Age Discrimination, Age Equality & The Equality Bill

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Outline of presentation

- Prevalence of age discrimination –

  health & social care & financial services;
- The Equality Bill - outlawing age discrimination..
- The Equality Bill - promoting age equality.....

Age discrimination

* Ageism is the most commonly experienced form of discrimination (cf. gender, race, religion, sexual orientation and disability);
- 28% respondents reported having experienced ageism in the past year;
- Towards end of working life (55-64), increased reports of age-based discrimination – may reflect treatment in the workplace.

Age discrimination

- Exists and is more commonly experienced across all age ranges than other forms of discrimination;
- Ageism often ‘benevolent prejudice’ – older people stereotyped as friendly, moral and admirable, but less capable and less intelligent;
- Little perceived threat to way of life posed by older people – reinforces view of older people as warm but incompetent;

Age discrimination

- ‘Benevolent’ prejudice likely to be hidden in comparison to ‘hostile’ prejudice; perpetrator and the victim can both be unaware of it;
- Behaviour intended to protect older people can inadvertently become patronising and result in disadvantages to them –

  eg - restricting access to the workplace; failing to offer choices in health & social care;
  assuming that it is ‘natural’ for older people to have lower expectations, reduced choice & control and less account taken of their views;

Age Discrimination – health & social care

'My mother saw her GP for years complaining of back pain. He never examined her and told her it was 'old age'. When she moved to Hampshire the new GP sent her for a scan and found that she had a tumour the size of a football in her back which could have killed her!'

Age Discrimination – health & social care

Age Concern and Help the Aged's 'One Voice' report (2009) found that:

- 60% of people aged 65+ believe that age discrimination exists in the everyday lives of older people;
- 64% of older people think that health and social care staff don't always treat older people with dignity;

National Review of Age Discrimination – Health & Social Care

Announced in April 2009; reported October 2009 –

Recommendations on:

- Timetable for implementation of the ban on age discrimination in H&SC services;
- Where it is objectively justifiable to retain age-based differentiation in services;
- How to support the H&SC system to implement the public sector equality duty in respect of all age groups;
- Key actions for H&SC bodies to take to make demonstrable progress as quickly as possible.

Age discrimination – financial services

Travel insurance

- 1 in 5 aged 75+ turned down or had restrictions imposed - half felt this was due to an increased health risk; the rest said ‘age-related’
- Those aged 80+ had trouble finding cover at all and, when they did, quotations varied wildly and excesses were extremely high

Motor insurance

- 1 in 10 mystery shoppers aged 75+ were turned down

Age discrimination – financial services

'An older man who is a member of the Institute of Advanced Motorists, and who flies aeroplanes every week, tried to hire a car at Edinburgh Airport. Because of his age (70), he had to agree to pay the first £ 500.00 of any claim – including theft'.....

Age discrimination – financial services

'A woman called Age Concern to say that her mother was making a purchase at a leading Department store to the value of £ 150.

She was asked if she would like to apply for a charge card to benefit from a 10% discount on the purchase. She was then asked her age. When she said she was 65, they said that they were sorry, but they could not give her the charge card because she was too old'.

Age discrimination in financial services – why is this important

Travel insurance

- 13% of mystery shoppers 80+ put off travelling by insurance difficulties
- ‘Packaged’ accounts may offer free insurance – below an age limit
- Multiple barriers for older travellers to some countries

Motor insurance

- Lack of access increases costs and isolation
- Problems with car hire and courtesy cars
- Problems with volunteering (can they drive the mini-bus?)

Tackling age discrimination –

- Older people are as prone to age-based prejudice against their own age group as rest of society;
- Strongly suggests that initiatives to tackle ageism need to involve older people as active participants, rather than passive ‘victims’;

Tackling age discrimination.....

- Positive contact between older people and other age groups is key to tackling age-based prejudice and discrimination;
- Reduced stereotyping of older people as incompetent by those who have friends aged over 70;
- Policies that segregate older people – in healthcare, social care or housing – need to be carefully considered in light of their potential effects on ageism in wider society;
- Equally, intergenerational initiatives should be encouraged and evaluated from the point of view of reducing ageism;

The Equality Bill – outlawing age discrimination

Equality Bill (2009) provisions to outlaw age discrimination in goods, facilities and services (GFS);

- Differentiation is not automatically discrimination – different treatment by age will be allowed, as long as it is 'objectively justifiable' and a 'proportionate means of achieving a legitimate aim' (eg. flu vaccinations)
- Any exemptions need to be carefully defined - Clause 190 currently give ministers wide-ranging powers
- For age only, the ban on age discrimination does not apply to the treatment of under-18s;

Age discrimination - definitions

Lawful discrimination –

Limited circumstances where it is lawful to treat people differently because of their age.

It is not unlawful to discriminate on the grounds of age if:

- There is an ***objective justification*** for treating people differently – eg. fixing a maximum age for recruitment or promotion of employees
- There is a ***genuine occupational requirement (GOR)*** that a person must be of a certain age – for example, if you are producing a play which has parts for older or younger characters.

The Equality Bill – outlawing age discrimination??

- National default retirement age - an exception to the general principle of non-discrimination on grounds of age;
- Allows employers to operate a MRA of 65 or over, allowing them to terminate employment on the grounds of age;
- Contradictory and age discriminatory;
- Age UK continues to press for DRA to be removed from the Equality Bill

The Equality Bill – promoting age equality.....

- Public authorities will have a duty to promote age equality in all areas of their work, including good relations between different age groups;
- Legal mechanism to drive the reform of public services, from policy-making to service delivery;
- A positive duty will require PA s to build age equality into their business planning;
- Implementation in all sectors – including Health & Social Care – by 2012;

Promoting age equality.....

- Public Authorities will have to ‘age-proof’ all their activities & functions, aiming to achieve equality and fairness for people of all ages, taking into account the future needs of an ageing population;
- UN Principles for Older Persons – can provide a useful framework – Independence, Participation, Care, Self-Fulfilment & Dignity;
- Linked to Human Rights principles – Fairness, Respect, Equality, Dignity & Autonomy (FREDA)

Thank you for listening.....

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