The Issue Of Age Discrimination

Introduction

This report will be focusing solely on age discrimination aiming to highlight the ways in which it's dealt with effectively, under the light of the Equality Act 2010. As well as this portraying the negative outcome it currently has on the community. The description of all four types of age discrimination will also be outlined within the report. This is a highly debatable topic; putting a stop to age discrimination which can bring many positive changes, benefitting the entire community as a whole, some of these include raising state pension ages and extending working life. This report will support statistics that portrays how 'Ageism is still significant in UK labour market'.

A huge misconception is that this is a new discovery, however this is not at all the case. In fact, it is a revival of interest in the large problems age discrimination carries. This form of discrimination targeted at elders noticed through other factors (mainly economic restructuring) has been debated since at least the 1930s (Macinol, 2006).

The statement "we are all equal before the law" is highly disagreed with.

The law enforces rules in which a 16 year old is permitted to leave their family home and even go to the war- however, are not allowed to purchase a tobacco.

Sexual activity is legal at 16 yet young people are not be able to watch a movie in the cinema containing a sexual act until they are 18.

Also the law makes it legal for employers to choose who to admit into training. This normally leaves out older workers despite their willingness and capabilities. Also, due to old age, workers are often not given any insurances.

As Maria Miller mentioned in her 2018 report based on "serious problem in the UK workplaces" that there is a growing number of over 50s who are continuously being allocated to the 'too old' pile as opposed to being part of a solution (Miller, 2018).

Social Groups of Age Discrimination:

The main social groups, identified by Butler (1980) first introduced age discrimination – considering it into three different aspects:-

1. Misconceptions against older adults or old age.
2. Discrimination against older adults.
3. Common institutional strategies that support stereotypes.

Age discrimination or ageism is when a certain age or age group is targeted or discriminated against due to their age.

Age Group terminology:

- If at 25 years of age, society will label one of the following:
    - 25 year olds
    - Under 30s
    - Over 20s
    - Youthful / young adults
- If at 78 years of age, you may belong (in society's eyes) one of the following age groups:
    - 78 years old
    - Over 70s
    - Pensioners
    - Senior Citizens

Historical Background:

Age discrimination can involve actions taking place as a result of a policy or rule put in place based on age. For example, 60 years old being forced to leave a job, regardless of their willingness and capability to work. This emphasises that it does not have to be intentional in order for it certified as unlawful. In certain circumstances, however, the way in which someone is treated due to age is lawful, i.e within schools.

Throughout the 19th century, the meaning of discrimination was not thought to be vital in any means. Generally, employers had virtually unlimited freedom to discriminate. The duration of the 20th century, however brought on a renewed meaning to this world – and was taken much more seriously. Hence, anti – discrimination laws were put into place; such as the Equality Act 2010.

Emergence of Law (the Equality Act 2010):

The Equality Act 2010 states that the 9 characteristics must be protected at all means, disposing any discriminatory acts. This legislation includes; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex and sexual orientation.

This Act promotes the ban of any unfair practise, hence protecting all from discrimination against: employers, businesses (banks, shops and utility companies), health and care providers, estate agents, educational departments, any transportation services and public bodies (governments).

How this law protects age discrimination:

This legislation protects all citizens from any type of age discrimination, such as:

- Targeting a specific age or age group.
- Discrimination by perception – assuming one's age.
- Discrimination by association – referring someone of a certain age group

Different types of age discrimination:

Discrimination arises in practices mainly in four ways. These are aimed to be prevented under the Equality Act

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

Direct discrimination

This is when someone treats another negatively or with inequality as opposed to an additional person in a similar situation due to age. For example, an employer refusing to allow someone to do a training course as she believes they are ‘too old’ and so selects younger employee for training.

Indirect discrimination

This takes place when an organisation holds a specific policy that applies to everyone, however puts a certain age group disadvantaged. For example, a 22 year old, someone is not eligible to be promoted as their employer has a policy stating only workers with a post – graduate qualification holders can be promoted. Although it applies to everyone. Employees amongst this age group are less likely to have that qualification.

Harassment

This takes place when someone makes another person feel either humiliated, offended or degraded. For instance during a training session, the trainer continuously comments upon how slow an older employee is at learning how to use a new software due to his age.

Victimisation

When someone is treated in an ill manner, often occurring after a complaint is made under the Equality Act. This also often occurs when aiming to support someone who has made a complaint regarding age discrimination. Victimisation could also be considered as abuse and/or neglect (Macmillan, 2009).

Is the Law Working in Practise Effectively?

The Equality Act 2010 has been renowned for making law much easier to understand for the public. In many cases, it has also strengthened protection in certain circumstances taken to court. This act contains in-depth ways in which it is unlawful to treat someone.

This legislation additionally contains actions to take if in fact discriminated against.

One the other hand, however, employers (specifically) have found a loop hole around this. Researchers at Anglia Ruskin University sent 898 applications to different firms for different posts. The applicants who categorised were 28 year old White male, the other were 50 year old White male and similar experiment carried out on Black males of similar ages.

In order for employers to gain knowledge on both ethnicity and age without having too verbally discuss it with the possible employees. Surprisingly the research shows that 21.9% older White applicant were less likely to be invited for interviews in comparison to younger White applicants.

Comparatively, older black applicants were 24% less likely to be invited for an interview as opposed to younger black applicants.

Within the study, it was shown that elder applicants were invited to interviews that held lower-paid positions. These studies, hence, suggest that age discrimination plays a wide role amongst the UK Labour market.

Conclusion

Arguably, it can be said that in some cases, age discrimination can be deemed as a positive thing. This is because some employment industries may be required to meet certain guidelines and policies; ie starting jobs within the public at the age of 16. Meaning that sometimes, age discrimination cannot be helped – or simply, have been forced down upon by the government.

In times where age discrimination can be dealt with in a more constructive way, Acts have been put in place to ensure citizens are being kept protected under the legislation passed. If noticed, employers/ those involved with negatively discriminating can be charged or dealt with accordingly within the court. Thus, only recently have discriminatory acts been highlighted in a stronger manner than ever before.

Stereotyping the abilities of others based on age or physical appearance has been a major issue when identifying the signs of age discrimination. Older workers who are left redundant whilst being fit to work nonetheless has been a noticeable pattern throughout recent years; ‘areas of high employment without ever being able to work again (Berry, 2010)’. This suggests that many older workers are unemployed knowing that it may not be possible to find employment again, debatably stripping away basic human rights.

In order to reduce rates of age discrimination, citizens should understand and develop local policies on this specific type of discrimination. Also, speaking out when age discrimination cases arise, publicising the fact that it is prohibited by laws as well as encouraging managers to take on strong leads on age discrimination are ways in which this can be reduced by great amounts.