

# Policy Position Paper

## Employment (United Kingdom)

April 2016

**All older people who want to work must have the opportunity to do so. Someone's age alone should play no part in judging whether they are capable or able to do any job.**

### Key issues

Due to policies such as raising the State Pension Age, more people need to work for longer than ever before. Following the abolition of the default retirement age, employees can no longer be forced to retire just because they turn 65, and more people are continuing to work in older age with over 1.2 million people currently working past 65.<sup>1</sup> Older workers, typically those aged 50+, still face barriers in accessing work and training – unjustified age discrimination is still rife, in spite of it being illegal under the Equality Act 2010. 40 per cent of 50+ workers believe they have been disadvantaged at work for appearing too old.<sup>2</sup>

The Department for Work and Pensions published its Fuller Working Lives 'framework for action' in 2014, which focussed on the retention of the over 50s in the workplace and increased engagement with employers. The DWP is currently writing a new Fuller Working Lives strategy, due for publication in spring 2016.

Flexible working is increasingly important to older workers because of, for example, caring responsibilities or health needs. The proportion of 50+ workers using flexible working in some form has risen from 30 to 38 per cent between 2005 and 2012.<sup>3</sup> As the workforce ages more people will need to use differentiated working patterns, so increasing awareness of the benefits of flexibility among employers and individuals is important. These include increased productivity and improved employee retention.

Long-term unemployment remains a particular problem for people aged 50 and over, with 42.2 per cent of those who are unemployed having been so for more than a year, higher than any other age group.<sup>4</sup> The average spell of unemployment for

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<sup>1</sup> Office of National Statistics, Labour market statistics February 2016

<sup>2</sup> CIPD/CMI (2010), Managing an ageing workforce

<sup>3</sup> Age UK (2012), A means to many ends: older workers' experiences of flexible working

<sup>4</sup> Office of National Statistics, Labour market statistics December 2014

someone aged 50-59 lasts 3.4 months longer than for someone aged 18-24, and 2.1 months longer than for a 35-49 year old.<sup>5</sup>

Older jobseekers often find they are unable to access adequate back-to-work support. Jobcentre Plus advisers lack knowledge of the specific issues facing this age group, for example how to minimise the effects of age discrimination or help with online job searching. The Work Programme, the flagship scheme for the long-term unemployed, is also failing participants aged 50+, and in particular 55+. This group has fewer successful job outcomes than younger workers, with the under 55s experiencing 27.3 per cent success rates compared to 14.2 per cent among the over 55s. To match the under 55s average, older participants' rates would have to improve by over 90 per cent.<sup>6</sup>

In 2013 fees were introduced in Employment Tribunals for the first time. People bringing an age discrimination claim have to pay an initial fee of £250, followed by £950 if the claim goes to a hearing. This could price people out of the justice system, and allow employers to evade punishment for discriminatory acts. The system of early conciliation run by ACAS also needs review to ensure it is not disadvantaging individuals.

### **Public policy proposals**

- The Government must make the case for employing older workers more effectively, in particular to smaller businesses, including improving awareness of age discrimination. With the UK's ageing workforce, employers must recognise that older workers often have the skills and expertise necessary to add value to their business, and judge people on their individual attributes rather than stereotypes.
- The Government should commit to ensuring that all jobs are 'flexible by default' by 2020. This would extend the Right to Request flexible working, and allow individuals to work flexibly unless their employer could justify otherwise.
- The new Fit for Work Service should engage with employers to promote good age-management practices including, health management and flexible working. It should also provide a direct link to skills and retraining provision, especially where people are unlikely to return to their previous job.
- The support provided to older jobseekers through Jobcentre Plus (JCP) must start from day one of a benefit claim and be better tailored to individual needs. JCP must ensure all its advisers are trained to address the age-related barriers faced by the over 50s.
- The new Work and Health Programme should be designed to specifically meet the needs of 50+ participants. In particular, support providers should be granted an extra payment for placing anyone aged 50+ in sustainable employment, and more disadvantaged jobseekers should be referred after six months unemployment rather than the proposed two years, by which point many people will be a very long way from being work-ready.

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<sup>5</sup> Economic & Labour Market Review (2010), Explaining exits from unemployment in the UK, 2006-9

<sup>6</sup> Age UK analysis of the DWP's Work Programme data, published June 2014

- The introduction of fees in the Employment Tribunal system will restrict access to justice for victims of age discrimination and should be repealed, and the operation of the Early Conciliation system reviewed to ensure potential victims of discrimination are not being disadvantaged.

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