



House of Commons
Women and Equalities
Committee

**Older people and
employment**

Fourth Report of Session 2017–19

*Report, together with formal minutes relating
to the report*

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Women and Equalities Committee

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Summary

The country faces acute challenges recruiting and retaining an experienced, skilled workforce in many key public services as well as in the private sector. It is unacceptable that the nation is wasting the talents of more than one million people aged over 50 who are out of work but would be willing to work if the right opportunity arose. People in later life are often playing many different roles in society, but those who wish to work should not face the current barriers of discrimination, bias and outdated employment practices.

Discrimination, that was made unlawful more than 10 years ago, is the root cause of this problem. The Government needs to be clearer that prejudice, unconscious bias and casual ageism in the workplace are all unlawful under the Equality Act 2010. The employer-led nature of the Government's approach has advantages, but is unlikely to present an adequate challenge to discriminatory practices or attitudes. We want to see recruitment agencies accept greater responsibility, collecting data on where older workers are being excluded and developing a plan of action to remove discrimination from the recruitment process. Transparency is being used with some success to challenge discrimination in other areas, such as the gender pay gap, and we would like to see it extended to older workers through reporting of the age profile of workforces.

Too little is being done to enforce the law. Neither the Government or the Equality and Human Rights Commission (EHRC), with its considerable enforcement powers, are intervening in the recruitment sector where so much of the evidence demonstrates unlawful ways of working. The public sector struggles to retain older workers when it should be leading the way, but the EHRC is not investigating whether the public sector equality duty is being met. We want it to do so.

The Government has good strategies in place in the form of Fuller Working Lives and the Industrial Strategy, but these are not well coordinated with each other and lack any plan to ensure that existing legislation is being implemented and enforced. We want to see the Government work with the EHRC to agree specific enforcement actions.

The Government has not paid sufficient attention to the need for a national assessment of the skills the country will need in the future, and the need to challenge any characterisation of those skills as the preserve of younger people. The changing realities of the job market mean that everyone will need to engage in life-long learning and may well change career paths more than once in our lifetimes. This requires good quality, tailored careers advice, not a one-size-fits-all approach designed on the assumption that only young people start new careers.

The business case for an age-diverse workforce is clear. Despite this, employers continue to organise workplaces around an outdated, inflexible model that this inquiry, and our past inquiries into fathers in the workplace and the gender pay gap, show no longer works. As those who provide much of the informal care in our society, and who live with the effects of past and present gender pay gaps, women tend to be most affected by this lack of flexibility. More needs to be done to make connections between government strategies and local employer support, and between the business case and business practice.

There are practical changes that all employers should be making. The importance and benefits of flexible working have been brought to our attention on a number of occasions, but too many employers are not making this work in practice. It is time for a mandatory approach. We recommend that flexible working be the default from the time jobs are advertised onwards. Many older workers often take on a range of caring responsibilities. The Government should therefore introduce a statutory entitlement to five days' paid carer's leave, and a longer period of unpaid leave, to help stop those caring for a loved one falling out of the labour market unnecessarily.

We know that creating the conditions for an age-diverse workplace can be a challenge for employers, especially small and medium enterprises that do not have dedicated human resources departments and easy access to expert advice. The Government's employer-led approach can help with this, and we recommend that the Government work with the Business Champion for Older Workers to develop an employer-led mentoring service for businesses who want to adapt but struggle to do so in their particular context.

The public sector should also take the lead in adapting to the new realities of an ageing workforce. Government departments must ensure that policies such as flexible working by default and mid-life career reviews become standard in the terms and conditions of employment in the sectors for which they are responsible. Given the recruitment crisis in some parts of the public sector, the EHRC must undertake urgent investigations into ways of working which are resulting in lack of retention of older workers, and ensure that this is not the result of discriminatory practices.

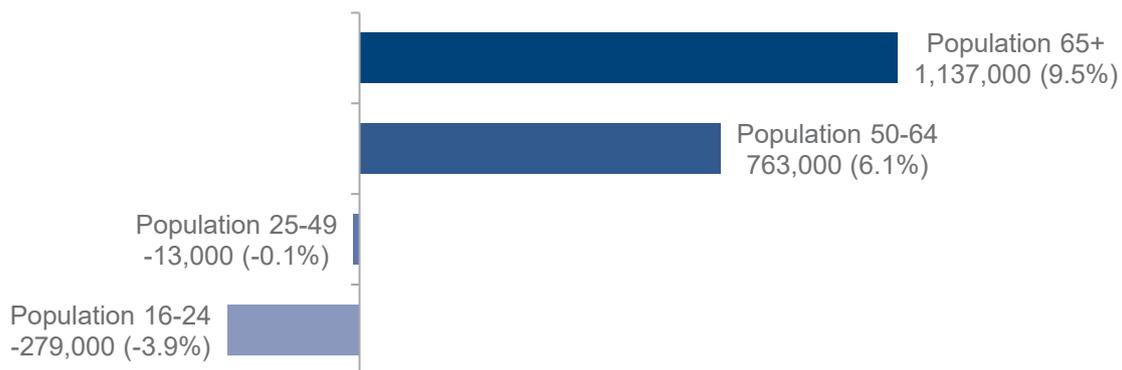
We cannot wait any longer for the EHRC to demonstrate its strategic ambition to be a muscular regulator of the Equality Act and the organisation needs to respond to this report outlining the actions it will now be taking.

1 Introduction

An ageing workforce

1. The UK population is changing. As the number of people aged 50 and over is growing, the population aged below 50 is projected to reduce significantly. Government research predicts that by the mid 2030s half of all adults in the UK will be over 50 years of age.¹ By 2025 there will be 300,000 fewer UK-born under 30s. Any reduction in inward migration following the UK's exit from the EU will also mean fewer young workers. In contrast, the number of over 50s either working or available to work will grow by around one million by 2025.² The UK economy is clearly becoming increasingly reliant on older workers. This has been recognised in the Government's Industrial Strategy, which identifies meeting the needs of an ageing society as one of four 'Grand Challenges', and commits the Government to support industry to adapt to an ageing workforce.³ Andrew Griffiths MP, Parliamentary Under-Secretary of State at the Department for Business, Energy and Industrial Strategy, acknowledged that keeping the skills of older people in the workforce is important for the future viability of the UK economy.⁴

Chart 1: Projected change in UK population—2017 to 2022



Source: Fuller Working Lives evidence base, 2017, Chart 3.1⁵

2. Nevertheless, not all older people who want to work have equal access to employment. In 2014 Business in the Community estimated that up to 1.4 million people aged 50 to 69 had involuntarily left the labour market in the previous eight years. There were over one million people aged 50 or over out of work who would have been willing to work if the right opportunity arose, and 26 per cent of people aged 50 to 64 were jobless but would have liked to work.⁶ The Government's *Fuller Working Lives* strategy itself acknowledges that "There are almost one million individuals aged 50–64 who are not in employment but state they are willing to or would like to work."⁷

1 Department for Work and Pensions, [Fuller Working Lives: evidence base 2017](#), at page 13, accessed 26 June 2018

2 Mercer ([OPE0049](#))

3 Department for Business, Energy and Industrial Strategy, [Industrial Strategy: building a Britain fit for the future](#) 27 November 2017, page 11, accessed 26 June 2018

4 Q218

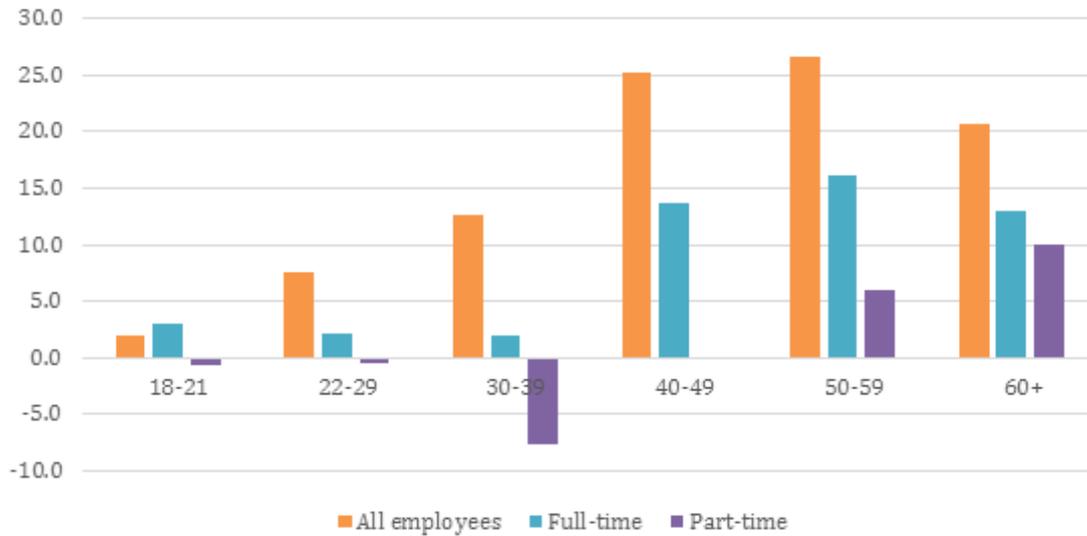
5 Department for Work and Pensions, [Fuller Working Lives: evidence base 2017](#), at page 13, accessed 26 June 2018

6 Business in the Community, [The Mission Million](#), October 2014 at page 24, accessed 26 June 2018

7 Department for Work and Pensions, [Fuller Working Lives](#), February 2017 at page 11, accessed 26 June 2018

3. Women face particular difficulties in accessing work in later life. Women still do the majority of caring for children and other family members, and are more likely to be in part-time work. While the employment rate for women aged 50 to 64 has been rising for many years, it remains significantly below that of men at 67.5 per cent⁸ compared to 76.2 per cent for men.⁹ The gender pay gap, which our 2016 report showed to be particularly pronounced for women over 40,¹⁰ means that even when in work older women generally earn less and look forward to smaller pensions.¹¹

Chart 2: Gender pay gap by age, 2017



Source: ONS, Annual survey of hours and earnings 2017¹²

8 Office for National Statistics, [LFS: Employment rate: UK: Female: Aged 50–64: %: SA](#), 12 June 2018, accessed 26 June 2018

9 Office for National Statistics, [LFS: Employment rate: UK: Male: Aged 50–64: %: SA](#), 12 June 2018, accessed 26 June 2018

10 Women and Equalities Committee, Second Report of Session 2015–16, [Gender Pay Gap](#), HC 584, para 9

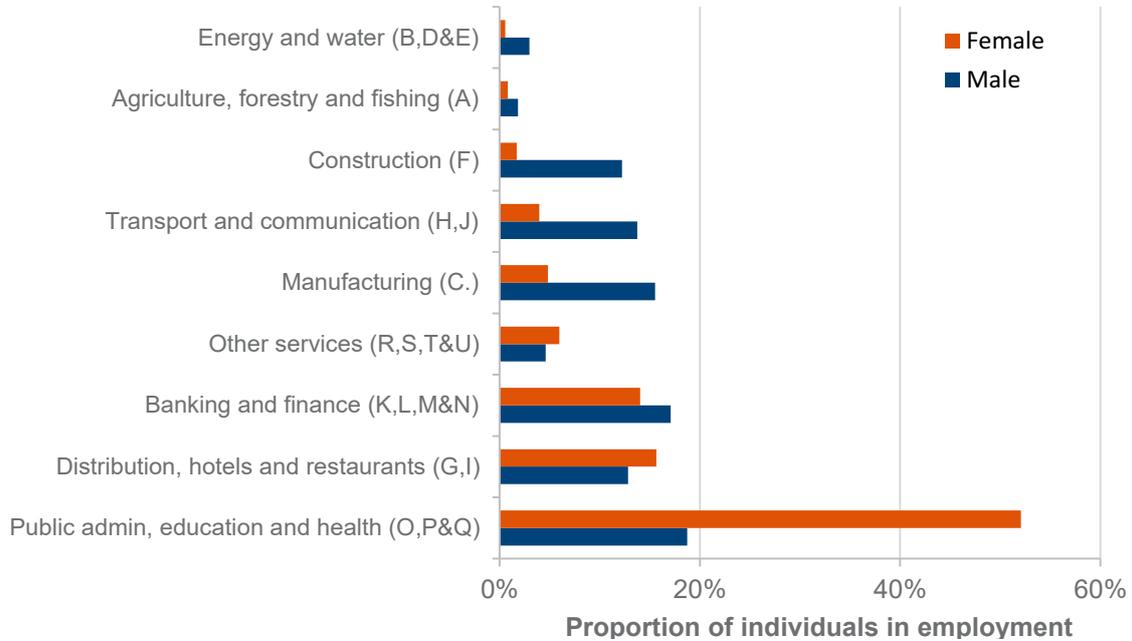
11 Fawcett Society ([OPE0029](#)); Centre for Ageing Better ([OPE0039](#))

12 ONS, [Annual survey of hours and earnings \(ASHE\) gender pay gap tables](#), 2017

Industries where older people work

4. As the chart below shows, education, health and social work, and public administration and defence are the sectors which are most reliant on older workers.

Chart 3: Employment by sector for individuals aged 50 to 64 years, by gender



Source: Fuller Working Lives evidence base, 2017, chart 4.9¹³

5. The pattern of employment differs for older women and older men. In 2015–16, over 50 per cent of women aged 50 to 64 years old in employment worked in public administration, education and health. For men, there was a more equal spread of employment across sectors, including public administration, education and health (19 per cent), banking and finance (17 per cent) and manufacturing (16 per cent). Given this reliance on older workers, and particularly older women, it is concerning that evidence from the Chartered Institute of Personnel and Development (CIPD) shows the public administration, education and health sectors are all relatively bad at retaining such workers. Of equal concern is that these are also the most significant public-sector employers—organisations that should be leading the way in creating more equal and inclusive workplaces. We consider how this could be improved throughout this report.

Table 1: Industry dashboard showing which industries are not only highly reliant on older workers but also struggle to retain them

Table 1: The workforce challenge of ageing for different industry groups				
Industry group	% aged over 50	Number aged over 50	% fall in employment age 60-64 relative to 45-49	Relative rank of industry
Education	36.7	1,241,940	-53.1	1
Health and social work	36.2	1,559,676	-52.0	2
Public admin and defence	33.1	617,015	-68.4	3
Transport and storage	39.0	560,982	-51.1	4
Manufacturing	33.8	1,041,542	-52.7	5
Construction	33.1	733,035	-53.0	6
Water supply, sewage...	36.5	75,149	-53.8	7
Mining and quarrying	34.6	43,507	-57.7	8
Financial and insurance activities	22.6	251,816	-72.0	9
Information and communications	25.0	281,480	-68.0	10

Source: Chartered Institute of Personnel and Development ([OPE0032](#))

Government policy on older workers

6. The key Government policy on older workers is set out in its *Fuller Working Lives* strategy published in February 2017. The document was accompanied by an evidence base praised by witnesses to our inquiry as “an excellent addition to the sources of information available on this topic.”¹⁴ This strategy builds on the work undertaken by Baroness Ros Altmann’s review ‘A New Vision for Older Workers’, published in March 2015, and its recommendations for Government, business and individuals to ‘recruit, retain and retrain’ older workers.¹⁵ *Fuller Working Lives* is structured around these ‘3 Rs’, and a key feature is that it is “employer-led”.¹⁶

7. The rationale for Government action is twofold: on the one hand, retaining older workers, and their skills and experience, in the workforce is good for the economy and makes the state pension more affordable. On the other hand, working longer is viewed as benefiting the financial, health and social wellbeing of individuals.¹⁷

8. As part of the strategy, the Government has appointed Andy Briggs, CEO of Aviva UK Insurance, working with Business in the Community (BITC), as the Government Business Champion for Older Workers.¹⁸ The BITC Age at Work leadership team is chaired by Andy Briggs and includes representatives of Atos, Barclays PLC, the Centre for Ageing Better, the Department for Work and Pensions, EY, the Financial Services Compensation Scheme, Home Instead, Mercer, the Royal Air Force, SAGA, the Co-operative Group and

14 Age UK ([OPE0036](#))

15 Department for Work and Pensions, [A new vision for older workers: retain, retrain, recruit](#), March 2015, accessed 26 June 2018

16 Department for Work and Pensions, [Fuller Working Lives](#), February 2017 accessed 26 June 2018

17 Department for Work and Pensions, [Fuller Working Lives](#), February 2017 at page 12, accessed 26 June 2018

18 <https://www.gov.uk/government/publications/help-and-support-for-older-workers/help-and-support-for-older-workers>, accessed 26 June 2018

Walmart Boots Alliance.¹⁹ The Business Champion is a voluntary, unpaid, non-political appointment. The *Fuller Working Lives* strategy places this role under the heading of ‘empowering change through others’ and defines it as:

to spearhead Government’s work and actively promote the benefits of older workers to employers across England—influencing them both strategically and in terms of practical advice.²⁰

Our inquiry

9. Our predecessor Committee launched an inquiry into older people and employment in March 2017. The inquiry was closed before the deadline for written evidence because of the 2017 General Election. The Committee in the new Parliament decided to reopen the inquiry.

10. Our inquiry asked whether the Government’s *Fuller Working Lives* strategy is sufficient, whether the approach taken by the Government is working and what more needs to be done. We examined how questions of age diversity factor into the discussions on ‘quality’ of work being taken forward in the Taylor Review of modern working practices, and whether or not the Government’s approach addresses the different needs of women, carers, people with long-term health conditions and disabilities and black and minority ethnic (BME) groups among the older workforce.

11. We received written evidence from a range of organisations, including older people’s organisations, business organisations, recruitment and human resources specialists, academic experts and the Government. We also received submissions from private individuals speaking about their personal experiences and challenges in seeking and staying in employment in later life; we also held an outreach event at which we spoke to older jobseekers with a range of occupational backgrounds and family circumstances. We took oral evidence in five sessions, hearing from researchers, older people’s organisations, legal and advice experts, the recruitment industry, the business community and trade unions. We heard from Andy Briggs, the Government’s Business Champion for Older Workers and from the Ministers responsible for Government policy on older workers, the industrial strategy and relevant labour market policies. We are grateful for the assistance of our two specialist advisers for this inquiry, Mary Bright and Professor Sarah Vickerstaff.²¹

12. Our evidence shows that, for older workers, there are three key issues that need significant attention:

- tackling age bias and discrimination, particularly in recruitment;
- making workplaces and working practices more flexible and adaptable to the changing needs of older workers in all their diversity; and
- access to skills development, career advice and support throughout people’s lives.

Central to each of these is a recognition that the traditional notion of a nine-to-five job within a linear career with distinct start and end points is no longer the norm.

19 https://age.bitc.org.uk/age_partnership/leadershipteam_age, accessed 26 June 2018

20 Department for Work and Pensions, *Fuller Working Lives*, February 2017, page 35, accessed 26 June 2018

21 Mary Bright declared the following interests: Employed by Aviva plc. Professor Sarah Vickerstaff declared the following interests: A member of the Women’s Equality Party (expired January 2018).

2 The impact of age discrimination on employment

Ageism and age discrimination

13. Age discrimination in all its forms is against the law and, in employment, has been for more than 12 years. The UK has had a ban on age discrimination in employment since 2006. In 2010 the Equality Act brought all the different anti-discrimination laws together into a single statute, including the ban on age discrimination. Despite this, when we asked witnesses what they thought was the most significant barrier to older people working, almost all told us that it was age bias and discrimination, most significantly in recruitment. Yvonne Sonsino, a partner at Mercer and the Co-Chair of the DWP Fuller Working Lives Business Strategy Group described such bias as “rife”,²² as did Age UK.²³ Age UK told us:

We do still hear of instances of overt discrimination, for example one jobseeker contacted us saying she had been told ‘the law covers sex and race, but not age’, and another who said ‘I told them I was 62 they then said I was too old and they wouldn’t be able to find me any jobs. I told them I felt this was discriminated against they said ok we’ll take your details but we won’t find you a job.’²⁴

14. More common, however, was more ‘subtle’ ageism such as selecting older workers for redundancy.²⁵ Ageism could also take place at a subconscious level, for example when a manager “unthinkingly relies on a negative stereotype in making a decision.”²⁶ Many witnesses pointed to the impact of wider ageism within society on employers, citing the greetings card industry as an example of “casual ageism” which reflected the attitude that it is still acceptable to make jokes about people’s age.²⁷ Such attitudes among the public, it was argued, translated into the workplace, influencing the attitudes of employers as members of the public themselves.²⁸

15. These views were strongly corroborated by the individuals we heard from. A group of older job seekers told us in no uncertain terms that age discrimination was a regular occurrence.²⁹ One individual “over the usual retirement age” who wrote to us described his experience of seeking to access a Job Club at his local Jobcentre Plus. On arrival he was asked his age and, when he told them, he was “summarily and brusquely thrown out—‘we don’t deal with people like you.’”³⁰

16. Ben Willmott, Head of Public Policy at the Chartered Institute of Personnel and Development, told us that their research had shown significant “bias and myth” about older people—particularly among managers:

22 Q15

23 Age UK ([OPE0036](#))

24 Age UK ([OPE0036](#))

25 Age UK ([OPE0036](#))

26 Age UK ([OPE0036](#))

27 Q39 (Yvonne Sonsino); Q41 (Christopher Brooks)

28 Q41 (Christopher Brooks, Age UK); Q145 (Ruby Peacock, Federation of Small Businesses)

29 Annex 1: Older people and employment outreach event, 1 May 2018

30 Steve Beesley ([OPE0048](#))

It is things like, ‘Older workers are just waiting to retire’, ‘They will not necessarily work as hard’, ‘They will not want to learn new skills at their age’ or, ‘They will not stay as long.’ Actually, all of those are completely wrong.³¹

17. There are four main misconceptions that seem to underpin employer bias against older workers: that younger workers cost less; that younger workers are likely to be more productive; that younger workers will provide the employer with more years of work; and that older people need to leave work in order to ‘make way’ for younger people. We heard evidence refuting all of these stereotypes.

18. Arguing against the assumption that older workers cost more, Yvonne Sonsino explained that:

If you look at jobs and the amount of money people earn in those jobs, and the trajectory of it with their age, as you get past 40, 45 or 50, the pay tends to tail off, by up to seven per cent in some jobs. Older workers in the same job are not paid more; they are paid less.³²

Any difference in the cost of employing an older worker is not that they are inherently more expensive, but rather that “as you get [older], you typically get promoted.”³³ As such, any difference in pay was due to seniority, not age.

19. Regarding productivity, Ms Sonsino explained that individual productivity may decline with age, but that overall, “having an age-diverse team can enhance your bottom-line profits and productivity results”. This was because older workers bring experience and skills and “tend to have better people skills and better anger management, so, overall, they are creating a new dynamic in the team, and these spillover effects stabilise the team.” She also argued that the turnover rate of older workers tends to be lower, reducing replacement costs.³⁴

20. This point is also connected to the rebuttal of the third misconception: that an employer will get more years of work out of a younger worker. Dr Brian Beach of the International Longevity Centre UK cited evidence of turnover rates showing that, on average, an employer would get five years of work from someone who was over the age of 50 when hired, in contrast to two years of work from someone under the age of 50.³⁵

21. The final assumption that witnesses associated with age bias among employers, and society more widely, was the view that older workers were ‘blocking’ jobs that would otherwise be available for younger people to take. Patrick Thomson of the Centre for Ageing Better explained that:

If you talk to economists, across the board people would say, across an economy, older workers are not taking younger workers’ jobs. There is not a finite number of jobs in the economy. Older workers in the economy can boost and build more jobs.³⁶

31 Q140

32 Q16

33 Q16 (Yvonne Sonsino, Co-Chair, Fuller Working Lives Business Strategy Group)

34 Q16

35 Q16

36 Q16

22. Nevertheless that perception remains, and is often held by older people themselves as a form of internalised age discrimination. This is shown by older people not putting themselves forward for a job because of a belief that it “could be better used by a younger person”.³⁷ Such internalised age bias can also be seen more widely; for example, Age UK told us:

People quite often believe the stereotypes about themselves as well. You could be looking through a list of jobs that might well be suitable for you, but then you are thinking, ‘Oh, I’m an older worker, so actually I’m not skilled enough. I don’t have the qualifications to do this job.’³⁸

Enforcement of the Equality Act 2010

23. The Government told us that the Equality Act 2010 provided “strong protection” against discrimination and was working as intended.³⁹ Our witnesses disagreed. Age UK didn’t want to see any significant changes to the legislation, but were disappointed that the ban on age discrimination was not better complied with, given it had been in place for over a decade.⁴⁰

24. Dee Masters, an expert employment law barrister, was clear that protection was there “in theory” but too often not in practice. She told us there was a mismatch between litigation and the reality of discrimination, with far fewer cases being brought than the evidence suggests were happening in practice. Elizabeth Prochaska, Legal Director at the Equality and Human Rights Commission, agreed. She told us that the Commission’s enforcement work around job advertising showed that there was a real problem with age discrimination, but that:

We are not getting anywhere near the volume [of age discrimination claims] that you would expect, given what we are seeing in those discriminatory adverts and what we are hearing from evidence to this Committee.⁴¹

25. Julie Dennis of ACAS, who provide independent advice and conciliation services and must be notified before a discrimination claim can be lodged at Tribunal, told us that only 2 per cent of their workload had an element of age discrimination and only 4.3 per cent of those progressing to tribunal.⁴² The EHRC had supported a number of age discrimination cases in 2013–14 but, despite a stated intention to be a more ‘muscular regulator’,⁴³ were currently only considering one age discrimination claim for possible action.⁴⁴

26. While we heard much general support for the Government’s *Fuller Working Lives* strategy, many felt that it paid insufficient attention to age bias and age discrimination. The Centre for Ageing Better said that the employer-led approach will have limited impact on tackling age discrimination and wanted to see stronger enforcement, especially in sectors where age and gender discrimination were more prevalent. They were also concerned that

37 Q16 (Patrick Thomson, Centre for Ageing Better)

38 Q47 (Christopher, Age UK)

39 HM Government ([OPE0034](#))

40 Age UK

41 Q49

42 Q57

43 Women and Equalities Committee [Oral evidence: The work of the Equality and Human Rights Commission](#), HC 932, 18 January 2017, Q35 and Q37

44 Q57

a stronger message needed to be sent that the Equality Act applies equally to all employees regardless of age and that the duty to make reasonable adjustments—requiring employers to make changes in the workplace to remove barriers that put disabled employees at a disadvantage—applies to age-related health conditions as to any other disability.⁴⁵

27. Age UK wanted to see the *Fuller Working Lives* strategy focus more on improving recruitment practice and breaking down unconscious bias against older job applicants.⁴⁶ Yvonne Sonsino argued for more policing of protection against direct and indirect age discrimination.⁴⁷ The Chartered Institute of Personnel and Development suggested that the Government launch an “Age Confident” campaign to combat “prejudice and stereotypical attitudes from employers, colleagues and society in general, relating to [older workers’] flexibility, health, ability to learn and their skills and qualification levels.”⁴⁸ New Middle Age also wanted to see more work challenging stereotyping of older people.⁴⁹

28. Ageism remains a significant problem within British society and is affecting the ability of people to continue working into later life, despite long-standing laws against age discrimination. Discrimination in recruitment is a significant problem and the public sector is not leading the way in the retention of older workers when it should be.

29. *The Equality and Human Rights Commission is right to be concerned by the low numbers of age discrimination claims being brought to it, but given its ambition to become a ‘muscular regulator’ we are surprised that it is not taking more action to remedy this. We recommend that the Commission develop a clear plan to tackle age discrimination in employment. This plan should include:*

- a) ***Action to tackle discrimination in recruitment and the recruitment industry, using the evidence of age discrimination in job advertising that it holds as a result of its enforcement work in this area to identify the sectors with the worst record;***
- b) ***An agreement with the Equality Advisory Support Service to identify and refer claims of age discrimination in employment as a priority for legal support by the Commission; and***
- c) ***Action to examine whether the public sector is complying with its duty to have due regard to the need to eliminate age discrimination under the Public Sector Equality Duty.***

30. *The failure of the Government to include action to improve compliance with the Equality Act 2010 in its Fuller Working Lives strategy is a significant omission. We recommend that it engage with the Equality and Human Rights Commission with a view to agreeing enforcement actions that can be included as specific commitments in the strategy.*

45 Centre for Ageing Better ([OPE0039](#))

46 Age UK ([OPE0036](#))

47 Q19

48 Chartered Institute of Personnel and Development ([OPE0032](#))

49 New Middle Age ([OPE0025](#))

Older people with other protected characteristics

31. A further common theme was the way in which age discrimination interacts with other protected characteristics under the Equality Act. Age can be viewed as an “amplifier” of other inequalities, and older women are particularly affected.⁵⁰ Not only are older women more likely to be carers, to work part time, to be in lower-paying roles,⁵¹ they also face direct prejudice that older men do not. Business in the Community told us that women over 50 “experience more bias, discrimination and wage inequality than both their male counterparts and younger women”.⁵² Older women experience “lookism” where they feel under scrutiny because of their age,⁵³ and Age UK told us that:

Just the fact of being aged over 50 and a woman puts you at a significant disadvantage; men aged 50-plus are disadvantaged, and women aged 50-plus more so.⁵⁴

32. After gender, disability was the most frequently cited characteristic that can exacerbate age discrimination.⁵⁵ The prevalence of long-term health conditions and disability increases with age. Just under half of 50 to 64-year-olds report having a long-term health condition, with 23 per cent reporting two or more such conditions. Within this group, 27 per cent of 50 to 64-year-olds report having a disability compared to 15 per cent of 25 to 49-year-olds.⁵⁶ There is significantly less research on the specific disadvantages faced by older people from black and minority ethnic groups, but the existence of such disadvantage was acknowledged by the Government.⁵⁷

33. Witnesses were concerned that the decision of the 2010 Coalition Government not to commence section 14 of the Equality Act 2010—which would allow for claims to be made on the basis of two protected characteristics—obscured the real experiences of discrimination affecting older workers. At present an individual bringing a discrimination claim must bring evidence of each ‘element’ of a claim separately, and there was a suspicion that the ‘age’ element of a case may be being dropped in favour of the more familiar grounds of race or gender.⁵⁸ The Equality and Human Rights Commission told us that they were surprised by how few age discrimination claims were coming through to them or to the tribunals.⁵⁹ Dee Masters, a barrister specialising in age discrimination, argued that bringing section 14 into force would:

encourage people to bring the true case, if you like, which is the combination of protected characteristics, rather than being forced to segregate their claims into an age discrimination claim, a gender claim and a race claim. It would allow them to test the real prejudice, which is the new and unique identity created by the three protected characteristics coming together.⁶⁰

50 Business in the Community ([OPE0030](#)); Fawcett Society ([OPE0029](#)); Centre for Ageing Better ([OPE0039](#)); Professor Sarah Vickerstaff ([OPE0023](#))

51 Fawcett Society ([OPE0029](#))

52 Business in the Community ([OPE0030](#))

53 Q38 (Dr Brian Beach, International Longevity Centre UK)

54 Q70 (Christopher Brooks, Age UK)

55 See for example: Fawcett Society ([OPE0029](#)); Unum ([OPE0021](#)); New Middle Age ([OPE0025](#)); Centre for Ageing Better ([OPE0039](#))

56 HM Government ([OPE0034](#))

57 Department for Work and Pensions, [Fuller Working Lives](#), February 2017 at page 39, accessed 26 June 2018

58 Q57 (Julie Dennis, Head of Diversity and Inclusion, Advisory, Conciliation and Arbitration Service)

59 Q57 (Elizabeth Prochaska, Legal Director, Equality and Human Rights Commission)

60 Q76

34. This lack of clarity means that intersections with age discrimination are not visible in tribunal statistics. The problem goes deeper, however. Duncan Gilchrist, the Government official responsible for *Fuller Working Lives*, admitted that the Government does not make any specific assessment of how gender and age or race and age might intersect when delivering initiatives under the strategy, such as work with the construction industry or on those returning to employment. He did, however, acknowledge that there may be a need to build up the evidence base to enable such analysis.⁶¹

35. Older people are not a homogenous group, and public policy must be developed in a way that recognises the many and varied needs and aspirations of the ageing population.

36. *The decision not to commence section 14 of the Equality Act 2010 means that the true nature of the discrimination facing older women, older disabled people and older people from black and minority ethnic communities may not be being brought to light in case law. We recommend that the Government commission research into the extent of this problem as part of its evidence base for Fuller Working Lives.*

Recruitment bias

37. Baroness Ros Altmann's 2015 report on working in later life found significant anecdotal evidence of discrimination against older job applicants.⁶² The Government's own strategy, *Fuller Working Lives*, recognises that discrimination, whether conscious or unconscious, is one of the most significant barriers to the recruitment of older workers.⁶³

38. Yvonne Sonsino and Patrick Thomson explained how discrimination in recruitment frequently plays out, citing research by Anglia Ruskin University that found older workers were 4.2 times less likely to get selected for interview than their 28-year-old counterparts. Some employers specified that candidates should be 'young', but more often they used words like "energy", "enthusiasm" or "dynamic" as a kind of code, and older people's CVs "just get sifted out".⁶⁴ The Equality and Human Rights Commission similarly told us of discriminatory job adverts asking for a "sparky office manager", "young dynamic staff" and "enthusiastic young graduates".⁶⁵ This was not necessarily deliberate age bias. Christopher Brooks of Age UK explained:

They are not thinking, 'We do not want an older person.' They are just thinking, 'We want someone who is x, y and z.' Then they apply those characteristics and come up with someone who is probably not an older person.⁶⁶

Tom Hadley, of the Recruitment and Employment Federation, acknowledged that any people-focused business such as recruitment, human resources or customer service, has a risk of bias. The challenge, he argued, is to overcome the tendency to default to recruit 'in your own like'. He considered that employers were starting to take steps to address this

61 Q246

62 Department for Work and Pensions, [A new vision for older workers: retain, retrain, recruit](#), March 2015, page 38, accessed 26 June 2018

63 Department for Work and Pensions, [Fuller Working Lives](#), February 2017 at page 39, accessed 26 June 2018

64 Q16 (Yvonne Sonsino, Co-Chair, Fuller Working Lives Business Strategy Group, and Patrick Thomson, Senior Programme Manager and lead on fulfilling work, Centre for Ageing Better)

65 Q49 (Elizabeth Prochaska, Legal Director, Equality and Human Rights Commission)

66 Q58

risk such as investment in unconscious bias training.⁶⁷ He was also clear that questions of inclusion were a high priority for employers and that the recruitment industry could play a key role in making things happen and “not just talking a good game.”⁶⁸

39. Our evidence suggests that age bias, and probably even illegal discrimination, is a significant problem in our society and particularly in recruitment. This is not a problem for the recruitment industry alone, but the failure of that industry to take more robust action has a significant impact on older people’s ability to access work. The failure of the Equality and Human Rights Commission to use its extensive powers of investigation in the face of a growing body of evidence has to be addressed swiftly, particularly in light of potential reduction in inward migration as a result of leaving the European Union.

40. The Government should work with representatives of the recruitment industry to develop a plan of action to ensure that outdated stereotypes do not cause illegal age discrimination in recruitment. This should include the collection and publication of data on the age profiles of job seekers and those finding work. The EHRC should submit to us a clear plan of action including specific timeframes to investigate, intervene and enforce the law which prohibits discrimination based on age.

Transparency and accountability

41. Transparency can drive progress, and facilitate accountability for change. The Government has instigated voluntary publication by companies of data on women on boards, and has introduced regulations requiring large employers to publish data on their gender pay gap. Dee Masters connected these initiatives to the kind of cultural change needed to deal with age bias and discrimination: if employers were required to disclose data concerning the age make-up of their employees it would show where the issues lie, as an important starting point in achieving that cultural change.⁶⁹

42. In February 2017, Andy Briggs and Business in the Community launched a ‘call to action’ in the form of a target for “one million more people aged 50 to 69 in work by 2022”, along with a call to employers to commit to collaborating with BITC to reach the target, and publishing the number and proportion of older workers in their workforce.⁷⁰ An update on progress published in August 2017 stated that there were positive signs, but much further to go.⁷¹ However, despite asking employers to publish their age workforce data before the end of 2017, the BITC website only contains details of ten that have done so. Eight of these were also members of the BITC Age at Work Leadership Team. Five of the organisations represented on the BITC team had not yet published their data on the website. Of those that have published, the proportion of workers over 50 ranged from a high of 55.64 per cent to a low of 15.5 per cent. The proportion of workers aged over 65 ranged from 13 per cent to 0.2 per cent.⁷²

67 Q99

68 Q129

69 Q95

70 <https://age.bitc.org.uk/BusinessChampion>, accessed 26 June 2018

71 Business in the Community, [One Million More. A progress report from the Government Business Champion for Older Workers](#), August 2017, accessed 26 June 2018

72 <https://age.bitc.org.uk/BusinessChampion/Commitandpublish/workforcedata>, accessed 26 June 2018

43. Catherine Sermon of Business in the Community defended the limited numbers that had published their data, arguing that these were similar numbers to those employers who had voluntarily reported on gender pay gap reporting prior to the introduction of statutory regulations.⁷³ While both she and Andy Briggs held back from asking for reporting on the age profile of employees to become mandatory—Ms Sermon arguing that “just crudely reporting” was not always the best way to get a focus on management practice—Andy Briggs was clear that “ultimately, my experience of working in business is that if things are measured and published, it does get greater focus within a business”.⁷⁴

44. The TUC wanted to see employers required to survey their employees to establish the age profile of their workforce, as a precursor to consultations with older workers and trade unions on changes to enable them to stay in employment for longer.⁷⁵ Teresa Donegan of UNISON argued that data was essential to employers’ ability to tackle inequality and disadvantage, and to the targeting of internal resources on factors such as training or recruitment practices. She argued that this would need to be mandatory because “you could wait forever and a day for things to be voluntarily introduced.”⁷⁶ The Recruitment and Employment Confederation wanted to see more research to establish the case for and the practicalities of such reporting, but told us that they would be happy to work with the Age at Work Leadership Team to explore this issue further.⁷⁷

45. Mark Holmes, Deputy Director of the Labour Market Directorate at the Department for Business, Energy and Industrial Strategy (BEIS) told us that he recognised the “value of the signal” that requiring data to be published sends. He was, however, concerned about the burden that publishing too many different data sets may place on employers, and so preferred a voluntary approach.⁷⁸ Alok Sharma MP, Minister of State for Employment at DWP also preferred a voluntary approach. He told us that the Government already published broader labour force data as part of the *Fuller Working Lives* strategy, covering employment rates and gaps and changes to the average age of leaving the workforce. This, he told us, allowed the Government to monitor changes and see whether the policies in place were working.⁷⁹

46. Data transparency can be an invaluable tool in understanding whether changes to policy and practice are having the desired effect—for both Government and employers. It can also encourage open discussions about age in the workplace.

47. We recommend that the Government introduce mandatory regulations to require all public-sector employers, and private and voluntary sector employers with more than 250 staff, to publish the age profile of their workforce.

73 Q165

74 Q167

75 Trades Union Congress ([OPE0035](#))

76 Q122

77 Recruitment and Employment Confederation ([OPE0047](#))

78 Q232

79 Q233

3 Flexible and adaptable workplaces

48. While we heard that the most significant barriers to recruitment of older workers were age bias and discrimination, the need for flexible and adaptable workplaces was a close second. Health conditions and caring responsibilities are two of the biggest factors that result in people leaving the labour market early, or that prevent them from returning. Employers' practices and government policy can mitigate these factors by making workplaces more 'age-friendly'.⁸⁰

49. Sitting behind such concerns are questions about the quality of work. Older workers' opportunities and choices will depend on their level of education and in which segment of the labour market they are located. Professor Simonetta Manfredi and Professor Lucy Vickers told us that those in higher-paid professions are more likely to have a range of options open to them in later working life, such as phased retirement, consultancy or part-time work. On the other hand, those in low-paid, low-skilled but physically demanding jobs may not be able to continue to do these types of work in older age, and yet they are the group more likely to need to continue to work in later life.⁸¹ This was not always due to flexibility—Professor Carol Atkinson told us that flexibility was often more available in lower paid professions.⁸² Rather, such workers are more likely to leave the workplace because of health reasons or to stay longer in work that is “not particularly good for their health and wellbeing”.⁸³ Patrick Thompson told us that:

There is a big split between people working for longer because they need to and other people who do it because it is an extra bit of income, it is a fulfilment and they enjoy the work that they do.⁸⁴

As Yvonne Sonsino put it: “there are plenty of people who say, ‘I have done my time. I hate my job. I have slogged at it for so long and I just want a rest’.”⁸⁵ This issue has, to some extent, been recognised in discussions about extending the State Pension Age. John Cridland, who led the independent review of the pension age, advised that the Government will need to be “mindful” of support for those carers and disabled people who have permanently left the labour market for good reason.⁸⁶

50. Questions of what Government should do when someone is not able to continue in work, or when work itself becomes detrimental to health and wellbeing, are outside the scope of this inquiry. However, we have heard much evidence of how more flexible and adaptable workplaces can, and do, remove barriers that would otherwise prevent many people who could continue to work into later life from doing so.

Flexible working

51. Since 2014, all employees who have worked for the same employer for at least 26 weeks have had the legal right to request flexible working. The Government states that

80 Centre for Ageing Better ([OPE0039](#))

81 Professor Manfredi and Professor Vickers ([OPE0020](#))

82 Professor Carol Atkinson ([OPE0046](#))

83 Q3 (Patrick Thomson, Centre for Ageing Better)

84 Q3

85 Q3

86 Department for Work and Pensions, [Independent Review of the State Pension age: Smoothing the transition](#), March 2017, page 67, accessed 26 June 2018

this request must be dealt with by employers in a “reasonable manner”.⁸⁷ This right has been gradually extended from the original policy, introduced in 2003, when it was only for parents of children under the age of six and disabled children up to the age of 17.

52. In its evidence to this inquiry, the Government argued that flexible working arrangements are key to enabling older workers with health conditions and caring responsibilities to better balance these with working. It cited research showing that 47 per cent of employees interviewed indicated that flexible working arrangements would encourage them to work longer before retirement.⁸⁸ Our witnesses agreed that flexibility would enable older workers to undertake caring responsibilities, manage a health condition, or reduce their working hours in the run-up to retirement.⁸⁹ Arthritis UK explained that:

A change in duties, flexible arrangements which allow people to work in comfortable settings and pace activity, the ability to take emergency leave, special equipment, help with transport or improved workplace access are some of the factors that can help support people with musculoskeletal conditions to be in work.⁹⁰

53. Andrew Griffiths MP, Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy told us that the extension of the right to request flexible working “from just mums to the whole workforce” had made a big difference in the acceptability of flexible working.⁹¹ Yvonne Sonsino and Andy Briggs both spoke about the importance of offering flexible working to their ability to recruit and retain staff. Ruby Peacock, speaking for the Federation of Small Businesses, told us that views on flexible working were changing, and that younger business owners in particular were more open to thinking about job design and flexibility when taking on staff as “flexibility is more important for them, and it is something they also want to offer their staff.”⁹² Tom Hadley of the Recruitment and Employment Confederation (REC) told us that ‘Is this job available for flexible working?’ was one of the most searched things on Indeed—a major UK jobs board—and yet only 9 per cent of jobs made it clear that flexible working was an option.⁹³

54. Ben Willmott, speaking for the Chartered Institute of Personnel and Development, also told us that flexible working—particularly things like flexitime, job share, annualised hours and home working, rather than part-time working—was still difficult to access. He told us that:

Although 99 per cent of employers say that they provide flexible working opportunities for people, the uptake of flexible working has broadly plateaued over the last 15 years.⁹⁴

Andy Briggs acknowledged that a lot of businesses are stuck in the mindset that everyone works “Monday to Friday, nine to five, or whatever it might be in their particular line of

87 <https://www.gov.uk/flexible-working>, accessed 26 June 2018

88 HM Government (OPE0034)

89 Later Life Ambitions (OPE0045); Carers UK (OPE0040); Centre for Ageing Better (OPE0039); Zurich Insurance PLC (OPE0033); Chartered Institute of Personnel and Development (OPE0032)

90 Arthritis Research UK (OPE0041)

91 Q208

92 Q133

93 Q108

94 Q133

business; that is what you do.”⁹⁵ Some were also worried that talking about age in the workplace—whether as part of retirement planning or identifying changes to workplace practices—could itself be discrimination.⁹⁶

55. Dr Beach from the International Longevity Centre UK cited research with business in different industries showing that despite the right to request flexible working, and some informal policies on flexibility there was often no evidence that flexible working was being discussed or considered⁹⁷ and some line managers were not open to requests for flexible working.⁹⁸ Our recent report into Fathers and the workplace also found that:

there is still a powerful ‘flexibility stigma’: the stigma workers face when working flexibly and so deviating from the model of the ‘ideal worker’ who works perpetually and without outside obligations. Furthermore, men may experience an additional ‘femininity stigma’ because flexible working deviates from the image of a masculine worker being a provider rather than a carer.⁹⁹

56. The evidence to this inquiry shows that older workers also find it difficult to secure flexible working. Ben Willmott of the CIPD confirmed that “the biggest obstacles are around culture and the negative attitudes of leaders and line managers to flexible working.”¹⁰⁰ Research by Professor Sarah Vickerstaff on behalf of the Uncertain Futures Research Consortium found that options for flexible working were limited outside administrative and office jobs: even when human resources departments sought to increase such opportunities they could face resistance from line managers.¹⁰¹ Catherine Sermon told us that many jobs at the lower end of the pay scale are already flexible; the challenge was to “make flexible jobs good and good jobs flexible”.¹⁰² Despite evidence that those in the higher paid professions tended to have more options in how they structure their working lives,¹⁰³ Fawcett Society argued that there was a lack of quality, well-paid, senior posts offered for flexible or part-time working—particularly affecting women.¹⁰⁴

57. Age UK and the Fawcett Society recommended that flexible working be available by default, so that it becomes an ‘easy to access norm’,¹⁰⁵ as did our reports on the Gender pay gap and Fathers in the workplace.¹⁰⁶ In October 2017 the Prime Minister called for companies to make flexible working “a reality for all employees” by advertising all jobs as flexible from day one, unless there are solid business reasons not to.¹⁰⁷ Andy Briggs, the Government’s Business Champion for Older Workers, argued that legislation to achieve

95 Q195

96 Centre for Ageing Better ([OPE0039](#)); Age UK ([OPE0036](#))

97 Q17

98 Q22

99 Women and Equalities Committee, First Report of the Session 2017–19 [Fathers and the workplace](#), HC 358, para 91

100 Q149

101 Professor Sarah Vickerstaff ([OPE0023](#))

102 Q195

103 Professor Manfredi and Professor Vickers ([OPE0020](#))

104 Fawcett Society ([OPE0029](#))

105 Fawcett Society ([OPE0029](#)); Age UK ([OPE0036](#))

106 Women and Equalities Committee, First Report of the Session 2017–19 [Fathers and the workplace](#), HC 358; para 98; Women and Equalities Committee, Second Report of Session 2015–16, [Gender Pay Gap](#), HC 584, para 134

107 Prime Minister’s Office, 10 Downing Street, [Prime Minister announces new drive to end the gender pay gap](#), 28 October 2017, accessed 27 June 2018

this is now necessary, as without flexibility from day one “people will not go for those jobs and those roles.”¹⁰⁸ Tom Hadley, speaking on behalf of the Recruitment and Employment Confederation, echoed this:

It is not just flexible working; we have said that it is also flexible hiring. [...] One reason that people do not go for jobs is they think, ‘I do not want to move, because I have a decent flexible working arrangement in my current business.’ It is a major disincentive for people to go and look for a different job.¹⁰⁹

58. Ruby Peacock of the Federation of Small Businesses, however, argued against a statutory approach, instead making the case for more help for small employers:

It can be quite difficult, if you have a job that has been done the same way for years, to think at the start about how that might be delivered flexibly and what you can and cannot accommodate. Providing some of that support is probably the best way to drive that day-one flexibility.¹¹⁰

59. Our reports on the Gender pay gap and Fathers in the workplace recommended that all jobs should be available to work flexibly, unless an employer can demonstrate an immediate and continuing business case against doing so.¹¹¹ In its response to our report on working fathers, the Government rejected this recommendation. Despite noting that there is considerable consensus on the benefits of more flexible working practices, the Government stated it would continue to pursue a voluntary approach, at least until the evaluation of the right to request flexible working is complete—currently expected to be in 2019.¹¹²

60. This Committee and its predecessor have recommended that all jobs should be available on flexible terms unless an employer can demonstrate an immediate and continuing business case against doing so. Such an approach is central to enabling parents, carers and older workers to participate in the labour market on an equal basis. Given the mounting evidence collected by this Committee in the course of three inquiries the Government has to act and act now.

61. *In response to gender pay gap figures published in October 2017, the Prime Minister called for companies to make flexible working a reality for all employees by advertising all jobs as flexible from day one, unless there are solid business reasons not to. The review of this policy is some time away from being completed. We recommend that the Government seek to legislate now to ensure that all new jobs are advertised as flexible from day one, unless the employer can demonstrate an immediate and continuing business case against doing so.*

62. *We recommend that the Civil Service and public services immediately introduce a right to flexible working from day one for both new and existing roles, except where an immediate and continuing business case against doing so can be demonstrated.*

108 Q200

109 Q124

110 Q152

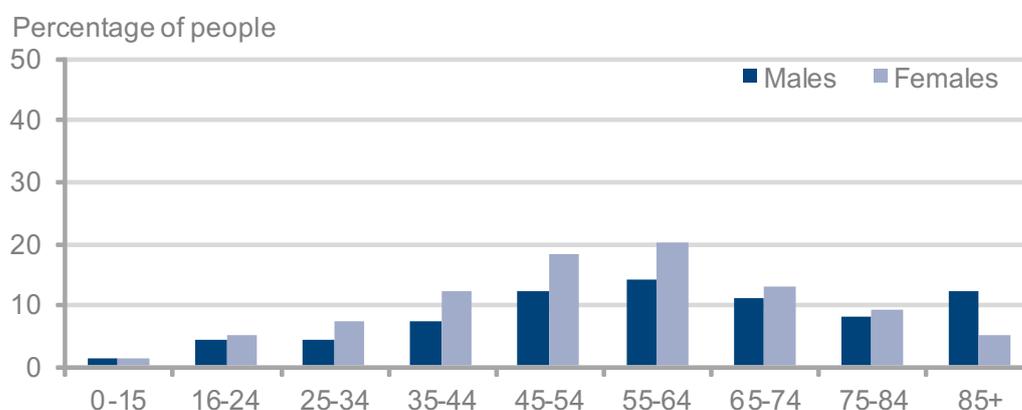
111 Women and Equalities Committee, First Report of the Session 2017–19 [Fathers and the workplace](#), HC 358, para 98; Women and Equalities Committee, Second Report of Session 2015–16, [Gender Pay Gap](#), HC 584, para 134

112 Women and Equalities Committee, Third Special Report of Session 2017–19, [Fathers and the workplace: Government Response to the Committee's First Report of Session, 2017–19](#), HC 1076, page 7

Carer's leave

63. As the evidence base for *Fuller Working Lives* acknowledges, an ageing population and workforce mean that a greater proportion of the working age population are likely to provide informal care in future years.¹¹³ In 2011 one in nine employees were carers; Carers UK estimates that there will be a 40 per cent increase in the number of carers needed by 2037, to a total of nine million.¹¹⁴ While the likelihood of becoming a carer increases with age for both women and men, informal caring responsibilities fall most heavily on women over 50 years old. As the table below shows, it is only once we reach our 70s that men become marginally more likely to be providing informal care. 80 per cent of grandparents also provide unpaid childcare, with 14 per cent having cut their working hours or taken leave to look after grandchildren.¹¹⁵

Chart 4: Proportion of the adult population providing informal care, by age and gender, 2016/17, United Kingdom



Source: Family Resources Survey 2016/17, page 9¹¹⁶

64. The impact of caring on employment is well known. As the Fawcett Society pointed out, women are more likely to have given up work and be ‘economically inactive’ in order to provide unpaid care—in part due to the lack of part-time and flexible working options discussed above.¹¹⁷ Polling by Carers UK has shown that over two million people have given up work at some point to care for loved ones and three million have reduced their working hours. Analysis by Age UK and Carers UK has also found that at present men and women over the age of 50 who provide 10 hours or more of care per week are more likely to leave paid employment than to seek to reduce their hours.¹¹⁸

65. The solution advocated by many witnesses is to introduce a statutory right to paid care leave for at least five days each year. Carers UK argued that this would provide the flexibility and ad hoc support that would make combining care and work responsibilities more manageable, would improve mental and physical health for carers, and would be

113 Department for Work and Pensions, [Fuller Working Lives: evidence base 2017](#), page 7, accessed 26 June 2018. In this report we understand “carer” to include anyone providing unpaid care for another person who has a long-term health condition or disability. This may or may not be a family member.

114 Carers UK ([OPE0040](#))

115 Fawcett Society ([OPE0029](#)), citing research by Grandparents Plus

116 Department for Work and Pensions, [Family Resources Survey 2016/17](#), March 2018, at page 9

117 Fawcett Society ([OPE0029](#))

118 Carers UK ([OPE0040](#))

cost effective for businesses.¹¹⁹ A similar case is made by the Centre for Ageing Better, who recommended that the Government consider legislating for flexible options for short periods of paid carer's leave and longer periods of unpaid leave. Andy Briggs, the Government's Business Champion for Older Workers, supported calls for statutory carer's leave:

The analogy I often draw to this is if a business was to say to a pregnant woman, 'You can have the day off to have the baby, as long as you are in the day before and the day after', we would be pretty horrified. However, an awful lot of businesses are effectively saying that to people that have equally important caring responsibilities for dependant human beings, albeit they are older rather than younger.

66. Andy Briggs argued that carer's leave should be seen as a benefit and not a cost: by retaining employees with caring responsibilities he could also retain their skills and capabilities and save on recruitment and training costs associated with new staff.¹²⁰ Andrew Griffiths, the Parliamentary Under-Secretary of State in BEIS, agreed, telling us that

It may well be that five days of carer's leave would be hugely beneficial to somebody who has caring responsibilities for a parent because they need to put them in residential nursing care, for instance. [...]

On the other side of the coin, it may be people with caring responsibilities who need the ability to step out of the workplace for a longer period of time in order to deal with a particular caring need, with the intention that they would like to, after that long period of time, return to the workplace and not be disadvantaged by that.¹²¹

67. The Minister told us that the Government had begun work on developing a carer's action plan: "a specific set of proposals in order to address the need not just for carer's leave but more widely to support carers."¹²² This was published by the Department of Health and Social Care on 5 June 2018. The plan set out a two-year programme of "targeted work" to support unpaid carers, focusing on "practical actions" to support carers and to highlight the work either already undertaken or planned by the Government. It is structured around five themes, one of which is employment and financial wellbeing, and includes several activities to support working carers and to encourage employers to improve their working practices.¹²³

68. The Minister told us that alongside the action plan the Government was working to develop a policy on carer's leave.¹²⁴ Mark Holmes argued that the costs and benefits of carer's leave "very much [depend] on how it is approached and what kind of a model is adopted." He nevertheless also told us that:

119 Carers UK ([OPE0040](#))

120 Q197

121 Q254

122 Q254

123 Department of Health and Social Care, [Carers Action Plan 2018–20: Supporting Carers Today](#), June 2018, accessed 26 June 2018

124 Q254

There is active discussion across Government about those alternative options, considering questions like what employers already provide and [...] the different needs of different types of carers.¹²⁵

69. The Carer's Action Plan confirms this, stating that BEIS is "considering the question" of dedicated employment rights for carers with "the support of analysts so that any emerging carer's leave proposal is most effective."¹²⁶ An official-level working group to examine these questions has been set up involving the Department of Health and Social Care, the Department for Work and Pensions, the Department for Business, Energy and Industrial Strategy and HM Treasury.¹²⁷

70. We believe that the case for a modest amount of paid leave for working carers is compelling. Equally, the case for a right to take unpaid leave—rather than falling out of the workforce with the associated difficulties of re-joining it—is overwhelming. This exists for parents: unpaid parental leave gives employees who have been employed by their company for one year an entitlement to a maximum of four weeks' unpaid leave per child per year, during which time employment rights are protected. We can see no reason why such provision should not extend to those providing unpaid care to adults.

71. We recommend that the Government put unpaid leave for working carers on a par with that for parents, and introduce a statutory right to four weeks of unpaid carer's leave per year. The effectiveness of unpaid carer's leave should be monitored by collecting data on take-up and the reasons for take-up.

72. We recommend that the Government introduce an additional five days of paid carer's leave, available to all working carers regardless of employment type.

Enabling employers to develop more flexible and adaptable workplaces

73. Our evidence suggested that flexibility and adapting to the needs of employees, particularly in later life, are central if employers wish to become more age diverse. Yvonne Sonsino, when asked about managing an older workforce, told us that the place to start was by asking "What adjustments do we need to make to the workplace?".¹²⁸ She gave us the example of BMW, who:

made simple adjustments to the production line, with softer floors, more seating and zero-gravity tools, and they improved production by seven per cent, because it was predominantly an older-worker group who were very experienced engineers who they could not replace.¹²⁹

74. Many older workers could also benefit from constructive discussions with their employers about retirement planning, such as using flexible or part-time working to gradually move towards retirement. However, an unintended consequence of the abolition of the Default Retirement Age, when combined with the ban on age discrimination, is

125 Q254

126 Department of Health and Social Care, [Carers Action Plan 2018–20: Supporting Carers Today](#), June 2018, page 17, accessed 26 June 2018

127 Department of Health and Social Care, [Carers Action Plan 2018–20: Supporting Carers Today](#), June 2018, page 17, accessed 26 June 2018

128 Q17

129 Q17

that some employers are now afraid to hold conversations about this. The Chartered Institute of Personnel and Development, the Centre for Ageing Better and Age UK all told us that many employers were concerned that talking about adjustments in the run-up to retirement could be construed as age discrimination, but that such discussions are in reality an important part of supporting older workers.¹³⁰

75. Patrick Thomson argued that employers should be looking at people across the board, irrespective of their age, and treating each individual worker as an individual, making adjustments as required for them.¹³¹ Central to making this happen was building trust between employers and employees. Discussing adjustments for health conditions, Ben Willmott of the CIPD told us that:

Unless you trust your line manager you will not disclose something that is potentially sensitive or that you think might be perceived in a certain way and could have an impact on how you are perceived at work.¹³²

76. One key support to employers in having such conversations is access to occupational health services. According to the CIPD, only around 40 per cent of employers provide access to occupational health services.¹³³ While older workers tend to have fewer instances of sick leave than younger people, when they are off work it tends to be for longer periods.¹³⁴ Ben Willmott from the CIPD gave the example of BT and the Royal Mail who, he told us, would refer people with conditions that are likely to be recurrent or long term to occupational health services from day one:

They are doing it because it is the right thing to do, but they are also doing it because they get a better return on their rehabilitation and occupational health services, because that person will come back to work longer.¹³⁵

77. There is some support available for those who are not able to provide their own occupational health services to employees. The Government's 'Fit for Work' service was launched in 2014 to provide support for people in the early stage of sickness absence, particularly for employees working in small and medium sized enterprises.¹³⁶ However, this has been discontinued, and all that remains is a website-based advice service.¹³⁷ Ben Willmott was disappointed with this, as he understood that when employers had accessed the support service it was "quite positive". He felt that the problem was not a lack of need, but low awareness as it had not been left in place long enough "to pervade, in particular, small firms' consciousness and awareness."¹³⁸

78. We recommend that the Government review the services provided by the Fit for Work scheme to ensure that it is meeting the needs of small and medium employers who may not otherwise have access to professional occupational health services.

130 Age UK ([OPE0036](#)); Centre for Ageing Better ([OPE0039](#)); Chartered Institute of Personnel and Development ([OPE0032](#))

131 Q17

132 Q144

133 Q132

134 Q143

135 Q143

136 Department for Work and Pensions, *Evaluation of the 2010–13, Research Summary*, 2015

137 <https://fitforwork.org/referrals-fit-work/>, accessed 26 June 2018

138 Q132

79. A key part of the work being done by the Government’s Business Champion for Older Workers is to help employers develop better practices. While a lot of good work is being done, Andy Briggs himself recognised that reaching beyond the larger employers who have “HR departments and inclusion and diversity departments and so on and so forth” was a challenge.¹³⁹ Julie Dennis of Acas told us that the employers with the best practice tend to be the larger ones, with substantial human resources departments. Smaller businesses, she told us, tended to be the ones calling for help and who needed encouragement “not to just assume that because a person has become a certain age they need to be exited out of the organisation.”¹⁴⁰ Professor Carol Atkinson told us that small firms and their employees can and do engage in make adaptations, but suggested that these were ad hoc for valued individuals rather than policy changes.¹⁴¹

80. As mentioned above, a key feature of the Government’s *Fuller Working Lives* strategy is that it is employer led. While this has its advantages—and much good work is being done by those employers that have engaged with the agenda set out in the strategy—it has been criticised for not having reached enough businesses, particularly small and medium employers. Professor Atkinson told us that the kind of case studies used in *Fuller Working Lives* tend to assume “a large-firm model with human resource expertise and sophisticated HR practices.”¹⁴²

81. Age UK commended the Department for Work and Pensions on its outreach work to business, but pointed out that there are approximately 1.3 million employers in the UK and “it is simply not possible to reach anything more than a tiny minority by this means.”¹⁴³ Ruby Peacock, speaking for the Federation of Small Businesses, suggested that the Government could ask some of the leading larger businesses help reach smaller companies within their supply chain.¹⁴⁴

82. The work of the Government Business Champion, and the employer-led approach, provide a real opportunity to harness the expertise of those, often large, employers that have had opportunities to think creatively about how to create age-friendly workplaces. This includes, but is not limited to, building the confidence of employers to have potentially sensitive conversations about flexible working, caring responsibilities and retirement planning.

83. We recommend that the Government work with Andy Briggs, the Business Champion for Older Workers, and Business in the Community to establish and promote a mentoring scheme for employers, supporting those who may otherwise lack the expertise or capacity to create age-friendly workplaces. This should prioritise support for small and medium employers, using the good practice and resources of larger employers, and facilitate access to Government support.

84. This is not to say that only small employers struggle. The public sector should be leading the way but data shows that public administration, education and health, the largest employers of those aged over 50, struggle to retain older workers.¹⁴⁵ While the

139 Q173

140 Q58

141 Professor Carol Atkinson ([OPE0046](#))

142 Professor Carol Atkinson ([OPE0046](#))

143 Age UK ([OPE0036](#))

144 Q134

145 See Chapter 1

Government told us that it will lead by example by “getting the ‘public sector house’ in order”, it had little to say on how it would do this beyond all departments having signed up to Disability Confident, a scheme run by the Department for Work and Pensions to help employers improve how they attract, recruit and retain disabled workers.¹⁴⁶ More needs to be done by the Government to create age-friendly workplaces for vital workers such as teachers, classroom assistants, childminders, nurses, doctors and those in hospitals and the care sector.

85. We recommend that the Government require departments to incorporate a set of age-friendly employment standards, including rights to flexible working from day one, carer’s leave and a mid-life career review, into all new policies and contracts affecting the terms and conditions of employment for public sector workers.

4 A workforce for the future

86. Working life is changing. Rather than having a single 35 or 40-year linear career, increasingly the reality is that people will spend some time in work, some time caring, and may want to change career to do something else at another time.¹⁴⁷ This is not true of older workers: the World Economic Forum has predicted that 65 per cent of children now in primary school will end up doing jobs that do not currently exist.¹⁴⁸ This chapter considers some of the proposals from witnesses on how the Government can respond to this changing reality.

A mid-life 'MOT'

87. Career advice is often thought of as the province of young people at the outset of their careers. As a way of helping people adjust to changes in their working lives and environments, however, many people advocate a 'mid-life MOT' or career review. Later Life Ambitions wanted to see this offered to everyone at age 50, as did Age UK and the CIPD.¹⁴⁹ For Yvonne Sonsino, the perfect mid-life MOT would go beyond career and learning advice: it would also cover health and finances so as to help people plan better for later life. She told us that a similar review was compulsory in France and that it "would not be a bad thing" if they were compulsory here too.¹⁵⁰ Andy Briggs wanted to see such reviews much more strongly encouraged by the Government, although he held off calling for them to be compulsory.¹⁵¹

88. The Government told us that the National Careers Service is delivering mid-life career reviews via employers. It appears these rely on employers taking up the offer. The Government cited companies based in Manor Royal in Crawley, the largest business district in South East England, as among those that had done so, but did not provide statistics on the overall level of take up which suggests to us that it may be low.¹⁵² Patrick Thomson of the Centre for Ageing Better told us that they were currently working with the Department for Work and Pensions to build on mid-life career reviews, focussed on jobs and skills, to a broader 'MOT' approach that looks across the board at how people manage major life changes such as retirement planning.¹⁵³

89. *Mid-life career reviews can act as an effective tool in financial and career planning, both of which are important to preventing people falling out of the workforce, or finding themselves trapped in unfulfilling employment. Promoting access to such reviews should form an important part of the mentoring scheme for employers that we have recommended.*

147 Q24

148 Q6

149 Later Life Ambitions ([OPE0045](#)); Age UK ([OPE0036](#)); Chartered Institute of Personnel and Development ([OPE0032](#))

150 Q25

151 Q199

152 HM Government ([OPE0034](#))

153 Q22

Access to career advice and support seeking employment

90. The Government told us that the National Careers Service is working with *Fuller Working Lives* to explore ways of providing support to people aged over 50. The Service is working with the Department for Work and Pensions and Local Enterprise Partnerships (LEPs) to test offering careers advice for employed older people through their employer, as part of efforts to retain them in the labour market. For those seeking work, the National Careers Service provides “free, up to date, impartial information and advice” on careers, skills and the labour market in England, and has careers advisers in the majority of Jobcentre Plus offices.¹⁵⁴ The Government told us that work coaches are supported by a network of ‘Older Claimant Champions’, located in all 34 Jobcentre Plus Districts, who highlight the benefits of employing older jobseekers and share best practice.¹⁵⁵

91. The Centre for Ageing Better welcomed the introduction of these Champions as having helped to increase awareness of the needs of older workers among work coaches. They nevertheless reported “variable” experiences with Jobcentre Plus. They told us that even high-intensity employment support was not particularly well tailored to older workers’ needs.¹⁵⁶ The Employment Related Support Association (ERSA) were concerned that Jobcentre Plus services had problems developing an accurate assessment of older jobseekers’ needs.¹⁵⁷ Such concerns are borne out by the evidence: the Centre for Ageing Better reported analysis of the Work Programme showing that just 16.2 per cent of people aged over 50 were supported into a long-term job. That is a success rate of less than one in six, which they told us was worse than any other group regardless of gender, ethnicity or disability.¹⁵⁸ As a result, the Centre for Ageing Better called for more tailored support, a call supported by Age UK and Carers UK.¹⁵⁹

92. The experiences of individuals who submitted evidence to us back up these calls. Gill Kennett described her experience of using a Jobcentre Plus: the only specialist information she was offered was a website advertising jobs for older workers that “had only a handful of jobs posted and none at all within 200 miles of where I live” and she felt that the Jobcentre “seemed to assume that the only thing stopping older workers finding work was a lack of knowledge about computers and the internet.”¹⁶⁰

93. We spoke to a group of older job seekers about their experiences of trying to gain employment.¹⁶¹ Each had found themselves looking for work for different reasons, but all had experience of using Jobcentres and specialist support. For some the only real barrier they faced was discrimination: one applicant described being turned down for job after job and being left with a strong sense that those recruiting just wanted someone younger. Others, however, wanted access to training or support that would either help them update their skill set or to change career. None felt that their local Jobcentre had helped them—no-one had heard of the Older Claimant Champion and one had been told to remove experience from his CV and been referred to a scheme for young people. They all, however, praised the specialist support they were receiving from Open Age—the specialist support

154 HM Government ([OPE0034](#))

155 HM Government ([OPE0034](#))

156 Centre for Ageing Better ([OPE0039](#))

157 Employment Related Services Association ([OPE0026](#))

158 Centre for Ageing Better ([OPE0039](#))

159 Centre for Ageing Better ([OPE0039](#)); Age UK ([OPE0036](#)); Carers UK ([OPE0040](#))

160 Miss Gill Kennett ([OPE0010](#))

161 See Annex 1: Older people and employment outreach event, 1 May 2018

service for older jobseekers that had helped us to bring the group together—which at least one had accessed via the Jobcentre and that received funding from the Government to support older claimants.¹⁶²

94. There were other examples of good practice: the Chartered Institute of Personnel and Development (CIPD) had been partnering with Jobcentre Plus to deliver a programme “leveraging the unique skills, insight and expertise” of their members as human resources professionals to support a range of people, including older jobseekers. They explained:

The programme offers jobseekers six to eight one-to-one mentoring sessions (via phone, video chat or face-to-face) with a local volunteer Steps Ahead mentor (all CIPD members) to help them improve their employability skills, boost their confidence and find work. The majority of mentees are referred by their local Jobcentre Work Coach and seven in ten of those who complete the mentoring process find work.¹⁶³

95. *Through the introduction of Older Claimant Champions the Government has recognised the need for Jobcentre Plus to develop the awareness and skills to provide specialised support to older jobseekers. But this is not translating into widespread good practice on the ground. We recommend that the Government undertake a review of the specialist support available to older people through the Jobcentre Plus network, including the role of the Older Claimant Champions, and develop an action plan to improve both the content and availability of such support.*

A national skills strategy

96. Access to careers advice and support is important, but the demographic changes to the UK population do not just need people to work longer in later life—they will also lead to changes to the skills profile of the UK workforce. This is recognised by the Industrial Strategy, and the Government has commissioned the Migration Advisory Committee to undertake a “wide-ranging consultation to form a UK-wide view of our skills needs”.¹⁶⁴

97. The Recruitment and Employment Confederation (REC) has called for the Industrial Strategy to have “skills and people at the forefront” and for a national skills strategy. Andy Briggs, the Government’s Business Champion for Older Workers, supported calls for a national skills strategy. He felt that work on skills and development was not currently well joined-up across government.¹⁶⁵

98. Tom Hadley explained his view on what such a strategy would look like: firstly, there would be a body that would collate and report the evidence to make sure that training meets current and future need. He told us that:

162 Annex 1: Older people and employment outreach event, 1 May 2018

163 Chartered Institute of Personnel and Development (OPE0032)

164 Department for Business, Energy and Industrial Strategy, [Industrial Strategy: building a Britain fit for the future](#), 27 November 2017, page 125, accessed 26 June 2018. The consultation can be found here: <https://www.gov.uk/government/consultations/call-for-evidence-and-briefing-note-eea-workers-in-the-uk-labour-market>, accessed 26 June 2018

165 Q178

We still hear from our people who work in technology [...] saying that though people were receiving training, they were training on the wrong computer programs, not the ones that would be in demand the following year.¹⁶⁶

The second part would be about career advice and training, including for career changes. This was connected to the ability of Jobcentre Plus work coaches to provide the kind of specialist support discussed above—Mr Hadley argued that it was difficult for work coaches to have specialist knowledge of all the different sectors. A skills strategy could be used to put in place a system to fill this gap.¹⁶⁷

99. The need for greater access to life-long learning was a common theme connected to calls for a skills strategy. Yvonne Sonsino of Mercer cited Singapore as an example: they had started to fund university for those in mid-life seeking to change career. The TUC wanted to see the Government set an ambition to increase investment in both workforce and out of work training to the EU average within the next five years, including by investing in a new life-long learning account.¹⁶⁸ The CIPD wanted to see funds allocated to improving productivity used to support life-long learning.¹⁶⁹ A strategy would also need to go beyond life-long learning; Catherine Sermon of Business in the Community gave the example of work in Germany that made it easier for employees to understand what transferable skills they would need to work across a given industry.¹⁷⁰

100. As with careers advice, however, initiatives on learning need to be tailored to an older audience. Age UK was clear that older workers did want to progress and learn new skills, but that many did not take up training as it was designed for younger people. They argued that older people appreciated learning in a different way, with less emphasis on gaining formal qualifications.¹⁷¹ Teresa Donegan, Head of Learning and Organising Services at UNISON, told us that older women often struggled to access training due to caring responsibilities. The time available for training and development had also shrunk, especially with the increased use of zero hours contracts, variable hours or fixed minimum hours. Ms Donegan told us that UNISON tried to be flexible in when and how they ran courses, but were often having to make them shorter—one or two-hour sessions instead of a full day—and run them in the evenings and on weekends. Online training could help, but the technology needed to be right. UNISON had tried this with a group of cleaners who “were all very savvy on their mobile phones”, but the training was not accessible via a mobile app.¹⁷²

101. Alok Sharma MP, Minister of State for Employment at the Department for Work and Pensions (DWP) discussed what the Government was doing on skills. As well as the work with the National Careers Service, local enterprise partnerships and employers on career

166 Q118

167 Q118

168 Trades Union Congress ([OPE0035](#))

169 Chartered Institute of Personnel and Development ([OPE0032](#))

170 Q191

171 Age UK ([OPE0036](#))

172 Q108

advice, the Government had committed £40 million to pilot career learning initiatives¹⁷³ designed to “test how we can effectively engage adults about the opportunities and benefits of learning.”¹⁷⁴ This was welcomed by the TUC and the Centre for Ageing Better.¹⁷⁵

102. The Government is also planning a National Retraining Scheme, which the Government's Careers Strategy states will “give individuals the skills they need to progress in work, redirect their careers and secure the high-paid, high-skilled jobs of the future.” Two pilots are currently being funded: £30 million for digital skills and £34 million for the construction industry.¹⁷⁶ When asked if this was, essentially, a national skills strategy, Duncan Gilchrist, the Deputy Director responsible for *Fuller Working Lives* in DWP said:

I would not want to commit myself, but effectively, yes. It is a mechanism to try to make sure that, of our skills base, the people who do not have current, relevant skills are able to go into sectors where there are current, relevant skills gaps.¹⁷⁷

103. *The Government has recognised the need for a more strategic approach to skills development in the UK, and emerging initiatives are welcome. However, these fall short of a national skills strategy and lack specific, explicit attention to the needs of older workers and the barriers they face. We recommend that the Department for Business, Energy and Industrial Strategy develop a national skills strategy, with a focus on life-long learning, as part of taking forward the Industrial Strategy. This must include specific consideration of the needs of older workers, explicitly challenging assumptions that certain forms of training are only for young people, and must look at ways to make access to training and skills development a truly life-long opportunity.*

173 Q211

174 Department for Education, [Careers strategy: making the most of everyone's skills and talents](#), December 2017, page 28, accessed 26 June 2018

175 Trades Union Congress ([OPE0035](#)); Centre for Ageing Better ([OPE0039](#))

176 Department for Education, [Careers strategy: making the most of everyone's skills and talents](#), December 2017, page 29, accessed 26 June 2018

177 Q222

5 Government policy

104. As explained in Chapter 1, the key Government policy on older workers is *Fuller Working Lives*, published in February 2017. It is structured around the ‘3 Rs’ of ‘recruit, retain and re-skill’, and a key feature is that it is “employer-led”—meaning that most of the actions are to be driven forward by employers themselves rather than by Government or through regulation. This approach is supported by witnesses, but with caveats.¹⁷⁸ The Centre for Ageing Better highlighted that, while an employer-led approach had real advantages it was highly unlikely to tackle age discrimination, which we have seen in Chapter 2 is a significant problem. They also argued that it will not address job quality, which we have seen in Chapter 3 is an important underlying factor in the discussion on enabling people to work for longer:

Unless we promote good quality work that supports good health, wellbeing and control for older workers, longer working lives will not lead to better outcomes in later life, and we do not expect to achieve ambitious increases in employment rates among those aged 50 and over.¹⁷⁹

105. Age UK and the CIPD also see a direct link to Government policy on ‘good work’ and both were concerned that there has been insufficient focus on support for small firms—a concern we saw in Chapter 3. They argued that:

If you go to any local enterprise partnership, [...] or go to a growth hub, and look at what business support is available for the smallest firms, then there will be very little, if anything, on people management issues. That is a real missed opportunity.¹⁸⁰

106. Professor Carol Atkinson similarly told us that the business support landscape “is complex, fragmented and difficult for time-poor SMEs to navigate.” She described in positive terms pilots by the CIPD that used local partners—city councils, Local Enterprise Partnerships, Growth Hubs and Chambers of Commerce—to engage with small and medium enterprises, with an emphasis on developing manager capability and expertise.¹⁸¹

107. It is therefore unsurprising that many of those we spoke to found it heartening that the Government’s recently-published Industrial Strategy identifies “meeting the needs of an ageing society” as one of four Grand Challenges.¹⁸² On employment, it commits the Government to support sectors to adapt to a changing and ageing workforce.¹⁸³ As well as referencing the *Fuller Working Lives* strategy and the Business Champion, the Strategy states that:

We will also encourage industries to lead in adapting their workplaces to the requirements of an ageing workforce. To help realise the potential in

178 Age UK ([OPE0036](#)); Business in the Community ([OPE0030](#)); Centre for Ageing Better ([OPE0039](#))

179 Centre for Ageing Better ([OPE0039](#))

180 Chartered Institute of Personnel and Development ([OPE0032](#))

181 Professor Carol Atkinson ([OPE0046](#))

182 The remaining three are: artificial intelligence and big data; clean growth; and the future of mobility.

183 Department for Business, Energy and Industrial Strategy, [Industrial Strategy: building a Britain fit for the future](#) 27 November 2017, page 54, accessed 26 June 2018

the labour market, including amongst women, older workers, carers and disabled people, we will work with business to make flexible working a reality for all employees across Britain¹⁸⁴

108. Another key policy development has been the publication of the Taylor Review into ‘good work’, referenced by many witnesses arguing for a greater focus on the quality of work available to older people.¹⁸⁵ The Government response to that review acknowledges the relevance of the concept to older workers, as well as the challenge it poses:

For many [...] older workers and those with caring responsibilities, permanent, fulltime work is not desirable and so a flexible approach encourages them to participate. However, this must be a positive choice.¹⁸⁶

109. Lastly, the Cridland Review of the State Pension Age made some important findings regarding older workers.¹⁸⁷ The Government response to the review acknowledges that increases to the state pension age timetable must form part of a wider system that enables older people to “have fulfilling employment or self-employment, while also supporting those whose work prospects are limited or curtailed by disability, health conditions, or caring responsibilities.”¹⁸⁸

110. There are, therefore, at least four significant national policies all affecting employment for older people: *Fuller Working Lives*, the Government Business Champion and changing policy on the State Pension Age—led by the Department of Work and Pensions; and the Industrial Strategy and emerging policy on ‘good work’ following the Taylor Review—led by the Department for Business, Energy and Industrial Strategy. Beneath each of these national strategies or policies are individual initiatives, many of which we heard about from Ministers in oral evidence.

111. Ministers told us of £5 million for ‘returnships’ enabling people, especially women, to return to the workplace;¹⁸⁹ evaluation of the right to request flexible working;¹⁹⁰ and a new focus on older workers from the National Careers Service, with additional funding for lifelong learning; older worker champions in job centre districts.¹⁹¹ Andrew Griffiths MP, Parliamentary Under-Secretary of State at BEIS, told us that he was shortly due to announce a new business champion for the ageing challenge under the Industrial Strategy “to make sure that there is somebody, in the same way that in the Department for Work and Pensions there is an older persons champion [...] to make sure it is driven through.”¹⁹²

184 Department for Business, Energy and Industrial Strategy, [Industrial Strategy: building a Britain fit for the future](#) 27 November 2017, page 54, accessed 26 June 2018

185 Age UK ([OPE0036](#)); Centre for Ageing Better ([OPE0039](#)); Business in the Community ([OPE0030](#)); Recruitment and Employment Confederation ([OPE0042](#)). The review can be seen at: <https://www.gov.uk/government/publications/good-work-the-taylor-review-of-modern-working-practices>

186 Department for Business, Energy and Industrial Strategy, [Government response to the Taylor review of modern working practices](#), February 2018, page 38, accessed 26 June 2018

187 Department for Work and Pensions, [Independent Review of the State Pension age: Smoothing the transition](#), March 2017, accessed 26 June 2018

188 Department for Work and Pensions, [State Pension age review: final report](#), 19 July 2017, accessed 26 June 2018

189 Q208

190 Q250

191 Q211

192 Q217

112. The CIPD was concerned that there was a lack of coordination across Government, and Ministers acknowledged that policies could overlap. Andrew Griffiths described *Fuller Working Lives* and the Industrial Strategy as “complementary.”¹⁹³ Alok Sharma MP, Minister of State for Employment at DWP, explained:

The reality is that, at the end of the day, individual departments are responsible for their own policies. As Andrew [Griffiths] said, what we do have [...] is a whole bunch of these ministerial working groups and task forces. At those, we will collectively discuss individual pieces of policy, and input from various partners will go into that. What emerges in terms of policy at the other end is hopefully something that everybody has had an opportunity to discuss.¹⁹⁴

113. We asked Alok Sharma if he planned to make any changes to the *Fuller Working Lives* strategy, given that it was adopted by his predecessor. While being clear that he did not “want to reinvent the wheel”, he told us that he had recently held a roundtable, chaired jointly with Andy Briggs, bringing together businesses and organisations that represent businesses. He told us:

I said to the group that we need to work out what is working in different sectors in terms of positive interventions to get people, older workers, into work and retrained. They have gone away to look at this in individual sectors. After recess, we will sit down again and have a look.¹⁹⁵

114. The Government’s Fuller Working Lives strategy and the employer-led approach are positive developments, as is the recognition of the ageing population as one of the ‘grand challenges’ in the Industrial Strategy. We are not, however, convinced that sufficient thought has gone into ensuring that overlaps between policies do not become duplications. For example, it is unclear how the role of the proposed BEIS Business Champion under the Industrial Strategy would differ from that of Andy Briggs, the existing Government Business Champion for Older Workers. If these policies are not more clearly connected, the Government risks a plethora of unconnected, uncoordinated micro-initiatives that can alienate, rather than engage, business.

115. Further work is needed to reach smaller employers, and to develop complementary measures to address the issues that cannot be left to employers—primarily age bias and discrimination and the kind of life-long learning and support that can enable career change.

116. We recommend that the Government revisit its own actions in the Fuller Working Lives strategy to ensure that all the individual initiatives are connected to the overall strategy, and to other significant policy areas such as the Industrial Strategy. The strategy should also be updated to specifically address those areas that are best led by the Government rather than employers—including age discrimination—and that it refreshes its action planning under Fuller Working Lives to incorporate the recommendations of this report.

193 Q219

194 Q220

195 Q214

Conclusions and recommendations

The impact of age discrimination on employment

1. Ageism remains a significant problem within British society and is affecting the ability of people to continue working into later life, despite long-standing laws against age discrimination. Discrimination in recruitment is a significant problem and the public sector is not leading the way in the retention of older workers when it should be. (Paragraph 28)
2. *The Equality and Human Rights Commission is right to be concerned by the low numbers of age discrimination claims being brought to it, but given its ambition to become a 'muscular regulator' we are surprised that it is not taking more action to remedy this. We recommend that the Commission develop a clear plan to tackle age discrimination in employment. This plan should include:*
 - a) *Action to tackle discrimination in recruitment and the recruitment industry, using the evidence of age discrimination in job advertising that it holds as a result of its enforcement work in this area to identify the sectors with the worst record;*
 - b) *An agreement with the Equality Advisory Support Service to identify and refer claims of age discrimination in employment as a priority for legal support by the Commission; and*
 - c) *Action to examine whether the public sector is complying with its duty to have due regard to the need to eliminate age discrimination under the Public Sector Equality Duty. (Paragraph 29)*
3. *The failure of the Government to include action to improve compliance with the Equality Act 2010 in its Fuller Working Lives strategy is a significant omission. We recommend that it engage with the Equality and Human Rights Commission with a view to agreeing enforcement actions that can be included as specific commitments in the strategy. (Paragraph 30)*
4. Older people are not a homogenous group, and public policy must be developed in a way that recognises the many and varied needs and aspirations of the ageing population. (Paragraph 35)
5. *The decision not to commence section 14 of the Equality Act 2010 means that the true nature of the discrimination facing older women, older disabled people and older people from black and minority ethnic communities may not be being brought to light in case law. We recommend that the Government commission research into the extent of this problem as part of its evidence base for Fuller Working Lives. (Paragraph 36)*
6. Our evidence suggests that age bias, and probably even illegal discrimination, is a significant problem in our society and particularly in recruitment. This is not a problem for the recruitment industry alone, but the failure of that industry to take more robust action has a significant impact on older people's ability to access work. The failure of the Equality and Human Rights Commission to use its extensive

powers of investigation in the face of a growing body of evidence has to be addressed swiftly, particularly in light of potential reduction in inward migration as a result of leaving the European Union. (Paragraph 39)

7. *The Government should work with representatives of the recruitment industry to develop a plan of action to ensure that outdated stereotypes do not cause illegal age discrimination in recruitment. This should include the collection and publication of data on the age profiles of job seekers and those finding work. The EHRC should submit to us a clear plan of action including specific timeframes to investigate, intervene and enforce the law which prohibits discrimination based on age.* (Paragraph 40)
8. Data transparency can be an invaluable tool in understanding whether changes to policy and practice are having the desired effect—for both Government and employers. It can also encourage open discussions about age in the workplace (Paragraph 46)
9. *We recommend that the Government introduce mandatory regulations to require all public-sector employers, and private and voluntary sector employers with more than 250 staff, to publish the age profile of their workforce.* (Paragraph 47)

Flexible and adaptable workplaces

10. This Committee and its predecessor have recommended that all jobs should be available on flexible terms unless an employer can demonstrate an immediate and continuing business case against doing so. Such an approach is central to enabling parents, carers and older workers to participate in the labour market on an equal basis. Given the mounting evidence collected by this Committee in the course of three inquiries the Government has to act and act now. (Paragraph 60)
11. *In response to gender pay gap figures published in October 2017, the Prime Minister called for companies to make flexible working a reality for all employees by advertising all jobs as flexible from day one, unless there are solid business reasons not to. The review of this policy is some time away from being completed. We recommend that the Government seek to legislate now to ensure that all new jobs are advertised as flexible from day one, unless the employer can demonstrate an immediate and continuing business case against doing so.* (Paragraph 61)
12. *We recommend that the Civil Service and public services immediately introduce a right to flexible working from day one for both new and existing roles, except where an immediate and continuing business case against doing so can be demonstrated* (Paragraph 62)
13. We believe that the case for a modest amount of paid leave for working carers is compelling. Equally, the case for a right to take unpaid leave—rather than falling out of the workforce with the associated difficulties of re-joining it—is overwhelming. This exists for parents: unpaid parental leave gives employees who have been employed by their company for one year an entitlement to a maximum of four weeks' unpaid leave per child per year, during which time employment rights are protected. We can see no reason why such provision should not extend to those providing unpaid care to adults. (Paragraph 70)

14. *We recommend that the Government put unpaid leave for working carers on a par with that for parents, and introduce a statutory right to four weeks of unpaid carer's leave per year. The effectiveness of unpaid carer's leave should be monitored by collecting data on take-up and the reasons for take-up. (Paragraph 71)*
15. *We recommend that the Government introduce an additional five days of paid carer's leave, available to all working carers regardless of employment type. (Paragraph 72)*
16. *We recommend that the Government review the services provided by the Fit for Work scheme to ensure that it is meeting the needs of small and medium employers who may not otherwise have access to professional occupational health services. (Paragraph 78)*
17. *The work of the Government Business Champion, and the employer-led approach, provide a real opportunity to harness the expertise of those, often large, employers that have had opportunities to think creatively about how to create age-friendly workplaces. This includes, but is not limited to, building the confidence of employers to have potentially sensitive conversations about flexible working, caring responsibilities and retirement planning. (Paragraph 82)*
18. *We recommend that the Government work with Andy Briggs, the Business Champion for Older Workers, and Business in the Community to establish and promote a mentoring scheme for employers, supporting those who may otherwise lack the expertise or capacity to create age-friendly workplaces. This should prioritise support for small and medium employers, using the good practice and resources of larger employers, and facilitate access to Government support. (Paragraph 83)*
19. *We recommend that the Government require departments to incorporate a set of age-friendly employment standards, including rights to flexible working from day one, carer's leave and a mid-life career review, into all new policies and contracts affecting the terms and conditions of employment for public sector workers. (Paragraph 85)*

A workforce for the future

20. *Mid-life career reviews can act as an effective tool in financial and career planning, both of which are important to preventing people falling out of the workforce, or finding themselves trapped in unfulfilling employment. Promoting access to such reviews should form an important part of the mentoring scheme for employers that we have recommended. (Paragraph 89)*
21. *Through the introduction of Older Claimant Champions the Government has recognised the need for Jobcentre Plus to develop the awareness and skills to provide specialised support to older jobseekers. But this is not translating into widespread good practice on the ground. We recommend that the Government undertake a review of the specialist support available to older people through the Jobcentre Plus network, including the role of the Older Claimant Champions, and develop an action plan to improve both the content and availability of such support. (Paragraph 95)*
22. *The Government has recognised the need for a more strategic approach to skills development in the UK, and emerging initiatives are welcome. However, these fall short of a national skills strategy and lack specific, explicit attention to the needs of older workers and the barriers they face. We recommend that the Department for*

Business, Energy and Industrial Strategy develop a national skills strategy, with a focus on life-long learning, as part of taking forward the Industrial Strategy. This must include specific consideration of the needs of older workers, explicitly challenging assumptions that certain forms of training are only for young people, and must look at ways to make access to training and skills development a truly life-long opportunity. (Paragraph 103)

Government policy

23. The Government's Fuller Working Lives strategy and the employer-led approach are positive developments, as is the recognition of the ageing population as one of the 'grand challenges' in the Industrial Strategy. We are not, however, convinced that sufficient thought has gone into ensuring that overlaps between policies do not become duplications. For example, it is unclear how the role of the proposed BEIS Business Champion under the Industrial Strategy would differ from that of Andy Briggs, the existing Government Business Champion for Older Workers. If these policies are not more clearly connected, the Government risks a plethora of unconnected, uncoordinated micro-initiatives that can alienate, rather than engage, business. (Paragraph 114)
24. Further work is needed to reach smaller employers, and to develop complementary measures to address the issues that cannot be left to employers—primarily age bias and discrimination and the kind of life-long learning and support that can enable career change. (Paragraph 115)
25. *We recommend that the Government revisit its own actions in the Fuller Working Lives strategy to ensure that all the individual initiatives are connected to the overall strategy, and to other significant policy areas such as the Industrial Strategy. The strategy should also be updated to specifically address those areas that are best led by the Government rather than employers—including age discrimination—and that it refreshes its action planning under Fuller Working Lives to incorporate the recommendations of this report. (Paragraph 116)*

Annex 1: Older people and employment outreach event—1 May 2018

1. The Committee held an outreach event to hear from older people about their experiences in trying to gain employment. Participants included older people with a range of occupational backgrounds and family circumstances, and representatives of Open Age, a specialist recruitment service supporting older jobseekers into work. All participants were either service users or staff of Open Age. The discussion was facilitated by the Committee Chair and anonymised notes were taken of the discussion. We are grateful to Open Age for helping bring the group together and to all the participants for their valuable input to our inquiry. This note sets out the key themes that emerged from the discussion.

How have you found looking for work now compared to earlier in your working life?

2. All had found it harder to get jobs than in the past. This included those who had taken lengthy career breaks of up to 15 years and those who had continuously been in the labour market. It also included those who had pursued a single profession, such as nursing, and were needing to move into less physically demanding roles and those who had worked in a wide range of fields. One former nurse had found that employers did not recognise the transferable skills she had developed during her career. Despite having experience of working with databases and other IT skills she did not have any tangible proof to show employers that she has these skills since she learned them on the job. Another nurse felt that her skills were being overlooked and young people are getting more interviews today than older people. In her experience employers “turn their nose up at people who are older and from the 60s generation” and others agreed giving examples of where they had lost out to younger workers for jobs that they had the skills to perform.

3. One jobseeker related how at one job interview he sensed that the employer did not want to hire him as soon as she saw that he was a ‘mature adult’. He continued with the interview telling her about his experience and he listed the eight different languages he could speak. Her response was “unfortunately he could not speak Greek” and he did not get the job. Similar experiences were described by those applying for a basic administrative role and an application for an apprenticeship. One participant had applied to a job that advertised a guaranteed interview scheme, stating that anyone coming within the definition of ‘disabled’ under the Equality Act and meeting the essential criteria would go through to interview. He expressed his frustration that despite having a disability, meeting the criteria for this job and being shortlisted for the post, he did not get an interview.

4. Participants felt that the Government should talk to young people who are the employers, get their views and educate them about employing older people. “It would be good to understand that dynamic.” Neither the job seekers or Open Age staff were aware of the work of the Government Business Champion for Older Workers in working with employers.

Is anyone looking for more flexible working?

5. The group generally agreed that flexible working was important. One needed flexibility to enable him to continue working while managing a health condition and maintaining contact with his family that lived elsewhere.

Do you know who your local job centre's 'Older Claimant Champion' is? How many of you have used a job centre to help you find work? Did they help?

6. One participant said that the job centre said that he had too much on his CV and referred him to a scheme for younger people. One was referred to Get Set by her job centre which gets you into work for six months. Participants felt that job centres did not have the flexibility to adapt to their needs: applicants are told to submit a certain number of job applications in a week. If someone is ill then they still have to submit this amount. Job centres are also under pressure to meet a quota. Three people had used job centres to help them find work and the job centre had referred some to Open Age while others had found out about the service online. People felt that job centre targets should be more realistic and take into account the transition and time needed for older people to find a job. No one had heard of the Older Claimant Champion, whose role is to support their local job centres to meet the needs of older claimants.

7. Participants were happy with the support from Open Age, which they all found more helpful than the Jobcentre. They felt that Open Age had a better approach and gave people time to find a job even if they did not get immediate results. However the representatives of Open Age said that they risked not hitting targets for applications because the Government did not recognise the higher costs and time needed to provide a tailored service to older job seekers.

What is the block to getting a job for older people?

8. All agreed that age discrimination was the most significant block to getting a job. They also discussed how the process of applying for work could present barriers. One had been advised not to list the dates of her qualifications, as doing so would inform the employer of your age. Another felt that the skills required for a job have been “simplified and so measured that they are missing the whole person”, and that interviewers were less interested in people with experience. Another felt that, “If you don’t tick the box, the person is missed.” He was self-educated and intelligent, however, “because his qualifications do not add up the computer assumes he has learning difficulties”.

9. Others had spent most of their working lives self-employed and had little experience of interviews. One had had his last interview in 1980, did not understand the language used in job descriptions today. All of the participants wanted help to ‘translate’ the language of the job description for them, as the terminology had changed a lot since they had last been seeking work. One participant pointed out that younger people are interviewing older people today. “Why do they need an older person who can’t go on Instagram? Is what they think. It’s a different language that people speak. Your eyes glaze over when they say that they can ‘twitter me’”.

10. Many were frustrated with the lack of response to job applications. Responses could be important, but were not the norm and a lot of time and effort in looking at the criteria for every job received a typical response from the employer “that if you don’t hear from them in two weeks then you have not got the job”. One participant spoke of having had suicidal thoughts due to the number of such rejections. Open Age said that some good practice companies were moving away from the use of online applications, towards more interactive, personal recruitment methods.

11. One participant had found that he was unable to access teaching jobs that he had successfully performed in the past because he had convictions from when he was younger. While they did not bar him from the jobs, the need to disclose meant that agencies just didn’t take him on: “If an agency takes you on they have to contact every school to disclose your criminal record. Agencies do not want to go through all this. When you work with children they do a lot of checks which they never used to do before.”

12. For some there were limits to the physical nature of the jobs they could do. A former decorative artist and a former nurse both said that age had reduced their ability to take on physically demanding roles.

Have you sought to develop new skills, or change career? What help have you received or tried to access when doing this?

13. Some felt that employers were wary of people changing their careers, but all had either undertaken training to develop new skills or planned to do so: a former nurse had trained in IT, horticulture and accountancy; another wanted to learn more about project management and do a Prince2 course.

14. One jobseeker said that she has done a course to train to be a receptionist in a particular sector. It was designed with employers in that sector, so was tailored for what she and the employer needed. All agreed that this was a good model, and that too often courses were not well enough connected to the requirements of jobs.

15. IT and computer skills were a common theme, but with varying experiences. Some felt they needed to develop computer skills, but one attending computer courses was still uncertain what specific computer skills she needed to help her find a job. Another had the necessary IT skills, but was doing a training course because she needed a certificate to show that she is computer literate. Others had faced no barriers with using IT or in accessing training.

16. The group discussed apprenticeships and one had tried to apply only to be turned down because of his age. Another did not apply for a 3-year apprenticeship because she was 61 and by the time she finished she would have been 64. She felt that a younger person would have got more out of the apprenticeship. For others the money was so low for apprenticeships that they felt there was no point in applying for it.

17. Flexibility in attendance requirements could also be important to create equal opportunities for older people, recognising that age-related health issues can cause problems with training when a person has to pull out. This puts them in a position to have to start all over again to look for work.

Formal minutes

Wednesday 4 July 2018

Members present:

Mrs Maria Miller, in the Chair

Tonia Antoniazzi	Jess Phillips
Angela Crawley	Mr Gavin Shuker
Vicky Ford	Tulip Siddiq

Draft Report (*Older people and employment*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 116 read and agreed to.

Annex and Summary agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Wednesday 11 July 2018]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 13 December 2017

Question number

Dr Brian Beach, Senior Research Fellow, International Longevity Centre UK, **Yvonne Sonsino**, Co-Chair, Fuller Working Lives Business Strategy Group, **Patrick Thomson**, Senior Programme Manager and lead on fulfilling work, Centre for Ageing Better.

[Q1–39](#)

Wednesday 10 January 2018

Christopher Brooks, Senior Policy Manager, Age UK, **Julie Dennis**, Head of Diversity and Inclusion, Advisory, Conciliation and Arbitration Service, **Dee Masters**, Barrister, Cloisters Chambers, **Elizabeth Prochaska**, Legal Director, Equality and Human Rights Commission.

[Q40–97](#)

Wednesday 24 January 2018

Tom Hadley, Director of Policy, Recruitment and Employment Confederation (REC), **Jane Shepherd**, National Education Officer, UNISON, **Teresa Donegan**, Head of Learning and Organising Services, UNISON.

[Q98–129](#)

Ben Willmott, Head of Public Policy, CIPD, **Ruby Peacock**, Deputy Head of Public Affairs, Federation of Small Businesses.

[Q130–153](#)

Wednesday 28 February 2018

Andy Briggs, Government Business Champion for Older Workers, **Catherine Sermon**, Employment Director, Business in the Community.

[Q154–203](#)

Wednesday 21 March 2018

Alok Sharma MP, Minister of State for Employment, Department for Work and Pensions, **Duncan Gilchrist**, Deputy Director, Fuller Working Lives and State Pensions Policy, Department for Work and Pensions, **Andrew Griffiths MP**, Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy, **Mark Holmes**, Deputy Director, Labour Market Directorate, Department for Business, Energy and Industrial Strategy.

[Q204–255](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

OPE numbers are generated by the evidence processing system and so may not be complete.

- 1 A member of the public ([OPE0008](#))
- 2 Age UK ([OPE0036](#))
- 3 Arthritis Research UK ([OPE0041](#))
- 4 Business in the Community ([OPE0030](#))
- 5 Carers UK ([OPE0040](#))
- 6 Centre for Ageing Better ([OPE0039](#))
- 7 Chartered Institute of Personnel and Development ([OPE0032](#))
- 8 Chartered Management Institute (CMI) ([OPE0043](#))
- 9 Dr Airey and Professor Loretto ([OPE0027](#))
- 10 Dr Kath Atkinson ([OPE0038](#))
- 11 Dr Vanessa Beck ([OPE0024](#))
- 12 Employment Related Services Association ([OPE0026](#))
- 13 Equality Commission for Northern Ireland ([OPE0004](#))
- 14 Fawcett Society ([OPE0029](#))
- 15 HM Government ([OPE0034](#))
- 16 Joan Lardy ([OPE0002](#))
- 17 Later Life Ambitions ([OPE0045](#))
- 18 Letitia Davis ([OPE0031](#))
- 19 Mercer ([OPE0049](#))
- 20 Miss Gill Kennett ([OPE0010](#))
- 21 Miss Julie Gardiner ([OPE0011](#))
- 22 Mr Michael Connolly ([OPE0018](#))
- 23 Mrs Baddams ([OPE0007](#))
- 24 Mrs Carol Swain ([OPE0009](#))
- 25 Mrs Catherine Coe ([OPE0019](#))
- 26 Mrs Chris Kemp-Philp ([OPE0012](#))
- 27 Mrs Dot Holden ([OPE0003](#))
- 28 Mrs Elizabeth Arbon-Stuckle ([OPE0013](#))
- 29 Mrs Elspeth Waterworth ([OPE0001](#))
- 30 Mrs Lynn Beddoe ([OPE0006](#))
- 31 Ms Brigid Finlayson ([OPE0005](#))
- 32 Ms Penelope Young ([OPE0015](#))
- 33 New Middle Age ([OPE0025](#))

- 34 Nottingham Civic Exchange ([OPE0037](#))
- 35 PPMA & Jobsgopublic ([OPE0028](#))
- 36 Professor Manfredi and Professor Vickers ([OPE0020](#))
- 37 Professor Carol Atkinson ([OPE0046](#))
- 38 Professor Sarah Vickerstaff ([OPE0023](#))
- 39 Recruitment and Employment Confederation ([OPE0042](#), [OPE0047](#))
- 40 Steve Beesley ([OPE0048](#))
- 41 Trades Union Congress ([OPE0035](#))
- 42 Unum ([OPE0021](#))
- 43 VMG Associates ([OPE0022](#))
- 44 Wilf Foster ([OPE0044](#))
- 45 Wote Street People ([OPE0014](#))
- 46 Zurich Insurance PLC ([OPE0033](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Fathers and the workplace	HC 358 (HC 1076)
Second Report	The role of Minister for Women and Equalities and the place of GEO in government	HC 365
Third Report	Race Disparity Audit	HC 562
First Special Report	Ensuring strong equalities legislation after the EU exit: Government Response to the Committee's Seventh Report of Session 2016–17	HC 385
Second Special Report	Implementation of Sustainable Development Goal 5 in the UK: Government and Office for National Statistics Responses to the Committee's Eighth Report of Session 2016–17	HC 426
Third Special Report	Fathers and the workplace: Government Response to the Committee's First Report of Session 2017–19	HC 1076