promotion as a result of age, particularly if they are nearing the mandatory retirement age. Prime Cymru expressed concerns⁵ that:

In 2007, less than 5per cent of work-based learners were over 50. Only 3per cent of modern apprenticeships were held by people over 50.

Work based learning and modern apprenticeships are open to all ages but are not necessarily marketed towards older people. Historically employers have also reduced training opportunities for older workers, even though age discrimination legislation makes it illegal.

Lack of flexibility in the workplace

4.15 The Older People's Commissioner for Wales said that the degree of flexibility in working practices is an issue of concern for older people.

This applies to those looking to reduce their hours or days at work as they move towards retirement, or for those who may be in their 40's or 50's with caring responsibilities. For carers, flexibility to adapt working patterns is of huge significance, not least because of the adverse impacts on their careers and their pensions.

Technological Barriers

4.16 Prime Cymru identified the focus on electronic media as a potential barrier for some older job seekers:

Over twice as many people between 16 and 34 regularly use the internet at home as people over 55. With many local authorities, NHS trusts and other larger employees only accepting online

⁵ Based on Welsh Assembly Government *A statistical focus on Age in Wales* 2009 edition

applications, the new technologies exclude some older jobseekers.

Conclusions

5.1 It is evident from much of the oral and written evidence provided by Welsh Ministers, that there are many programmes and policies that may be helping older people in relation to employment. However, many of these are generic programmes and specific identification of the challenges facing older people, along with monitoring and evaluation of the impact of these programmes on them does not appear to be happening consistently across policy areas.

5.2 Two overriding conclusions can be drawn from the inquiry. Firstly, that there is a lack of specific, tailored support for older workers, job seekers and potential entrepreneurs.

5.3 Secondly, whilst there is anecdotal evidence that discrimination against older people in the workplace exists, there is a lack of robust monitoring and evaluation of the extent of that discrimination, and the effect of outcomes of Welsh Government policies on older people.

Lack of Support for Older Workers

5.4 Prime Cymru identified a lack of support specifically tailored to the needs of older people as a barrier for older jobseekers and potential entrepreneurs:

63per cent of potential older entrepreneurs cited the lack of specialist support in Wales as their main obstacle to starting a business.

[...]

Older people appear to be discriminated against due to the lack of schemes, projects and initiatives available to them compared to other groups

5.5 They also argue that insufficient resources have been committed to support the implementation of a key employment related aim of the Strategy for Older People:

The Welsh Assembly Government has led the way with the development of the Older People's Strategy, the National

Partnership Forum and the appointment of the Older People's Commissioner. However, whilst the Strategy for Older People in Wales has correctly identified the employment needs to 'develop policies to increase the capacity of the over 50s to continue to work, learn, volunteer and care, making an active contribution for as long as they wish, and ensure that older people do not live in poverty.' Resources and policies have not followed to enable the aim to be reached.

5.6 Much of the support offered to older jobseekers, workers and people who run, or would like to run their own business is delivered through generic programmes such as ProAct, ReAct and Flexible Support for Business. However, little evidence emerged to suggest that the particular challenges facing older people are being identified during the policy development process, and that programmes are being specifically tailored to help tackle them.

5.7 Prime Cymru would like to see more initiatives and programmes which are specifically designed to support older people.

Education and training are essential for many older people when considering their future. The advice needs to be bespoke and appropriate. Many older job seekers are not looking for lengthy courses but for ones that can convert their skills and relevant experience into qualifications that employers find valuable. It is vital that advisors are honest and realistic regarding the usefulness of qualifications and the job opportunities they may produce.

5.8 They also provided an example of a volunteering based programme which they have developed to help older people back into work:

Older people provide £469 million of support to environmental and community projects. Prime Cymru has developed projects to encourage and support older people into volunteering as a stepping stone back to economic activity. This has proved very successful with a considerable number returning to education, training, employment or self employment. The Millennium Volunteers is a successful project that has helped younger

people into volunteering but older volunteers do not receive the same level of support and encouragement.

Lack of Monitoring and Evaluation

5.9 Contributors identified a lack of research, monitoring and evaluation data as problematic.

Extent of Discrimination against Older People

5.10 Age Concern Cymru and Help the Aged Wales commented on the lack of robust evidence to demonstrate the extent and nature of employment discrimination against older people in Wales and of monitoring data relating to recruitment, selection, promotion and retirement. The organisation suspects that under-reporting of age discrimination is a problem. There is also a lack of evaluative evidence available on the impact of the *Employment Equality (Age) Regulations 2006* and how effective they have been in tackling age related discrimination. Prime Cymru commented that:

whilst encouraging the participation of other groups, little seems to have been done to monitor and evaluate the recruitment of older workers.

5.11 Age Concern Cymru and Help the Aged have offered to undertake further exploratory work in partnership with other stakeholders to better establish the nature and extent of employment related discrimination against older people.

Particular Groups of Older People

5.12 There is a lack of published information about the needs and experiences of specific groups of older people, for example older women, disabled older people or older people from minority ethnic communities. The Committee also found it difficult to establish the impact of Welsh Government employment and business related policies, programmes and initiatives on different groups of older people. The Committee is concerned that without this information it is not possible to evaluate the extent to which these policies and programmes are promoting equality for older people who have different requirements.

Welsh Government Programmes

5.13 Although statistical information about the outcomes of Welsh Government programmes and initiatives for older people might be collected, it has not been collated and published to date. This makes it difficult to assess the amount of resources dedicated to supporting older workers and job seekers and people who have set up or want to set up a business.

5.14 It is also difficult to know whether the promotion of self employment by the Welsh Government has been more successful with younger people than older people. Making sure that information about the support available to workers, job seekers and people who want to set up a business is accessible to older people is a challenge for the Welsh Government. Identifying and tapping into the right networks is critical.

Strategy for Older People

5.15 There has been limited evaluation of the outcomes of the employment related aims of the Strategy for Older People.

Single Equality Scheme

5.16 It emerged during the evidence from Ministers that responsibility for the monitoring and evaluation of the Single Equality Scheme currently lies with the Department for Social Justice and Local Government. However, every Welsh Government Department has responsibility for specific outcomes within the Scheme and unless they are also responsible for monitoring progress made against those outcomes full ownership will not result. This is also the case for outcomes within the Strategy for Older People that fall within individual Departments portfolios.

Age proofing and age related impact assessments

5.17 Prime Cymru and Age Concern Cymru and Help the Aged Wales both identified age proofing as a way of ensuring that older workers and job seekers are not discriminated against:

Older people appear to be discriminated against through the budget allocations at all levels of government. Only through age profiling and age proofing policies can older people receive fair and equitable funding. Age impact assessments need to be undertaken before policies are implemented and monitoring and evaluation is essential. Policy and funding decisions need to be based upon evidence not emotion. [Prime Cymru]

Given the concerns we have expressed regarding the potential scope of older people's experience of discrimination in employment we would ask that the Welsh Assembly Government works in partnership with organisations such as Age Concern Cymru and Help the Aged in Wales to incorporate age proofing tools into the Inclusive Policy Making model. It is crucial that the Welsh Assembly Government's work on age proofing is looked upon as an example of good practice, as we argued during the development of the Single Equality Scheme, and we are keen to work in partnership with the National Assembly for Wales and the Welsh Assembly Government on this. [Age Concern Cymru and Help the Aged Wales]

5.18 Whilst there is evidence that the Welsh Government considers the impact on older people when developing their own policies (for example, they have removed the mandatory retirement age for people working within the organisation), there is little evidence of what is being done to encourage other organisations, and other sectors, to do the same.

Recommendations

The Welsh Government needs to reduce the barriers to older people working and setting up businesses through the identification of their needs and provision of specifically tailored support.

Recommendation 1

The Welsh Government works in partnership with key stakeholders, including older people themselves, to establish the nature and extent of employment related discrimination against older people.

Recommendation 2

The Welsh Government ensures that the development of all employment related policies and programmes specifically considers the particular challenges facing older people, and encourages the same across the public and private sectors.

Recommendation 3

The Welsh Government routinely monitors and evaluates its business and employment support programmes in relation to age, as well as other equality strands so that it is possible to assess the impact of a programme on, for example, older women or older disabled people. To inform flexible and prompt reactions in times of economic change, information must be readily available to enable the assessment of the impact on older people.

Recommendation 4

The Welsh Government works in partnership with key stakeholders, including older people themselves, to assess the particular challenges faced by people from particular backgrounds or circumstances, such as those from a Black or Ethnic Minority background or community, or disabled older people. And that an action plan is developed to overcome these challenges

Recommendation 5

The Welsh Government must ensure that individual Departments take full responsibility for the older people and employment related outcomes relevant to their portfolio in the Strategy for Older People and the Single Equality Scheme. This must include transparent monitoring, evaluation and reporting against those outcomes.

Recommendation 6

The Welsh Government urges the UK Government to remove the mandatory retirement age.

Recommendation 7

The Welsh Government collects information on the age of candidates applying for positions of employment in the organisation, as well as the age of those actually appointed.

Annex A – Terms of Reference

The Committee will:

- identify some key areas of concern regarding discrimination against older people in relation to employment; and,
- scrutinise each Welsh Minister with powers and responsibilities which impact on older people, on the employment related outcomes of actions taken by the Welsh Government since the publication of its Strategy for Older People in Wales in 2003, particularly with regard to the key areas of concern identified by the Committee.

Key areas of concern will be identified through:

- a literature review of current research and policy developments in this area;
- a small, informal and temporary reference group of key stakeholders;
- other methods of identifying key issues may be used where appropriate, for example, the appointment of an expert to advise the Committee.

Temporary Stakeholder Reference Group

TUC Wales

Older People's Commissioner Wales

Prime Cymru

Age Concern Cymru and Help the Aged in Wales

Annex B – List of Written Responses and Schedule of Witnesses

Written Responses

Age Concern Cymru and Help the Aged in Wales
Wales TUC
Older People's Commissioner for Wales
Prime Cymru

Schedule of Witnesses

30 June 2009

Ieuan Wyn Jones AM, Deputy First Minister and Minister for the
Economy and Transport
Sioned Rees, Head of Enterprise, Welsh Government
Dr Brian Gibbons AM, Minister for Social Justice and Local Government
Cherry Capel, Financial and Corporate Business Manager, Welsh
Government

14 July 2009

John Griffiths AM, Deputy Minister for Skills
Sylvia Howe, Senior Welfare Reform Manager, Welsh Government
Samantha Huckle, Head of Employability Branch, Welsh Government