Guide
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Managing age

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Contents

Acknowledgements 2

Foreword 3

Introduction 4

1 Retirement 8

2 Flexible retirement 12

3 Recruitment, selection and promotion 14

4 Pay, benefits and pensions 19

5 Appraisal, performance management and training 23

6 Health and safety 27

7 Redundancy and termination 30

Annex A: Repeal of the Default Retirement Age regulations – guidance and support 33

Annex B: Acas transitional arrangements flowchart 34

Annex C: Where can I get more information? 35

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Foreword

The Chartered Institute of Personnel and Development (CIPD) and the Trades Union Congress (TUC) produced the original version of this guide when the Employment Equality (Age) Regulations 2006 were introduced, with funding from the Department of Trade and Industry (DTI – now the Department for Business, Innovation and Skills), to help employers and trade unions understand how to implement good practice to tackle unfair age discrimination. This revised version takes into account good practice developments since 2006 and the phasing out of the Default Retirement Age (DRA) from 6 April 2011.

This guide supports Acas guidance on managing without a retirement age and reflects the business case for extending working life and employing people of all ages. It gives guidance on good age management practices to support and sustain business success.

The CIPD and the TUC believe that providing employers and employees with more freedom of choice about how long people work makes good business sense. It addresses the prevailing demographic changes and skills challenges we face in the years ahead, fosters better talent management and improves economic independence, personal well-being and more-inclusive, healthier societies fit for the twenty-first century.

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Introduction

Age discrimination is bad for business because it causes an unnecessary waste of talent, skills, knowledge and experience as well as undermining social cohesion and personal achievement. It has been unlawful to discriminate on grounds of age in the workplace for more than half a decade. In 2011, a further significant legal step took place with the removal of the Default Retirement Age, which had allowed employers to continue to forcibly retire workers at 65 despite the general ban on age discrimination.

Engaging employers' and trade unionists' views

When the original version of this guide was being developed in 2006, the CIPD and the TUC carried out a series of national and regional focus groups to find out how well the ban on age discrimination was understood and what preparations were being made to implement it. Organisations of all sizes from a broad range of economic sectors took part and revealed considerable misunderstanding, particularly about issues related to retirement, recruitment and long-service awards. For instance, many focus group participants were confused about the use of graduate recruitment schemes, sending birthday cards to staff and giving long-service awards such as gold watches, believing them to be unlawful.

This guide aims to remove such misconceptions, help employers to avoid legal hazards and implement good practice to both minimise the risk of legal challenge and benefit from improved talent management.

Legal background on age discrimination

In 2006, the Employment Equality (Age) Regulations (the 'Age Regulations') were introduced, which prohibited age discrimination in work and vocational training. They implemented the age provisions of the EU Framework Equality Directive (Council Directive 2000/78/EC of 27 November 2000), which required member states to prohibit discrimination in employment and vocational training on grounds of age, disability, religion or belief and sexual orientation.

In 2010, these Regulations were replaced by the Equality Act 2010, which brought together all the UK's previous discrimination laws into a single Act.

The Equality Act 2010 prohibits discrimination because of age, disability, gender reassignment, married or civil partner status, pregnancy and maternity, race, religion or belief, sex and sexual orientation (referred to as 'protected characteristics' in the Act). Its provisions on discrimination in employment provide protection for a broad category of worker, including employees, contract workers and office-holders. Those who can be held liable for discrimination include employers, vocational training providers, trade unions, employer organisations and trustees and managers of occupational pension schemes.

The Equality Act 2010 prohibits discrimination in other spheres beyond employment including education, the provision of goods and services and the exercise of public functions. However, at present, it only prohibits age discrimination in the employment sphere. The Act contains powers for regulations to be introduced to extend the protection from age discrimination beyond the workplace for those aged 18 or over and proposals on how this will be done are expected from the Coalition Government in 2011, with any change in the law expected in 2012.

The types of age discrimination that are prohibited by the Act are:

- direct age discrimination, which occurs when there is less favourable treatment of someone because of age unless the treatment can be justified as a proportionate way of achieving a legitimate aim[1]

[1] Direct age discrimination is unique in the Act in that the less favourable treatment can be objectively justified by the employer. With all other forms of direct discrimination there is no defence if less favourable treatment is found.

- indirect age discrimination, which occurs when a provision, criterion or practice is applied to everyone but it particularly disadvantages a certain age group unless the provision, criterion or practice can be justified as a proportionate way of achieving a legitimate aim
- harassment related to age, which is conduct that has either the purpose or the effect of creating a hostile, degrading or offensive working environment for someone
- victimisation, which is when an organisation subjects someone to a detriment because they think they are going to bring or have brought a complaint of age discrimination or they have helped someone bring a complaint.

One new feature of the Act was the introduction of a single equality duty on public bodies or those carrying out public functions to pay due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations across eight protected characteristics, including age. This is the first time those carrying out public functions have had a positive duty to take action on age equality, although previously similar duties did exist for race, gender and disability. This new duty took effect on 5 April 2011.

There are a number of exceptions within the Equality Act 2010 which allow employers to treat people differently according to age; these include the young workers' pay rates in the National Minimum Wage, age bands in redundancy policies that reflect those in the statutory redundancy scheme, and pay or benefits that are linked to five years or less service. All these exceptions were in the previous Age Regulations. In addition, regulations made under the Act exempt many age-related rules in occupational pension schemes. This replaces what was in Schedule 2 of the Age Regulations.

The exception for the Default Retirement Age (DRA) that was in the Age Regulations was also carried over into the Equality Act 2010. It stated that it was not unlawful age discrimination to retire someone at or over the age of 65. When the Coalition Government was formed it made a commitment to remove the DRA. In March 2011 the Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 were laid and the phasing out of the DRA began from 6 April 2011.

With the repeal of the DRA, it has become possible to challenge retirement dismissals as age-discriminatory. An employer can still operate a fixed retirement age policy but they have to show that it is a justified way of achieving a legitimate business aim – that is, they have to objectively justify this form of direct age discrimination in line with the Equality Act 2010. This is likely to be a risky approach because there are probably few jobs where it will be justified to have a blanket policy of dismissing people upon reaching a certain age rather than allowing for individual assessments of capability and performance to operate as they would for workers of other ages.

Unfair dismissal law is also amended by the Regulations removing the DRA. This means that retirement is no longer an automatically fair reason for dismissal. A retirement in line with an objectively justified retirement age policy could be a potentially fair reason for dismissal under the Employment Rights Act 1996, but only if retirement was the genuine reason for dismissal and it was handled in a procedurally fair way.

There are transitional provisions which enable employers to continue to use the DRA procedures to retire those who are 65 before 6 April 2011 or who turn 65 before 1 October 2011, provided they issued notifications of intention to retire in line with the DRA procedure before 6 April 2011. Any notification must provide at least 6 months' and up to 12 months' notice of the intended date of retirement. So the latest possible intended date of retirement is 5 April 2012. The transitional arrangements allow an individual who receives such a notice to make a request to stay on in employment at any time up to (but not including) 5 January 2012. If an employer agrees to an extension of six months, they can still retire them under the DRA procedure. If they agree to an extension of longer than six months, they will not be able to rely on the DRA procedure to retire them at a later date. See Annex A for more guidance on the removal of the DRA and the transitional arrangements.

Operating without a fixed retirement age is likely to require a substantial change in attitude towards how older workers are viewed and how the issue of retirement is approached. This guide (especially sections 1 and 2) provides information to help employers and trade unions consider how they need to adapt.

Frequently asked questions

I'm 63 and was hoping to retire in a couple of years' time and draw my occupational pension. Does the removal of the Default Retirement Age affect my right to do this?

A distinction needs to be made between pension age (the age at which an employee can start to draw from their pension fund), normal retirement age (the age at which most people in an organisation choose to stop working full-time) and DRA or an employer-justified compulsory retirement age (the age at which an employer can force someone to retire). The removal of the DRA prevents people from being forced to retire against their wishes without legal challenge. However, it will not affect your right to retire when you choose and draw any pension which you are entitled to under the rules of your occupational pension scheme.

It should be noted that the Coalition Government, as well as removing the DRA, plans to increase to 66 the age at which people – both men and women – can draw the state pension by April 2020. For women approaching retirement now, particularly those that will be dependent upon the state pension, this will affect their retirement choices as they may find they can't draw the state pension until later than they previously thought. The increase in the state pension age for women will rise at a more rapid pace than for men – it will rise from 60 to 66 in a series of stages up to April 2020, whereas for men the rise will be from 65 to 66 between December 2018 and April 2020.

Does the removal of the DRA mean an employer can never dismiss an older person and has to wait for them to choose to retire?

With the removal of the DRA, an employer can no longer dismiss an older person because of their age (unless they have a justified fixed retirement age policy). Normal dismissal law now applies to those aged 65 and over, just as it does to those below that threshold. This means an older worker can be dismissed for reasons of conduct or capability, provided it is handled fairly and in accordance with the law on dismissals.

Can I ask an employee about their plans to retire or would this be age-discriminatory?

Yes, you can still have discussions with employees about their retirement plans provided they are handled appropriately. Employees who have reached a certain age should not be forced to enter into a discussion about their retirement plans and they should not be put under any pressure to commit to leaving the organisation by a certain time. An annual development review, where employer and employee reflect on past achievements and look to the future, may be the most appropriate context in which to raise the issue. If an older employee is interested in talking about retiring, you could explore flexible working options or alternative roles they could take on which could encourage them to gradually retire, giving them time to hand over and pass on their knowledge and skills. But remember any changes to a person's job or working hours must be with their consent. Also, do not assume that all older workers will be thinking about winding down; some are likely to want to explore future development and progression opportunities as workers of any age would.

Am I no longer allowed to advertise for 'dynamic' or 'mature' candidates for jobs because such terms could be indirectly age-discriminatory?

An advertisement can use wording that attracts candidates who meet the specifications for the job, but you should consider carefully the way readers are likely to interpret the language you use. For example, if the aim is to find someone who can handle responsibility, it's better to say exactly that than to advertise for someone who is 'mature', which is commonly taken to mean 'older'.

How can I prevent age from entering into appointment decisions when anyone can work out a candidate's age by looking at their employment history?

Age can never be completely eliminated from the recruitment process, but the amount of age-related information requested can be minimised. Many employers now ask candidates to describe their competencies, rather than list their employment history.

Can I recruit a less qualified younger/older candidate in order to address age imbalances in my workforce?

Recruiting directly on the basis of age will always be hazardous. If you plan to do this, you should give it careful consideration and record the reasons for your decision and why you considered it objectively justified in the circumstances, in case an unsuccessful candidate later claims unfair treatment. The judgement on

whether you were right will rest with the employment tribunal if the individual takes their claim that far.

Can I still use incremental pay scales?

Incremental scales inevitably discriminate against younger people. However, the Equality Act 2010 allows them without any justification, provided that they don't extend for more than five years. Incremental scales that are longer than this can be used if you reasonably believe they fulfil a business need. You should have evidence to support your assertion that it fulfils a business need.

If I give long-service awards, do I have to limit them to rewarding less than five years of service?

Long-service awards are allowed if they fulfil a business need (for example, in terms of improved morale or staff retention). Again, it is advisable to have evidence.

My local managers decide what their subordinates are paid. How can I make sure their decisions aren't age-discriminatory?

Even if you delegate responsibilities to local managers, you as an employer are responsible by law for ensuring that decisions on pay, training, promotion and other aspects of work are not directly or indirectly related to age. Monitoring HR practices is particularly important when line managers have a great deal of discretion, since research has shown that enlightened corporate policies aren't always applied in practice by line managers.

Can I level down age-related pay and benefits?

Some firms have schemes such as additional holidays or awards for long-serving employees, and these are often popular with employees and good for morale and loyalty. Levelling down such schemes will almost certainly have the opposite effect. However, if these amount to substantial payments they may be deemed to be discriminatory. If you think that a scheme provides disproportionate benefits given its aim, it's important to discuss this with employee representatives to seek solutions that protect staff pay and benefits as far as possible and to avoid bad feeling in the workplace and the risk of falling foul of other employment law (such as breach of contract and unlawful deduction of wages).

Am I required to have an appraisal system?

No firm is required to have an appraisal or development review system, but it's a good way to monitor employees' performance, identify skills and training needs, and ensure that people are treated fairly. Documentation of appraisals and performance assessments is an important way employers can demonstrate that their employees aren't subject to discrimination. Appraisal systems must, of course, be free from bias in relation to age, gender, race, disability, sexual orientation, religion or beliefs. This means there must be no bias in how they are designed or operated – line managers should be given training and their outcomes monitored, particularly if appraisal ratings are linked to pay or progression opportunities. Appraisals should enable the employee to participate fully and add value to the organisation for the work they do.

Where's the harm in going easy on an underperforming employee when they are expected to retire shortly?

Allowing poor performance to continue, whatever the age of the employee, is demoralising to them, unfair to their colleagues and bad for business. Research has found that many older workers resent being treated in this way. Going easy on them may seem the nice thing to do, but it may lead to the employer overlooking the training and skills the employee needs in order to have productive and enjoyable years of work until retirement.

The jobs my employees do are too physically demanding for older people. Do I need to hire them?

Age should not be used as a proxy for capability. Some jobs require a great deal of strength or dexterity; or quick reaction times; or may be difficult for people with particular health problems. However, while many of us experience decline in some capabilities as we age, the rate of decline is unpredictable, and some people can, at age 70, perform tasks that others find difficult at 55. If a particular job has specific physical requirements, these should be specified and appropriate tests should be applied to all applicants, whatever their age, and adjustments and appropriate support given where practicable.

I have an older worker with arthritis. Can I medically retire them?

The law doesn't prevent you from dismissing an employee who isn't able to fulfil their work responsibilities. However, you should also be aware that if a worker has a disability there is a duty under the Equality Act 2010 to make 'reasonable adjustments' to help them to remain in work.

1 Retirement

Key messages

- With the removal of the Default Retirement Age, forced retirements can be challenged as unfair dismissals and age discrimination. Employers will not be able to continue with fixed retirement age policies unless they can objectively justify them as being a proportionate means of achieving legitimate aims.
- During a transitional period, employers will still be able to retire some people – those who are 65 or over or reach 65 before 1 October 2011 – provided they issued a notification of the intention to retire them before 6 April 2011, gave 6 to 12 months' notice of the intended date of retirement and correctly followed the rest of the Default Retirement Age procedure.

When the Age Regulations were introduced in 2006, a Default Retirement Age of 65 was set. This meant that employers could compulsorily retire people 65 and older, as well as refuse to hire employees who were within six months of reaching 65, simply on the basis of age. At the time, the previous Labour Government pledged to review the DRA in 2011, but later brought forward that review to 2010. There was also a legal challenge to the DRA by the age charity, Age UK, which finally concluded in 2009 with the High Court finding that the DRA was objectively justified at the time it was introduced because there was a need to provide some assurance to employers; however, the judge commented that it would probably not continue to be justified in the future as there was no objective evidence that capability declined from 65. When the Coalition Government was formed there was a commitment to get rid of the DRA. Regulations to remove it were introduced in March 2011 to begin the phasing out of the DRA from 6 April 2011.

There are transitional arrangements which allow employers to continue to retire those who are 65 or over by 6 April 2011 or who reach age 65 before 1 October 2011. At least 6 months' and up to 12 months' notice must be given of the intended date of retirement and the notification must be given to the employee before 6 April 2011. An employee who has received a notification of retirement can make a request to stay on in employment up to but not including 5 January 2012 and, if the employer agrees to a six-month extension of their contract, dismissal can still occur under the DRA and be lawful; if the extension is beyond six months, the employer cannot rely on the DRA to dismiss the employee and any future dismissal could be challenged as age discrimination and unfair dismissal. See Annex A for more information on the removal of the DRA and the transitional arrangements.

Abolition of the DRA does not mean that older workers cannot be dismissed. An older worker who is consistently not meeting their work objectives, for example, can still be dismissed for reasons of performance. However, 'retiring' an older person for reasons of performance must be done as fairly as the employer would do when dismissing a younger person. This includes setting clear and achievable work objectives, giving the opportunity to improve performance, offering training to address any skills needs and discussing the scope for mutually beneficial job change.

Abolition of the DRA does not prevent an employer discussing retirement plans with workers. Employers are permitted to talk to employees about their future plans, including retirement, provided they do so in an appropriate way, that is, the way the discussions are carried out do not amount to less favourable treatment because of age. This means the employer should not put pressure on the older worker to retire or try and get them to commit to leaving the organisation by a certain date. Discussions should also be voluntary and if

an older worker is not ready to discuss retirement, they should not be required to do so.

It may be most appropriate to have such discussions during a development review when the focus is on reflecting on the past and discussing future plans. As well as talking about retirement, the manager and employee may wish to talk about ways of extending working life or enabling a gradual retirement so that skills and knowledge can be passed on. Bear in mind too that some older workers may not wish to talk about retirement at all as they may be more interested in exploring opportunities for future development and progression.

Finally, it is important to remember that abolition of compulsory retirement does not prevent employees from choosing when to retire and there are ways in which an employer can assist employees with planning their retirement and both parties can work together to enable a smooth transition.

Review your retirement age

The UK's experience with having a Default Retirement Age has been mixed. On the one hand, many employers, especially small ones, set compulsory retirement ages where they had not previously existed. This was often due to misunderstanding of the law or fear that employers without a retirement age would be prevented from dismissing older workers. Further, research for the Department for Work and Pensions (DWP) showed that line managers, who often had the main responsibility for deciding whether to allow workers to delay retirement, would frequently be unaware of their employers' policies on allowing employees to work beyond 65.

Many other employers, however, decided to abolish their retirement ages. Their experiences, as documented by the DWP's Age Positive campaign showed that removing compulsory retirement can provide a number of benefits:

- **Recruitment and retention:** without a retirement age, many organisations have been able to improve the retention of employees, as well as the recruitment of older workers with sought-after skills. If an organisation has a compulsory retirement age, people who are approaching 65 may be reluctant to apply for a new job, assuming that prospective employers would be unwilling to hire them. Employees may be reluctant to ask to stay on or take on a new role for fear of being rejected.
- **Workforce planning:** some organisations reported that abolition of compulsory retirement led to a more flexible approach to retirement planning, which improved the process with which work was handed over from a retiring person to their successor.
- **Knowledge management:** abolition of compulsory retirement coincided in some cases with the introduction of mentoring schemes and other processes which enabled older workers to hand over their experience and knowledge to colleagues.

The absence of a retirement age focuses attention on performance that adds value in some way that's relevant to the organisation's needs and best interests.

Discussing retirement with employees

When the DRA existed, and an employer notified an employee of their intention to retire them, the employee had the right to request a delay to their retirement. The employer was then obliged to meet with the employee to discuss alternatives to the planned retirement, and the employee had the right to be accompanied by a workplace representative. Although compulsory retirement is now being abolished, a manager can still discuss retirement with an employee provided this is handled appropriately

Case study: Marks & Spencer

In 2002, Marks & Spencer removed its company compulsory retirement age, which had been set at 65. The decision came after a review of retirement practices and a drive to retain and attract highly effective sales advisers. Removal of the compulsory retirement age was linked to an extension of flexible working policies to enable older retail staff to reduce working hours rather than retire. The firm now employs 700 staff aged over 65.

and does not amount to less favourable treatment of older employees (for example they are not put under pressure to leave the organisation). As there are no longer any statutory provisions governing such discussions as there was when there was a right to request to stay on, there is no statutory right for them to be conducted in the presence of a workplace representative. However, it is good practice to allow an employee to invite their workplace representative to a discussion if they wish to have them there. The workplace representative may have ideas on ways the retirement can be managed or delayed which could be mutually beneficial to the employee and employer. The employee may also feel more secure in asking for support (for example, in the form of flexible working hours) to enable them stay in work.

Supporting individuals to make the transition from work to retirement

In some workplaces, agreements have been reached that provide for retirement planning meetings or seminars for employees who are intending to retire. At such events employees are given advice on organising their finances for retirement, different ways of phasing into retirement through reduced hours (if flexible retirement arrangements are in place) and how they might adjust to life after retirement. Workplace representatives may be present at such events too.

Discussing alternatives to retirement

In most countries which have a late 'real' retirement age, employees tend to spend their final years in work by 'phasing' into retirement. In other words, they usually reduce their working hours, change their job responsibilities and spend time mentoring younger colleagues. According to Labour Force Survey statistics, UK workers rarely phase into retirement. Rather, they carry on in the jobs they had been previously carrying out, often on a full-time basis.

There is no single right way to retire. Some people prefer to carry on doing the jobs that they have been carrying out. For example, an employee might want to finish a project which they had been responsible for and then leave. Others, however, may want to phase into retirement and may consider delaying retirement if they could work on a flexible basis. It is important to consult with your workforce in order for a range of retirement options to be considered and provided for.

Below is a list of issues that are worth considering:

For the employer:

- Can the hours be changed for some jobs? Many older workers would like to continue in work but on reduced hours. Changing working hours can enable the employer to retain skills, while giving the employee the chance to combine work and retirement.
- Is change necessary? In many cases, an employee may want to continue in the same job they're doing, with no change to work content or hours. In this type of situation, change may not be necessary, and keeping an experienced employee in the job will benefit the employer unless performance is weak.
- Can the work content be changed? Variety of work can be as attractive to older workers as anyone else, and employees may wish to change work roles by reducing responsibilities, downshifting, moving to less stressful or physically less demanding work, trying something new or building on their strengths and interests. As CIPD research shows, the use of flexible working arrangements continues to rise considerably among older workers.
- Can the employee take on mentoring responsibilities? Extending working life can benefit employers by retaining knowledge and skills vital to the organisation. The employee close to retirement can share their knowledge with colleagues through formal or informal mentoring. Some employers have also adopted knowledge management systems to enable employees to record and store their skills and experience.
- How will retention affect workforce planning? Retaining an employee past normal retirement age can address skills and labour shortages. It can also affect the succession plans (both real and perceived) of other employees.
- As an employer, can I benefit? Retaining older employees longer can be a way for you to save money on recruitment and training, retain skills and benefit from flexibility.

For the employee:

- What kind of work do I want to do? Many employees who ask to stay in work simply want to continue with the work they're doing, but sometimes people want to try something new, reduce their responsibilities, or keep just some of

the aspects of their work. You can propose changes to your work portfolio, and some suggestions may be beneficial to your employer. Consider what you value and enjoy most in your work.

- Do I want to change my hours? Many older workers would like to stay in work longer if they had more choice over the hours they work. Working part-time or flexibly can be a way to enjoy the benefits of both work and retirement. If you have a colleague who also wants to work part-time, you could suggest a job-share arrangement, and present ideas and solutions on how the work could be covered.
- Can I share my knowledge with colleagues? One of the benefits for employers of extending working life is that it creates a longer period with which to manage the transition from one employee to another in the job. You may wish to consider whether there are ways you can pass your knowledge and experience on to colleagues through mentoring or in-house training.
- How long do I want to work? Your employer may be willing to extend your working life, but would prefer to specify a timescale. You're not obliged to suggest one, but be prepared to discuss how long you might want to stay in work. Once you have an idea of your own preferences, you can negotiate a timescale for reviewing your retirement plans.
- What are the financial implications? If you reduce your working hours or change your responsibilities, the employer may change your pay and benefits accordingly, either on a pro-rata basis or to match your new/revised job.
- What are the pension implications? You need to be aware of not only what your pension income will be, but also what the implication will be of your planned retirement date. In some cases, pension schemes allow employees to defer their pensions (in other words to delay drawing a pension in return for augmentation); while other schemes allow employees who reach pension age to continue in work while drawing their pensions. However you decide to retire, you should speak with a pension adviser before reaching a decision to consider the long-term implications for your finances.

Workplace representative considerations:

- What arrangements could work? You can use the experience of successful arrangements for extending work drawn from within and outside the organisation. These examples could help the employer and employee think about creative ways to extend working life, which at the same time bring benefits to both.
- Can I get guidance from my union? Unions have a wealth of information not only on retirement, but also flexible work arrangements, job-sharing, training and skills retention, which can help in your discussion. The *TUC Equality Audit 2009* includes numerous examples of phased retirement options and agreements that have been reached to remove fixed retirement ages.

Finally, it is important to remember that work in the run-up to retirement should be treated much the same as work at any other career stage. Employees who are approaching retirement and/or are over 65 have the same rights as younger ones not to be treated unfairly at work. This means they can't be discriminated against (for any prohibited reason, including age) or unfairly dismissed. There is also no age limit for statutory redundancy. At the same time, a formal notification by an employee of their intent to retire is similar to a notification of resignation. If they change their mind, the employer is not obliged to withdraw the retirement, since a replacement may have been chosen. There may be good reasons for an employer to treat a request to change retirement plans sympathetically. People who abruptly change their retirement plans usually have experienced a sudden change of circumstance, for example relating to their finances or family life. Remaining in work, even for a specified period, could help an employee cope with a difficult period.

2 Flexible retirement

Evidence shows there is a growing interest in flexible retirement amongst older workers and employers.

For example, a survey conducted by the Centre for Research into Older Workers (CROW) revealed that 80% of people in work would like to stay in work beyond their expected retirement dates. Only 9% would like to do so on a full-time basis. Most people who are willing to stay in work would only do so if they could work part-time, occasionally, or on a consultancy basis.

Key messages

- Flexible working may provide older workers with the chance to delay retirement, while phasing out of work.
- Many organisations are identifying organisational benefits of offering flexible work patterns to employees, including improving retention and workplace morale.
- Flexible working may offer retiring employees the opportunity to share their knowledge with colleagues.
- The Coalition Government intends to extend the right to request flexible working, which currently applies to working parents and carers, to all employees in the future.

Flexible working arrangements, such as flexitime, part-time working and job-sharing, are often considered to be attractive for people with childcare responsibilities. However, while this is true, many other workers would like to change their working hours, work routine or job role in order to balance work with other parts of their lives. Flexible working can benefit employers by providing a way to match workforce levels to peaks and troughs of work demands, which may require operating on a 24/7 basis in some organisations.

Older workers are attracted by flexible working as a way to 'phase into' retirement. It allows them to be economically active and continue to add value to their employer and has the additional benefit of improved personal well-being.

This is helped by doing satisfying work, maintaining social networks and a sense of personal identity derived from being employed as well as better economic independence. However, most workers look forward to retirement as a time in which they can devote themselves to new activities, and perhaps develop a new identity. Flexible working can help this to happen.

Flexible working

Flexible working is becoming more common in UK workplaces and the Coalition Government has committed to extend the statutory right to request flexible working, which currently applies to working parents and carers only, to all employees.

CIPD survey evidence shows that organisations offer flexible working hours because such arrangements can benefit both employers and employees, for example by boosting retention rates as well as workplace morale. Typically retail and health services organisations are seasoned adopters of flexible working as a way to match workforce levels with demand.

Flexible working is practised in organisations of all sizes because it makes business sense to do so and helps to improve the retention of talent and expertise needed for successful business performance. Guidance for line managers about the benefits of flexible working and how to manage employees on a flexible basis helps to overcome resistance to change.

Mentoring and knowledge management

Many organisations recognise the importance of capturing the knowledge and experience of older workers before they retire because it is a valuable

Case study: British Telecom

BT has developed flexible working practices as a way of running the business. In connection with older workers, flexible working helps to delay retirement. A number of schemes exist to help employees modify the way they work, for example, and 'wind down' (to work on a part-time or job-share basis); 'step down' (to reduce work responsibilities); 'time out' (to take a sabbatical); 'helping hand' (to pursue charity or community work); and 'ease down' (to reduce working hours in the 12 months prior to retirement). The company worked with their recognised trade unions to develop and implement the flexible work policy, which includes a variety of flexible work arrangements.

corporate asset. This information-capture can be achieved by using older workers as mentors – Penna/CIPD evidence shows a high degree of interest amongst older workers in acting as mentors.

Knowledge is often thought of as taught skills – what we learn in the classroom or knowledge which leads to a formal qualification. However, everybody also uses experiential knowledge (for example what we learn on the job) and tacit knowledge (for example being able to solve a problem) at work. While replacing formal skills can be relatively straightforward, because informal skills are less easy to identify they are more difficult to capture. As one manager described, employers often don't realise that they have lost an employee's know-how until after the employee has left the organisation.

This loss can be overcome by managers discussing ways of retaining such knowledge in the organisation by recording it and passing it on to other employees before an employee leaves.

Job-sharing arrangements between an older employee who wants to reduce their hours to phase into retirement and a new employee who needs to grow their expertise can help this to happen too.

One manufacturer developed a computer system for storing knowledge of retiring engineers and making it accessible to other employees to help them in problem-solving. It involved taking an engineer off their job in their final months before retirement to focus on recording daily tasks, the skills used and what action would be taken to deal with any problems. This system was mutually beneficial to the business and the employee.

Flexible retirement and pensions

Some pension schemes allow employees who reach pensionable age to draw their pensions while staying in work. This can help an employee to reduce their working hours and/or move to a lower-paid job involving less responsibility without a loss of income. Although the Government has made changes to the law to allow employers to continue to employ people who are drawing their company pension, individual occupational pension scheme rules vary. Not all schemes will allow this but some do, and others also allow employers to continue to contribute to the employee's pension after the employee passes retirement age.

3 Recruitment, selection and promotion

Key messages

- When recruiting a new employee, job and person specifications need to match the requirements of the job and be free from unfair age bias.
- Job advertisements that specify ages are, in most cases, unlawful. When advertising for jobs, avoid language that might stop people from applying because of their age.
- If you ask for a candidate's age, it is better to ask for this on a separate monitoring form.
- Make sure everyone involved in shortlisting and interviewing job applicants is trained not to base decisions on age or age-based stereotypes and assumptions.
- Check age is not a barrier in promotion and development opportunities.
- Aim to attract people of all ages to apply for job vacancies. While it is lawful to encourage job applications from age groups that are under-represented in the organisation, it is illegal to recruit specifically on age alone.

Matching the person to the job

It is unlawful to discriminate on the grounds of age when filling a job vacancy unless the discrimination can be objectively justified as a proportionate means of achieving a legitimate aim. This covers direct discrimination (for example when the employer tells someone that they are too young for the job) and indirect discrimination (for example when the employer puts unnecessary requirements on job applicants that only people in certain age groups could fulfil).

The starting point when filling a vacancy is establishing accurate and objective job and person specifications. This is the basis for advertisements, application forms, shortlisting and selection criteria. It is important for employers to avoid specifications that unnecessarily restrict the range of people who could be recruited.

Managers often think about the characteristics of the person who is currently in the post rather than the job itself when setting out job and person specifications. However, it may be that not all of that individual's attributes are necessary for the job, and some skills could be acquired through training. A more inclusive approach to recruitment, based on removing unnecessary requirements that act as artificial barriers and block the attraction of talent, will bring organisational benefits.

Factors to consider

- **Age range:** in most cases, specifying an age range for job applicants will be unlawful. However, an employer can specify an age range when there is an occupational requirement – but these are likely to be very rare. Age shouldn't be confused with capability. For example, specifying that only young people can qualify for a physically demanding job is unlikely to be lawful, and can't replace proper health and safety or performance checks on an individual basis.
- **Anticipated length of service:** you may wish to prevent high turnover, which can bring recruitment and training costs. But be careful not to make assumptions about how many years of service a potential employee can give you based on their age. It's much easier for an employer to assume how close an older job applicant is to retirement than to guess when a younger one may leave for another job. On average, a worker who is recruited in their mid-50s is likely to give you as many years of service as a younger person. Following the removal of the DRA it will be even more difficult to predict how much service an employer may gain from an older recruit.
- **Formal qualifications: s**pecifying formal qualifications for a job will be lawful if you evidence the need for them. You'll need to ensure that you accept equivalent qualifications in order to be fair.

Managers should also remember that jobs often change over time, and the post-holder may have 'grown into' the post as it stands. Maintaining a wide scope can avoid discrimination and help in bringing in people with new skills and talents. Competency-based approaches are worth considering.

- **Experience:** specifying the work experience necessary for a job is lawful, provided you can demonstrate that it's proportionate to the job. Requiring too much experience can mean you're discriminating against younger job applicants. For example, requiring ten years of work experience will usually exclude people under 28, and an employer is likely to have difficulty justifying this requirement. Shorter periods of experience, say, less than five years, can generally be less problematic.
- **'Fitting in':** some employers may make assumptions about people in certain age ranges that are more or less likely to fit in with the team of existing employees. For example, it might be assumed that a younger manager would have difficulty managing older employees. Specifying age ranges to mirror the age profile of your existing team is likely to be discriminatory.

Maximum recruitment ages

There used to be an exemption in the Equality Act 2010 which allowed employers to set a maximum recruitment age linked to the Default Retirement Age of 65 or another objectively justified retirement age that an employer had. This said that a refusal to recruit someone who was within six months of reaching 65 would not be age-discriminatory. However, this exemption was removed from the Equality Act 2010 when the regulations abolishing the DRA took effect on 6 April 2011. An employer that has an objectively justified retirement age policy who refuses to recruit someone because they are near that age would have to objectively justify the cap and it would now ultimately be up to an employment tribunal to say if that was lawful.

Where to advertise

When advertising a job vacancy, it's important to communicate with as wide a group of potential candidates as possible. Take care to consider the pros and cons of different recruitment techniques.

Many employers, particularly small ones, use word of mouth to find potential recruits. There might be legitimate reasons for using this as one way of finding people. For example, asking your employees for suggestions might be a way to find recommended staff. But relying only on word of mouth could be discriminatory if you don't have a particularly diverse workforce, including workers from a range of ages.

Graduate recruitment

As a general rule, avoid job and person specifications with requirements that potentially exclude people with the skills and qualities that you need or that are irrelevant to performance of the job. For example, appointing somebody with a university qualification may be a bonus, but perhaps a person can be fully competent in the job without a university education. Setting a criterion that requires applicants to be university qualified could exclude applicants whose strengths lie in experiential knowledge. This could be indirectly discriminatory, as 'baby boomers' are less likely to have attended university than younger people.

It is best practice to advertise through a range of sources and not rely on just one medium. Many advertising sources are relatively low cost and the benefits to the organisation are likely to outweigh the cost. Although word of mouth can be one way to find talented people, relying solely on this method can be bad practice, as it significantly limits the recruitment pool. Advertising widely attracts a broad range of candidates, making it easier to match the person with the requirements of the job.

It is also worth considering how the presentation of the job advertisement could be viewed by job applicants of different ages. Specifying age ranges will almost certainly be unlawful, but using words such as 'fun-loving' or 'veteran' could signal that you are looking for applicants from a certain age group. Many employers include a statement in their job advertisements stating that they strive to be equal opportunity employers and welcome job applications from people of all ages. A statement welcoming applications from workers from groups which are under-represented in your organisation could also be included.

Many employers run graduate recruitment schemes to recruit and train candidates for long-term careers with their organisations. But the tendency is to focus on younger graduates and ignore those who are older.

Case study: Large catering company

The hospitality sector has one of the youngest workforces in the British economy. It also faces one of the biggest labour shortages, with many posts left unfilled. A large UK catering firm, identified by the European Foundation for the Improvement of Working and Living Conditions, recognised the value of older workers in meeting its recruitment needs. The company reviewed its job advertising strategy, the qualifications it demanded and its induction training in order to remove the barriers faced by older job applicants. It discovered that older employees tend to stay longer, cutting recruitment costs and reducing labour turnover.

It's not necessary to abandon graduate recruitment schemes altogether, but they need to be free from age bias to be lawful.

Not all university students are young people, and many people are returning to higher education after a period in work. They might do this in order to start a new career or to improve their career prospects in their present occupation.

The following checks are important:

- how long a younger employee is likely to stay compared with an older employee
- how long a graduate recruit needs to stay with you before you can reasonably expect to have recovered any development costs
- how robust job and person specifications are in reflecting the real needs of a job and training scheme.

Gathering information about job applicants

There are different ways to gather information about job applicants, including standardised application forms, CVs and informal discussions. Each approach carries some advantages and risks for the employer. Whichever ways you choose to gather information, be sure that they comply with the age discrimination regulations – and, of course, with other equality legislation.

Job application forms

Standardised application forms give organisations the most control over the information that they gather about job applicants and help to provide a common base line to compare applicants against job and person specifications.

Be careful not to ask for unnecessary information. For example, knowing when a candidate left secondary education may not add much to finding the right candidate and could be used inappropriately to guess a person's age and lead to age-biased decision-making.

Many employers rely on CVs for candidate information, but bear in mind this can lead to age-related information being provided, which may be difficult to screen in connection with making selection processes free from unfair bias. And such information could make an employer potentially liable to age-biased decision-making. To reduce this risk it's a good idea to:

- Be clear about the job and person specifications for the job and make sure the requirements are robust and evidenced. You might want to send specifications to applicants before they send you their CV, so that applicants aren't relying on short job advertisements in order to tailor what they tell you about themselves on their CV.
- Spell out the information you require from the applicant and how you will be making your decisions. The better an applicant understands what you need to know about them, the better your chances of selecting the right candidate.
- Make it clear when asking for age-related information that this is needed for monitoring purposes and ask for it on a separate monitoring form. Separate, detachable monitoring forms can be used to gather information related to personal social characteristics so this can be kept confidential from anyone responsible for shortlisting candidates. This will help to minimise unfair bias related to issues that are not essential job requirements. Where there are legal reasons for checking a

candidate is able to drive or sell alcohol, such facts can be asked for without asking direct questions about date of birth.
- Training regarding unfair discrimination of any kind is important for everyone involved in recruitment and selection processes, both in terms of unlawful actions and poor management practice.

Verbal applications

Employers often don't ask for application forms in connection with low-skilled or temporary jobs. But care is still needed to prevent age-biased decisions.

Shortlisting job applicants

If there are clear job specifications and application forms, shortlisting candidates for job interviews should be a relatively straightforward match between the skills the applicants have to offer and those needed. Few individuals will have all the attributes the employer wants, so it is good practice to distinguish between essential and desirable skills.

When sifting job applications, employers should ensure that they take into account equivalent training and experience. If a skill can be acquired through, for example, formal training, apprenticeship or work experience, employers should be aware of this when selecting candidates.

It is advisable for employers to have more than one person responsible for shortlisting for interview. The shortlisters can then cross-check and confer to ensure that the right people are selected for interview. They can also remove information that could bias the interviewing panel, for example by screening age-related information.

Employers should keep records about how decisions on shortlisting are made to defend decisions against complaints. Scoring systems taking into account how both essential and desirable attributes are judged can provide transparency.

Remember that a person doesn't need to be an employee to bring a claim under the age discrimination regulations. A job applicant who is qualified for the job, but isn't selected for interview, could bring a claim at an employment tribunal if they are treated unfairly.

Interviewing

Having more than one person to interview candidates can give multiple perspectives and help to reduce personal bias. For example involving interviewers of different ages and from different parts of the organisation could help to reduce bias related to age, department or workplace. Employers should also ensure that at least one interviewer has a broad understanding of discrimination law.

Interviewers should ask questions that are relevant to the job and do not reflect age or other prejudices, such as 'How would you feel about managing people who are older than you?' and 'Will you be able to work with younger colleagues?' Planning questions in advance can help to reduce the risk of age bias and focus attention on getting information that is relevant to matching candidates and job and person specifications.

Interviewers should keep notes to show how selection decisions are made.

Recruitment agencies

Recruitment agencies have a legal duty not to discriminate themselves or on behalf of their clients unless the agency can show that it reasonably relied on the employer's assurance that the discriminatory instruction was objectively justified or was specifically exempted (for example, because age was a genuine occupational requirement) in which case the agency wouldn't be liable.

The agency may ask for the criteria to be given in writing with an explanation of why the age-based criteria are justified. An employer who knowingly or recklessly gives a false or misleading assurance will have committed a criminal offence, punishable with a fine.

Positive action

If age groups have been historically disadvantaged in recruitment or under-represented in an organisation or tend not to apply, 'positive action' can be taken to encourage people to do so. For example, by:

- reviewing where you advertise vacancies
- reviewing job specifications and conditions of employment to find ways to make the job more attractive to the under-represented group (say, by inviting job-sharing applications)

- training existing employees to take up promotion opportunities
- stating your interest in attracting people from the under-represented age groups in recruitment information and explaining why.

In addition, under a new provision in the Equality Act 2010, which specifically covers positive action in recruitment and promotion, an organisation that wants to increase diversity can appoint or promote someone to a job who is from a particular age group that is under-represented, provided that person is as qualified to do the job as rival candidates.

It is important to review recruitment processes to ensure they are free from age bias. For example, age monitoring information may show a skewed age profile and suggest problems are occurring in some recruitment and selection policies and practices. If the age profile of job applicants is much younger than the workforce age profile, this may be a signal that jobs are only being advertised in 'youth-oriented' media. Similarly, if the age profile of shortlisted candidates is much older than that of people submitting applications, the selection criteria may be overvaluing experience over other attributes.

4 Pay, benefits and pensions

Key messages

- Except in rare circumstances, such as the application of the National Minimum Wage, paying people according to their age is directly discriminatory and likely to be difficult to objectively justify.
- Paying people according to their length of service is likely to be indirectly discriminatory, since older workers are more likely to have longer service. The Equality Act 2010 allows employers to use length of service to determine pay or benefits as long as the service being taken into account is limited to five years. Pay and benefit scales extending for more than five years can only be used where the employer reasonably believes it fulfils a business need.
- Employers must make sure that line managers with discretion for setting pay understand that it could be unlawful for people to be paid differently simply because of their age.
- Where potentially age-discriminatory pay and benefits exist, employers should seek to avoid levelling down as this is likely to be demotivating, bad for employee relations and could lead to breach of contract claims.
- Pension entitlements are covered by the Equality Act 2010, but a wide range of pension rules have been made exempt from age discrimination challenges by regulations laid under the Act.

Basing pay directly on age

Paying employees according to their age is directly discriminatory and, in most cases, unlawful. It's also bad for business, as rewarding people just on the basis of their age does nothing to reflect the contributions they make.

There is an exemption in the Equality Act 2010 which says it is not unlawful to continue to pay a young worker according to their age provided they mirror the National Minimum Wage (NMW) age bands and the young worker is not paid more than the adult NMW.

Basing pay indirectly on age

While few employers now base their pay systems directly on age, many have pay systems that are indirectly based on age and are therefore vulnerable to claims of age discrimination. Using length of service could potentially be indirectly age-discriminatory because greater numbers of younger workers are more likely to have shorter periods of service than older colleagues and, as a result, they're more likely to be paid less, even when doing the same work.

It was recognised when the age discrimination legislation was being drafted that rewarding length of service for up to a maximum of five years could be appropriate when people are new to a job and their capability is more likely to increase with experience in the early years. This is why an exemption has been provided for pay and benefits linked to five years or less service. However, it is also recognised that in many jobs, any service beyond five years will not necessarily lead to better performance in post. Employers can reward staff according to length of service beyond five years but they would have to demonstrate that it fulfilled a business need.

There are reasons why an employer may use length of service to influence what they pay employees. For example, remuneration based on length of service can encourage employees to stay with their employer longer, thereby reducing labour turnover and recruitment costs. Employers may also use length of service as a way to reward employee loyalty and because length of service is assumed to be linked with increased competence. However, they would have to produce evidence to show this was the case in practice.

Note: payments linked to long service can be indirectly sex discriminatory too as women tend to have less service in post than men as a result of career breaks to have and care for children. The exemptions in the Equality

Act 2010 for length of service only protect against age discrimination challenges. Employers may still face equal pay claims from women, in which case they would have to demonstrate that rewarding length of service is a proportionate means of achieving a legitimate aim. This is a higher standard of justification than the 'reasonably believes it fulfils a business need' adopted for justifying linking pay to more than five years' service under the age exemptions in the Equality Act 2010.

Long-service awards

Many organisations give long-service awards to employees after 20 or 30 years of service. The awards are sometimes accompanied by a ceremony or party. Although long-service awards are indirectly age-discriminatory (since it is impossible for a young person to have had long service), they can be used in cases where the employer reasonably thinks they meet a business need.

The need may include rewarding loyalty, increasing retention and improving team's performance. Long-service awards can make employees feel valued, particularly in view of the time they have given to the organisation. However, it is important to be able to show that giving such awards actually helps to achieve this goal.

Addressing age discrimination at the workplace level

Many employers, particularly those in sectors such as business services, information technology and sales,

Case study: Agenda for Change: the NHS Knowledge and Skills Framework

Length of service is frequently used in the public sector to set pay levels. It is seen by public sector unions and employers as a fair system that can be understood by employees. While annual increments may be imperfect, their application was at least seen as objective, with managers' subjective perceptions playing little role in determining employees' pay.

Over time, pay bands across the public sector tended to become longer. Government sought to balance union wage demands with public spending constraints, which would eventually lead to pay increases favouring longer-serving employees. Long pay bands have also been tacitly used to retain employees with key skills.

As a result, parts of the public sector now have some very long pay bands, which take ten years or more to progress through. These have led to low pay for public servants at the bottom of the pay scale, and the link between pay and competence has been lost. Reducing the size of pay bands has proved to be a difficult but necessary task for public sector employers in order to reduce the risk of equal pay claims (not only based on age, but also gender, race and ethnicity).

As part of the Agenda for Change programme for modernising the National Health Service, NHS employers and unions have worked in partnership to identify the key skills and competencies needed for all NHS roles.

The Key Skills Framework covers taught, experiential, tacit and acquired skills and focuses on how those skills are applied to the job being undertaken.

Under the national pay framework, pay scales have been shortened. However, employees have two competency assessments, which are linked to pay progression: first, after one year of service, and then before the employee reaches the maximum. Assessments are meant to identify skills needs early and to encourage employers and employees to appraise and manage the career development of the employee.

The Key Skills Framework also establishes a stronger link between competence and pay progression, which should reduce the risk of equal pay claims from women against employers.

set pay on an individualised basis, with employees on 'personal' employment contracts. Pay may be linked to performance (individually or within teams), skills, targets or a range of other criteria. However, it's normally up to individual employees to negotiate their pay, usually with their line manager. Many unions support their members by providing advice and information that can be used in such pay negotiations.

If employers give line managers discretion over setting pay and conditions, it's particularly important to ensure they understand the importance of eliminating age discrimination as well as other potentially discriminatory factors – gender, for example – from the process.

Managers may have personal age prejudices and make assumptions about people's performance based on their age that can't be justified. If line managers make discriminatory decisions about pay and conditions, employers are at risk of tribunal claims.

Removing age discrimination from pay systems

It's important to review policies and practices relating to pay and benefit systems in order to identify potentially unlawful practices and to train managers in understanding the importance of equality in pay and reward and to monitor practices.

Many employers have systems in place to identify unjustified pay gaps by gender or race. Equal pay review processes can be used to identify pay gaps by age. The Equality and Human Rights Commission (EHRC) has an equal pay review toolkit available on its website which includes information on how to include different protected characteristics in the review.

If age gaps exist that can't be justified, it's important to rectify them to guard against complaints. And if an age-discriminatory pay and benefit system is identified, action should be taken to put this right.

Levelling down pay and conditions (that is, awarding all employees the minimum) may seem the cheapest way to remove discrimination. However, such approaches could lead to tribunal claims from affected employees. Varying an employee's contract of employment without their consent, for example by reducing their pay, is unlawful. Levelling down could therefore lead to a claim for breach of contract, constructive dismissal or unlawful deduction of wages. In addition, levelling down pay and benefits could undermine good employee relations.

An employment contract can be varied by agreement with employees or through collective bargaining with a recognised union. There are ways in which you can remove age discrimination without breaching other employment law, including:

- levelling up pay and conditions
- agreeing a change from age- to competency-related remuneration systems (for example, the NHS Agenda for Change model described above)
- buying out age-discriminatory pay and benefits
- compensating lost pay and benefits with other improvements.

Red-circling (continuing to pay existing staff according to the discriminatory pay system, but freezing the higher-paid employees until the others have caught up) may also be possible, but care needs to be taken with this approach – the red-circling would have to be shown to be a proportionate means of achieving the legitimate aim of a smooth transition to a new pay system.

Insured benefits

From 6 April 2011, when the DRA was removed, an exemption was introduced into the Equality Act 2010 for insured benefits. It provides that it is not unlawful for an employer to provide insured benefits or a related financial service only to those employees who have not reached 65 or the state pension age, whichever is the greater (the Coalition Government plans to increase the state pension age for both men and women to 66 in 2020). This exemption was introduced in response to employer concerns that it could become more costly to provide insured benefits to employees if the proportion of those aged 65 or over increases in the workforce following the removal of the DRA.

Employee share plans

Employers will need to review existing share option schemes – especially those approved by the HMRC – to remove references to retirement age.

Pensions

The following types of pension schemes are all covered by the Equality Act 2010, and pension trustees, as well as employers, must comply with the law:

- occupational pension schemes (defined-benefit (final salary))
- defined-contribution (money purchase)
- hybrid (a mixture of the two above)
- registered or unregistered schemes
- life-cover-only schemes.

As with other pay and benefits, age-discriminatory rules that are not specifically exempt must be objectively justified or removed. Changes to the pension scheme made in order to comply with age discrimination law are exempt from statutory consultation requirements under the Occupational and Personal Pension Schemes Regulations 2006.

A wide range of pension rules are exempt from age discrimination challenges through the Equality Act (Age Exceptions for Pension Schemes) Order 2010. This means that employers and trustees who operate these rules in their pension schemes don't have to objectively justify their retention of them.

Pension rules that are exempt include:

- age, pay and service restrictions for admission into a pension scheme
- actuarial reductions in pension entitlements for early retirement (or actuarial increases for late retirement)
- differences in contributions based on employees' pay
- members' or employers' contributions that differ by age, but only where there is an aim of producing equal pensions for workers of different ages with the same salary and length of service
- some age-related contribution rates for defined-benefit schemes (for example, to take into account the increased cost of pension entitlements as people get older)
- early retirement packages for existing and prospective members (but not new joiners)
- enhancing age-related benefits for ill-health early retirement
- bridging pensions for male employees between 60 and 64
- some age- or service-related death-in-service benefit calculations.

Employer contributions to personal pension schemes are within the scope of the Equality Act 2010. This means that employers shouldn't discriminate between employees on the grounds of age when deciding whether employees are eligible for employer contributions, or when deciding on the amount of the employer's contribution. Age-related contributions are only permissible when the aim is to yield equal emerging benefits but employers mustn't restrict access to a personal pension scheme or employer contributions to that scheme on the grounds of age or length of service unless the discrimination can be objectively justified.

5 Appraisal, performance management and training

Key messages

- Managing an ageing workforce requires robust appraisal or development review systems so that ways can be found to make the best use of older workers' skills and talents.
- Having an objective performance management system is the only fair way to address problems with performance. It may also be essential to prove that a disciplined employee was treated fairly.
- Employers must not discriminate on age when selecting employees for vocational training. Barriers to training faced by certain age groups should be removed and action taken to encourage under-represented age groups to take part in training options.
- Although government training and education schemes continue to restrict education funding on the basis of age (for example, apprenticeships for those over 24), employers can still offer excluded employees the opportunity and facilities to participate in training.

Good appraisal systems are important in extending working life

As most managers know, good appraisal or development review systems are important tools for getting the best out of employees. If you manage your employees' development well, you can ensure that they remain productive, feel valued and contribute added value to your organisation. Research shows that employers who invest in their workers, rather than treating them as a cost, tend to receive better performance and more loyalty. Recent joint CIPD/CMI research shows older employees are not seen as a cost burden but an asset and worth training investment.

The extension of working life makes having a good appraisal system even more important. Employing staff who are working longer means that they need to be managed well – not forgotten – and employers need the tools to do this.

Up until now employers themselves have acknowledged they have tended to fall on the use of retirement as a way to ignore poor performance issues related to older workers. For example, when an older employee was underperforming, there was connivance to allow them to 'run out the clock' and let problems slide because this was seen as the most respectful thing to do. But this practice was in fact a convenient way to avoid problems and not only unhelpful to underperforming employees but also their work colleagues.

By failing to appraise and performance-manage older workers in the same way as other employees, employers aren't serving their own best interests or the best interests of employees in their organisations. Good appraisal processes and fair performance management systems are essential for sustaining high-performing workplaces and help employers develop improvement strategies to build skills, potential and organisational capacity. It is important to find out the reasons for poor performance to find solutions. This helps older employees to carry on working productively and extend their working lives.

Key principles for managing performance

You are not required by law to have a formal appraisal or performance management system but it is good practice to do so. Regardless of the existence of any formal system, it is very important for line managers to deal with performance informally by working closely with employees. The guiding principles of good performance management, whether formal or informal, are listed below.

Regular, open and honest discussions

Making appraisals part of the regular routine of one-to-one discussions and good management rather than simply a formal annual HR process helps to identify issues that need attention early and to head off surprises. For example, access to the right

training at the right time puts the employer and employee in a win–win situation. Line managers should be discouraged from waiting until there is a problem to trigger conversations. Doing this will inevitably involve negative and difficult conversations and be difficult to manage. Good appraisal discussions should be comfortable opportunities for employees to talk about how their work is going – achievements, successes, difficulties and disappointments, ideas for change and their personal longer-term career plans and aspirations. This is just as important for older employees as it is for younger colleagues. Bear in mind that older employees might feel they're past the point at which their employers are willing to invest in them and younger workers might feel that their development or progression needs are being ignored.

Fair treatment, fostering trusting relationships and keeping written evidence

- Ignoring the underperformance problems of older workers, while disciplining younger ones, amounts to unfair treatment and could be unlawful. It's good practice and makes good business sense for employers to make sure that the organisation itself doesn't contribute to underperformance in this way by failing to adopt inclusive good performance management.
- Keeping notes of discussions and their outcomes is a sensible discipline. Both line managers and employees should be encouraged to follow it in their own interests and to agree the conclusions of important discussions. Written evidence not only acts as a benchmark to review and manage progress but will be a defence in the event of any legal claims. It is important to remember that the age bar for unfair dismissal claims has been removed and employers need to be able to show that the dismissal of any employee – no matter how old they are – is fair and that age discrimination is not involved.

Managing the careers of older workers

While the above guiding principles should be used when managing the performance of all staff, regardless of their age, evidence suggests inadequate performance management tends to affect older workers more regularly as employers often turn a blind eye to it when employees are expected to retire.

In the past, assumptions about retirement have influenced negative employer attitudes about the value of investing in the development of older employees, but these attitudes are changing fast. The above mentioned CIPD/CMI research also shows that employers increasingly value older employees and do not see such investment as impractical. Where perceptions are negative, however, this can be a disadvantage to the employer and the employee, so employers should guard against this. As more older workers indicate they intend to carry on working longer and in view of the end of compulsory retirement, the retention rates of older workers will increase.

Retention trends show that on average, a 50-year-old employee is more likely to stay with their employer than someone in their 20s or 30s. That is why investing in older workers' development makes sense.

It's just as important not to make assumptions about people's career development aspirations based on their age. It is important to treat every employee as an individual because patterns of job transitions change and employees switch jobs for a variety of reasons. When in their 20s and 30s, they are more likely to do this to progress their careers and gain promotion, while older people may do this to achieve a better work–life balance and may welcome different kinds of work opportunities and/or different working hours, for example.

It is also the case that older workers tend to find it more difficult to get a new job when they are out of work than younger people and have lower aspirations about career progression as they see few opportunities for progress, especially if they are already working at a senior level beyond which openings are likely to be few.

These self-limiting factors will require employers to actively encourage older employees to think about developing their careers and taking part in training. It is also the case that many older workers simply choose retirement rather than asking for flexible ways of working that better suit their needs and personal circumstances. A study of working women with responsibilities for looking after older relatives, for example, found that they were less likely to ask for reduced hours to balance home and work responsibilities than younger colleagues with childcare

responsibilities. For them, work and home pressures tended to build up until they reached tipping point, at which point work was abandoned altogether.

Employers need to entertain the possibility of flexible working options on a more inclusive basis than the law requires of them because such options will make an important contribution to addressing the challenges of accessing and retaining talent.

Training employees

The Equality Act 2010 prohibits employers, colleges, universities or other training providers from using age as a criterion to select people for or support them in vocational training. Employers need to ensure that training policies and practices don't stop older workers from taking part, for example, by using age bars.

Under the Equality Act 2010, employers can only use age when deciding who to train if they can objectively justify this approach. One example of an objective justification may be barring employees who are close to the point of when they plan to retire from participating in training. An employer may argue that they need to recover a return on training an employee. It might be argued that an employee close to retirement may not have enough time with the organisation to allow the employer to benefit in this way. Employers should be careful, however, if making such a case and ask themselves:

- What is the cost of the training and how long will it take to get a return? With most training, the employer can see a return on investment within a year. Restricting training for employees who are more than a year from retirement may not be proportionate.
- What are the assumptions about how long people will stay with the firm? As noted above, an employee in their 50s is likely to stay with their employer as long as a colleague in their 20s or 30s. If you have high turnover, it may not be objectively justifiable to train a younger employee (who might leave to join your competitor) and not an older one.
- How essential is the training to the employee's work? When assessing the harm of discrimination, a tribunal will consider the impact on the employee. If training is essential for them to continue in work, necessary for progression or required for a pay increase, restricting provision will be very damaging to the employee's career. Because the harm is greater, you will have to meet a higher standard for demonstrating the business necessity for the different treatment in order to have your action considered proportionate.
- What are the costs of not training employees? You should remember that training benefits the employer by developing more productive employees. Workers who are not trained may rely on less efficient working patterns, which may cost you, as the employer, in terms of lost time and productivity. Restricting training may not only be legally hazardous, but can also be bad for business.
- Are you sure you know when the employee wants to retire? If an employee has handed in their notice of intent to retire, the answer to this question is pretty clear. However, if the employee has only indicated when they may want to retire, they may change their mind, especially if they are presented with options which would make delaying retirement attractive.

All training is covered

The Equality Act 2010 covers all training providers, not just employers. Colleges and universities are covered and they can't normally restrict people from participating in courses because of their age. Equally, you can't ask a college to select your employees for training on the basis of age.

It's important also to remember that the Act covers trade unions, which are taking a growing role in the provision of vocational training. Unions should ensure that age doesn't play a role in selecting members for help in learning. Not only should policies be reviewed, but unions should also train and monitor officers and workplace representatives to ensure that their decisions aren't based on age.

Addressing the reasons for non-participation in training

A survey of employers found that very few have policies that explicitly bar particular age groups from taking part in vocational training. However, most research, including the National Institute of Adult Continuing Education Adult Learner's Week annual survey, has shown that participation in training declines steadily with age. A recent literature review on training and

older workers found that only 5% of older workers had asked for further training in order to meet the demands of their jobs. However, other studies have found that they may have unmet skills needs, which impacts on their employability.

Perhaps it's generally felt that older people need less training than younger ones and that experience is an adequate substitute for formal training. It's true that those in the current cohort of older workers have fewer qualifications than younger ones and have often gained their skills on the job rather than in the classroom. But it's unwise to assume that an older employee doesn't have a learning need. Experience is an important way to gain skills and complements skills learned in the classroom, though it's not necessarily a substitute for formal learning.

Older employees are also less likely to ask for training, which self-restricts their opportunities. Sometimes training needs are ignored by default. For example, employers may not have high expectations when it comes to developing older employees, especially if current performance is satisfactory.

Older workers may themselves be reluctant to identify their learning needs for fear of risking their job and/or work reputation. Some older people associate 'training' or 'learning' with incompetence and take the suggestion to train as a personal affront. And asking for training might be thought to indicate a long-running job problem. Most jobs have changing skills needs, and it's common for people to need to update and refresh their skills from time to time.

CROW carried out research on learning in the automotive industry. They found that older workers who have unmet skills needs say the reason they didn't participate in training was because neither they nor their managers thought to discuss training needs. This shows how age discrimination may not necessarily be conscious. It also reinforces the need for good appraisal systems (see above). If you, as an employer, regularly discuss the development needs of your employees, you are in a better position to identify skills needs early, ensuring that your employees are more efficient and effective, and consequentially more productive, for longer.

6 Health and safety

Key messages

- Don't assume that certain jobs are physically too demanding for older workers. Age shouldn't be used as a proxy for making objective decisions about capability and applying good risk management strategies and safeguards where appropriate.
- Physical ability changes as people get older, but adjustments can be made to help people stay in work longer.
- Mental capacity doesn't start to decline until very late in life. People in their 60s may process information differently from those in their 20s, but they are likely to be just as capable.
- Early identification of health and safety risks can enable employers to make small adjustments to prevent disabilities that can lead to early exit from work.

Age and capability

Physically demanding tasks may become more difficult for people as they get older, and sometimes work requirements and challenges can cause work-related stress, which is a growing workplace phenomenon generally. Managers have often dealt with work fatigue or the declining health of older employees by retiring people early on medical grounds.

The relationship between age and capability is often overstated, misinterpreted or false. In many respects, work capability doesn't decline at all. Up to the age of 65 at least, and perhaps much later, a wealth of evidence suggests that mental capacity doesn't decline with age. Older people may process information differently from younger people, but not necessarily for the worse. One study, for example, which looked at typists' speed and accuracy, found that younger typists were able to process information faster, but older ones were better able to handle larger chunks of information. The two groups did equally well on speed, although the older typists tended to be slightly more accurate. Another study of bus drivers, even after controlling for experience, found that those in their 60s had fewest accidents or traffic infractions. The idea that workers' mental capacity slows with age, making them less capable for work, has largely been debunked. See, for example Work and Aging.

In other respects, the perceived relationship between work and age masks a different reason for declining work capability that the employer can more directly control. Some evidence suggests, for example, that work-related stress does increase with age, particularly for older women. However, older people have fewer ways in which they can manage stress. Work–life balance policies usually focus on people with childcare responsibilities, while those for people with eldercare responsibilities are less common. Persistent unmet training needs can be misconstrued as declining work capability.

Physical capability can decline with age, and work design should reflect this. Physical capability declines most rapidly in work that requires full capacity. But few jobs now require a person to work at maximum strength for long periods of time. Many jobs are supported by technology, which can absorb the physical strain, and many require lower levels of endurance or shorter bursts of physical demand. Older workers who stay physically fit are likely to be able to continue fulfilling these work responsibilities.

People with disabilities

The vast majority of labour market exits before the age of 55 are on the grounds of incapacity, especially in trade and low-skill work. There are currently 2.7 million people on Employment and Support Allowance (ESA) in the UK. The Government wants to reduce this number by 1 million by 2016. According to Labour Force Survey data (October–December 2010), 28% of people on ESA would like to work but are not able to do so because of a disability.

Under the Equality Act 2010, employers are required to make reasonable adjustments to enable people with disabilities to stay economically active. This may mean making adjustments to work equipment, working environments, working hours or a redistribution of job tasks. Care should be taken to identify disabilities early. Age-related disabilities tend to be gradual, causing the individual to make compensations in order to conceal them. If identified late, work strain may have already been compounded, and the adjustment needed could be much greater.

The Workability Index Model, which has been developed to help adapt work to an ageing workforce in Finland, uses four underlying factors to assess the likelihood that workers will be able to meet future work demands:

- **Work demands and environment:** the physical demands of jobs can be reduced through the better use of new technology. Because physical ability declines earlier and faster than mental ability, extended working life can be facilitated through a shift of work responsibilities from physically strenuous to mentally challenging job responsibilities. The Workability Index Model also takes into consideration the impact that ergonomics, workstations and built environments have on work in later life.
- **Work organisation and work community:** this includes the ability of workers to change their work routine and work content in order to reduce stress, improve job satisfaction and make use of experiential and tacit knowledge.
- **Health and functional capacity:** employers can help employees stay active longer by promoting healthy living through daily exercise and healthy eating. Early intervention is required, and the model recommends that free time is made available during work to enable workers to take part in exercise. The research found that older manual workers, who are most vulnerable to early exit from the labour market, are the least likely to participate in daily exercise.
- **Maintenance of professional competence:** job training and opportunities to improve skills is the final factor in the assessment of an individual's workability. It's particularly important in making opportunities available to older workers to shift from physically demanding to intellectually challenging work.

The Workability Index Model stresses the importance of early intervention to enable workers to stay economically active for longer. Most of the tools that workers need (for example, a healthy lifestyle and good skills) take a long time to acquire. So workers of all ages should be supported.

Health and safety risk assessments

Risk assessments are important tools that enable employers to assess and manage the potential health risks that could lead to early exits from work or pose a health danger to employees. Few employers regularly conduct risk assessments, limiting their use to when an employee starts work, is promoted or changes work responsibilities.

Case study: Workability Index Model

Finland has raised its real retirement age from 56 in 1990 to 59 today. One of the most significant contributors to this has been a system for identifying and eliminating factors that are likely to lead to early retirement. The Workability Index Model was developed by the Finnish Institute for Occupational Health. Some of the factors relate to older workers' ability to develop in their jobs and refresh their skills (see section 5). Other factors include changing attitudes towards work and retirement through anti-discrimination HR policies and better retirement management. However, much of the model is focused on managing changing physical capacity through better work design.

Employers may consider using risk assessments as part of an overall assessment about the ability of older workers to extend working life, particularly after normal retirement age. But it's important that risk assessments are carried out routinely, not just when an employee reaches a certain age, such as the company's pension age, for two reasons:

- Age-related criteria could be unlawful if older workers are more likely to be assessed than younger workers. Older employees could claim that they're being targeted for dismissal on health or disability grounds. Conversely, a younger person could argue that their health and safety needs are not being properly addressed.
- As noted above, most interventions an employer can make to help people stay in work longer require early and long-term solutions. Assessing health risks for young employees is therefore as important as for older ones in promoting healthy working.

It's good practice to review health and safety policies with your occupational health practitioners, health and safety representatives and union representatives to identify potentially hazardous practices in your health and safety procedures, as well as ways that positive approaches, like the Workability Index Model, could be used to help older workers stay in work longer.

7 Redundancy and termination

Key messages

- When making redundancies, take care not to use age and length of service as a single selection criterion.
- Avoid encouraging early retirement as a way of dealing with job attrition. In losing older employees, you may lose experience and tacit knowledge that are essential for your business.
- Enhanced pension entitlements for early retirement are exempt from the age discrimination challenge, but only for existing and prospective members. Early retirement pension enhancement for new joiners needs to be objectively justified.
- You can use age or length of service to calculate redundancy payments, but you must make sure that your method of calculation complies with the law.
- Age bars for statutory redundancy have been lifted. Therefore you can't exclude people who are under 18 or over 64. You can exclude employees with less than two years of service with your organisation, although the two-year qualifying period arguably has a disproportionate adverse effect on young workers.

Selecting people for redundancy

Most employers have had to deal with job attrition at one time or another and redundancies are sometimes necessary. Many employers have procedures that have been agreed with their unions for selecting workers for redundancy.

Age used to be a common criterion for selecting employees for redundancy. Age was often used in order to take into account the effect the job loss will have on the individual worker: younger people were thought to be better able to find new jobs and were therefore selected first for redundancy, while older workers or those with families were assumed to suffer greater financial hardship and were therefore the most likely to be retained. Since the introduction of age discrimination law in 2006, many employers have avoided such direct discrimination.

Length-of-service criteria, such as last in/first out (LIFO), may be used in a similar way to age, because it's felt that longer-serving employees would find it more difficult to re-enter the job market. Length of service has also been used as a proxy for experience and competency: the longest-serving employees are thought to be the most experienced and therefore most competent employees and it's these workers the employer would want to retain. Additionally, age and length of service have been preferred by employers and unions as selection criteria for redundancy because they are considered straightforward and objective. Employees know, for example, who has worked the longest or shortest time, and therefore understand the reasons for selection.

However, since the introduction of age discrimination law, these practices have left employers vulnerable to legal claims. Using length of service as the sole criterion for selection is likely to be unlawful. Length of service criteria could be objectively justified if it was used as one of a number of factors in a selection matrix that had been collectively agreed with workforce representatives as a fair approach, but even then, depending on all the circumstances, it could be considered disproportionate given the negative impact on younger workers. Remember too that selection criteria such as LIFO could be discriminatory on other grounds such as race and gender, since under-represented groups tend to have shorter periods of service.

Many employers are moving towards a system that takes into account a range of factors when selecting candidates for redundancy. Factors that are more appropriate than age and length of service include:

- **Job posts:** the first criterion should always be to look at the jobs that have been deemed redundant (that is, those whose functions will no longer be performed in the company). Post-holders are normally considered for redundancy first. If a person is made redundant, but most of the work continues to be undertaken, this could be an unfair dismissal case. In redundancy situations, jobs are often merged and reorganised, leaving more than one employee with a claim to a job, so other factors also need to be taken into consideration.
- **Skills and competencies:** what skills and competencies do you need to retain in the workforce? Which skills are essential and which are desirable? In the same way that you can allocate a points system in recruitment to assess how closely applicants' skills match the needs of the organisation, you can adopt this technique in selecting candidates for redundancy. Be careful to take into account all the ways people can acquire skills and don't rely just on formal qualifications.
- **Team skill balance:** as well as considering the skills of individuals, you can also take into account the skills mix in the workforce. Ensuring that your organisation has all of the skills it needs should form part of such a process.
- **Performance:** having a good appraisal system will enable you to take into consideration past and current performance in selection. Documented performance management can demonstrate that your assessment is fair and objective.
- **Disciplinaries:** taking care not to consider expended disciplinaries or open cases, you can consider sanctions that have been made against individual employees.
- **Attendance:** attendance records can be used in selection, but care should be taken to avoid putting at a disadvantage people with long-term illnesses or disabilities. This could be discriminatory against older or disabled people, or women, who traditionally tend to take more time off for caring responsibilities than men.

It's advisable to have, where appropriate, a dialogue with the union to explore ways of reviewing and ensuring that redundancy criteria are transparent and fair, and free from age and other discriminatory biases.

Voluntary redundancy and early retirement

Many employers use voluntary redundancy and early retirement in order to avoid making compulsory redundancies. In other countries that have age discrimination laws, such as the United States, courts have looked at the age profile of the existing workforce when assessing whether employers' calls for volunteers were discriminatory. If you do use voluntary redundancy, care should be taken to ensure that employees, regardless of age, are not pressured into volunteering.

Many pension schemes, particularly defined-benefit pension schemes, provide enhanced entitlements for people who take early retirement. In order to avoid redundancies, for example, an employer might offer to let older employees retire before their pension age with an enhanced pension so that they receive a full, rather than actuarially reduced, entitlement. These pension rules are exempt from the age discrimination challenge, but only for employees who were eligible to be members of the pension scheme before the Age Regulations came into effect in October 2006. If, as an employer, you want to cover later joiners, you need to demonstrate that there is an objectively justified reason for providing early retirement opportunities.

Redundancy pay

There is no upper or lower age limit for statutory redundancy payments. So anyone made redundant who meets the qualifying criteria of at least two years' service with the employer is entitled to statutory redundancy pay even if they are under 18 or over 64.

How much someone is entitled to under the statutory scheme is calculated according to their age and length of service. The scheme is exempt from challenge as age discrimination under the Equality Act 2010.

Many employers offer enhanced redundancy entitlements, either for voluntary or compulsory redundancy or both. The exemption in the Equality Act 2010 for redundancy pay applies to enhanced redundancy schemes where age and length of service is used to calculate payments in a way that closely mirrors the statutory scheme.

To be exempt from legal challenge, an enhanced redundancy scheme must differentiate payments according to the same age bands in the statutory

scheme. But the employer can increase the amount paid over and above the statutory minimum by either:

- ignoring the statutory limit on a week's pay (currently £400) and setting a higher limit, or basing redundancy payments on employees' actual pay
- applying an 'enhanced multiplier' to the amount of statutory redundancy pay, so that employees under the age of 22 receive one week's pay for each complete year of service, instead of half a week's pay. If this method is chosen, the multiplier must be increased proportionately for all the age bands (that is, employees between the ages of 22 and 40 would then be entitled to two weeks' pay, instead of one week's, for each year of service, and employees over 41 would be entitled to three weeks' pay instead of one and a half weeks' pay)
- applying a single multiplier to the statutory redundancy payment.

These exceptions are rather limited in scope. And employers that operate different redundancy payment schemes need to be able to objectively justify them if they are based on age and/or length of service.

Levelling down redundancy schemes in order to age-proof them will undermine good employee relations and may expose employers to claims of breach of contract or constructive dismissal, so it is important to properly consult and negotiate with union representatives before any changes are made.

Annex A

Repeal of the Default Retirement Age regulations – guidance and support

With the repeal of the Default Retirement Age (DRA) regulations on 6 April 2011, we thought it would be helpful to remind you of the support available to help businesses and individuals manage without the DRA.

While many businesses already successfully operate without a fixed retirement age, others need to adapt to the change. For those businesses, Acas has published guidance to help employers and employees manage the transition and comply with the legal changes. In addition, guidance and best practice case studies are available that highlight the benefits of recruiting, retaining and training older workers.

Acas advisory booklet – Working without the DRA – Guidance for employers: The guidance booklet outlines the key legal changes and provides advice on how employers and employees can manage the transition and new ways of working following the phasing out of the DRA. Guidance and the advisory booklet are available on the Acas website

Workplace discussions – podcasts: In addition, Acas (with the support of stakeholders) has developed podcasts to illustrate how workplace discussions, such as retirement planning, should and should not be conducted. The podcasts, along with the full scripts and additional commentary, are available on the Acas website.

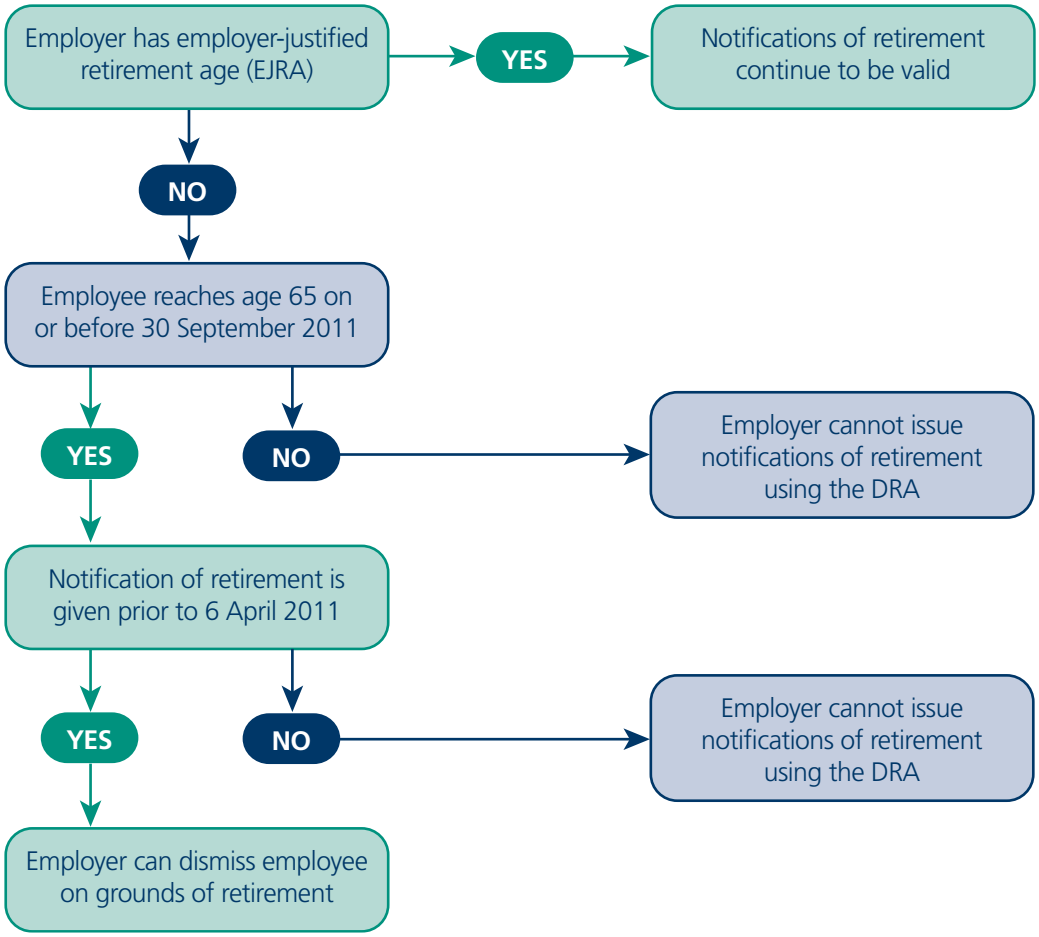
Training is available from Acas and other providers. Acas's courses are aimed at employers who would like to learn more about making necessary changes to their policies, procedures and practices, to effectively manage without the DRA. Course dates, prices and locations are detailed on the Acas website.

DWP Age Positive initiative: The Age Positive initiative provides guidance and case studies for employers and business leaders on the benefits of recruiting, retaining and training older workers, effective age management practices and the removal of fixed retirement ages. Further information is available on the Business Link website.

The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011: The Regulations have now been made and came into force on 6 April 2011. The draft regulations are available and will be republished shortly and without change at: www.legislation.gov.uk

Annex B

Acas transitional arrangements flowchart



Annex C

Where can I get more information?

Information and advice is available from a range of sources, many of which are free. Both the CIPD and the TUC provide guidance to employers, unions and individuals.

The Government maintains a website with a wealth of information for employers looking to improve their age management policies and Acas provides help to social partners looking to negotiate age positive approaches to HR practices. The age discrimination regulations themselves can be obtained from the Department for Business, Innovation and Skills, as well as guidance on the impact of the regulations on pension schemes.

There are many organisations championing age positive employment practices, including the Employers' Forum on Age, Age UK and TAEN.

Dr Matt Flynn maintains a website disseminating his own research on the older workforce and best age management practices.

We explore leading-edge people management and development issues through our research. Our aim is to share knowledge, increase learning and understanding, and help our members make informed decisions about improving practice in their organisations.

We produce many resources on age management issues including guides, books, practical tools, surveys and research reports. We also organise a number of conferences, events and training courses. Please visit cipd.co.uk to find out more.

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