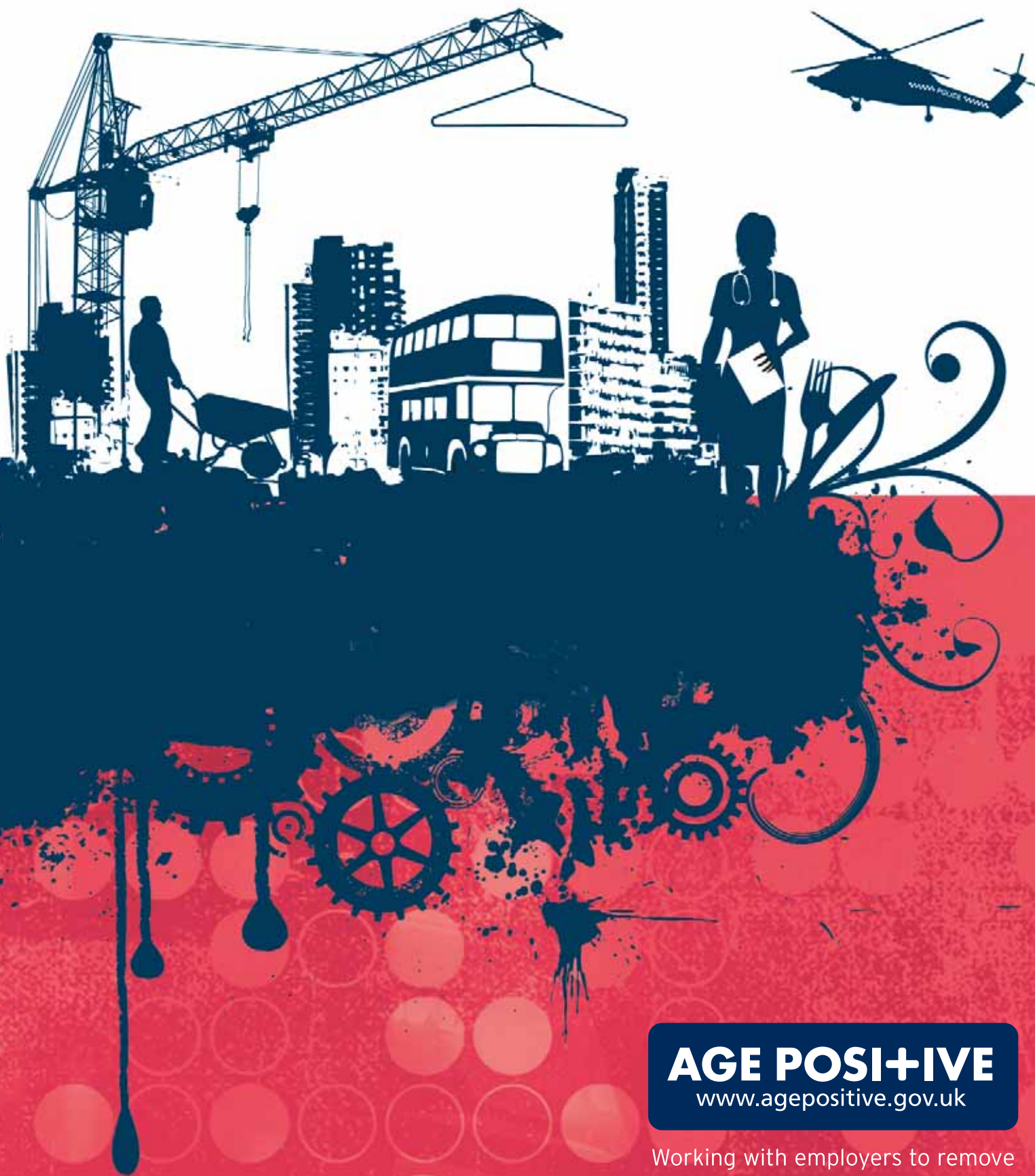


# Flexible Working: Age Positive Guide



**AGE POSITIVE**  
[www.agepositive.gov.uk](http://www.agepositive.gov.uk)

Working with employers to remove  
age discrimination in employment

# Introduction

Employing and retaining an age diverse workforce could have real benefits for your organisation. People of all ages have the potential to contribute positively to your business at every level.

We recognise that all businesses are unique. This leaflet is not intended to cover all individual circumstances or provide advice, but it will give you a range of examples of how other - small, medium and large - organisations are realising their potential by giving their staff the opportunity to work flexibly.

## Age Legislation

From 1 October 2006 the Employment Equality (Age) Regulations make it unlawful to discriminate against employees, job seekers and trainees on the grounds of age.

The regulations cover workers of all ages - young and old - and all employment and vocational training.

This includes access to help and guidance, recruitment, promotion, development, flexible working, redundancy, perks and pay.

## What this means for you

Simply put, the new regulations mean that you need to:

- look at the way you make flexible working options available to your staff and
- check any existing policies, practices or routines to make sure they do not discriminate on the basis of age.

Specifically, when you are dealing with flexible working, you should ensure that:

- where possible, you offer a range of working patterns or options to staff of all ages
- all staff are aware of the options for flexible working within your organisation
- managers involved in dealing with requests for flexible working are fully aware of their responsibility not to discriminate on the basis of age or other grounds
- there are routines or practices in place to check that no bias, deliberate or unintentional, has influenced redundancy decisions.

## Business benefits of an age positive flexible working policy

You already know that losing the expertise of skilled and experienced workers can hurt your business, no matter how big or small your organisation. But family commitments and changes in personal circumstances (for example caring responsibilities) can make it very difficult for some employees to fit into rigid working patterns. It therefore goes without saying that making efforts to help all your staff work flexibly, regardless of their age, makes good business sense.

The Chartered Institute for Personnel and Development (CIPD) estimates that it can cost as much as £8,200 to replace each employee - this may be less for unskilled posts or more (up to £12,000) for more senior positions.<sup>1</sup> But whatever the figure, it's costing you money and that isn't a business benefit. So, to keep these costs to a minimum it is essential that you retain as many of your staff as possible, by enabling them to fit their work around their family lives.

Portsmouth Primary Care Trust has a progressive flexible working policy, which offers staff choice about when they work. Their arrangements include flexi-hours, reduced hours and moving to a less responsible position towards the end of their careers if they choose. All this enables them to keep staff rather than lose experience and knowledge.

<sup>1</sup> www.cipd.co.uk. Annual Survey Report 2006: Recruitment, Retention and Turnover

If you help your employees to continue to contribute to the business, despite changing circumstances and regardless of their age (for example by allowing them to reduce their hours or work flexi time or different shifts), they will feel more valued and motivated to contribute to the success of the organisation. This has the obvious benefit of **improved productivity** and can give you **greater flexibility** to respond to specific business needs.

**Shaw Homes (who provide residential care) find flexible policies make it easier to cover night shifts. They found, if given the choice, their older workers tended to choose the night shift as these are usually less physically demanding.**

A more motivated workforce also helps to ensure higher retention rates, which leads to **lower recruitment and re-training costs**.

Other widely acknowledged business benefits from retaining an age diverse workforce include **better attendance** and **lower turnover**.

**London & Quadrant Housing's age positive approach has resulted in measurable benefits in terms of their ability to both attract and retain talent. They have reduced staff turnover by 14 per cent during the last two years in one of their most difficult areas to recruit, and sickness absence is at an all time low of 2.1 per cent.**

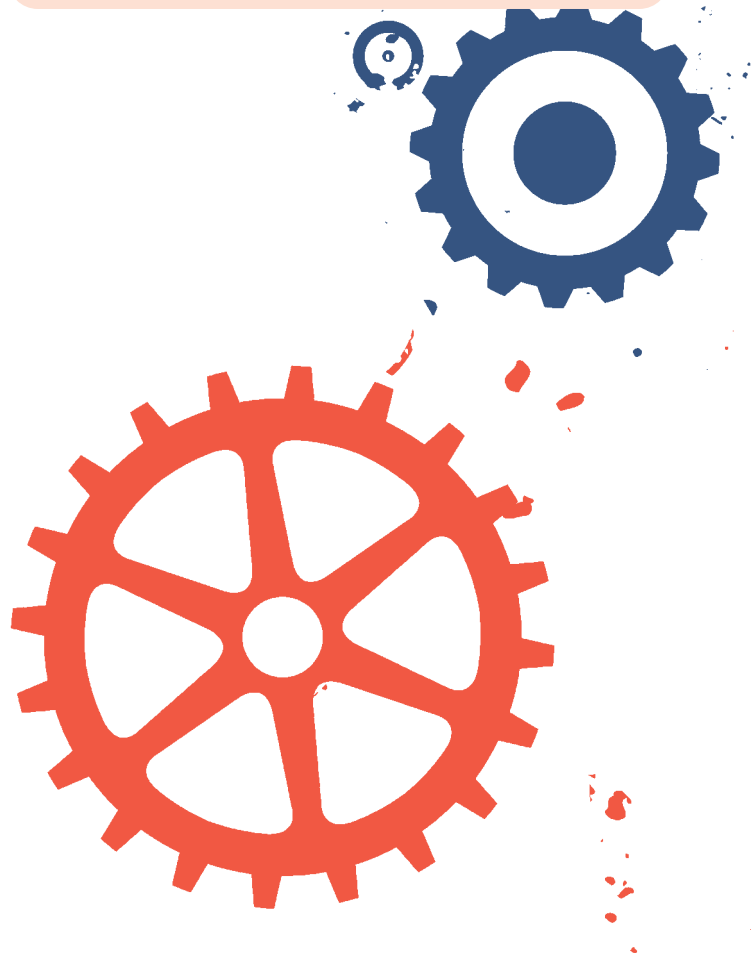
There are a wide range of other benefits that many employers are not taking full advantage of. In particular, you can make sure you keep the diverse range of skills and experience brought by people of different ages. While younger workers tend to be more technically proficient, older workers bring valuable experience and, once they have learnt new skills, are often more reliable in performing their job.

The experience that older workers bring can also be harnessed to help **train and develop younger workers**.

**At South Wales Forgemasters (suppliers of forgings to the automotive industry), the process of training younger staff has been improved greatly by involving experienced, mostly older, workers on the company's apprenticeship scheme. Many of these more 'mature' staff have been given formal 'trainer training', allowing them to pass on vital skills and provide practical support to new employees as they learn on the job.**

And last, but by no means least, retaining an age diverse workforce can help **improve your public image** and enable you to provide a **better service to your customers**, with obvious benefits to your business.

**At Positive Contact (providers of customer contact solutions), an age diverse workforce has allowed them to match the profile of their advisors to their clients more closely - this has led to a great deal of repeat business and, more recently, the acquisition of two major blue chip clients.**



## Soha Housing

### Who we are

We are a social housing provider based in South Oxfordshire, responsible for managing 4,700 homes in the area and employing about 90 members of staff.

### What we do

We are happy to consider any reasonable request for flexible working from staff of all ages, balancing individual need against the needs of the business. As a result, our employees have different working patterns, including:

- flexi time available to most staff - 90 per cent of our employees benefit from working in this way
- part-time work - for example to help older workers reduce their hours rather than fully retire, and to help women return after maternity leave
- staff working beyond the statutory retirement age - both full-time and part-time
- managers and others who work at home - this has involved arranging for them to have access to our network, and scheduling team meetings so they can come to the office and feel involved.

In order to communicate these options we include them in our induction procedures and explain new policies through our monthly staff meetings. Information about all our policies is on our intranet and can be viewed by employees at any time.

### How it has benefited our business

- The most obvious benefit is our ability to retain the knowledge and experience of our existing staff as their circumstances change. For example, we have a 100 per cent return rate from maternity leave, and we have been able to keep older workers who we would otherwise have lost to retirement - this helps us to minimise re-training costs
- Senior managers find they get more done working at home as they are able to concentrate on particular tasks
- Our staff find it easier to balance their work and home life, which makes them more productive at work.

## Making your flexible working policy more age positive

The following checklist has been compiled from practices adopted by employers who have already reaped the benefits of an age positive approach to flexible working. This will help you think about the way you currently offer flexible working options to your staff and make any necessary changes.

### Flexible working

- Never use age as a reason for making decisions about flexible working requests** - remember that staff of all ages may have legitimate grounds for wanting to work flexibly (for example to care for children, parents or other family members, or 'wind down' to retirement)
- Balance individual and business needs** when making decisions. Base all decisions on fact - don't use discriminatory or personal views, use objectively justifiable measures only
- Make sure all staff are fully informed** - they should be clear about the options available, about how they can make a request for flexible working and what criteria will be used to reach a decision
- Monitor the age profile of staff granted flexible working arrangements** - make sure there is no bias on the basis of age, or any other grounds
- Train those involved in making decisions** in equality and diversity
- Consider a range of working patterns or options to suit employees of all ages** - including flexi time, shift work, job sharing, part-time or reduced hours, compressed hours, temporary contracts to cover holidays or sickness or busy periods, seasonal work, term-time only work, home working, unpaid leave
- Speak to colleagues or contacts working in other similar organisations** already operating flexible working - get advice about how best to introduce and manage
- Consider 'trial periods'** to test out the suitability of different flexible working patterns for both you and your staff
- Tell job applicants about the flexible working you offer** - certain times suit different groups of people, and this can be good news when recruiting for 'hard-to-fill' vacancies.

## Other good practice

- No matter what the size of your business, ensure you communicate your age positive policies to all your employees** - talk to them face-to-face, discuss it informally, and ask for comments. If you have a more structured approach, use team meetings, newsletters or your internet. Remember, communication is critical to business success
- Develop an Age Action Plan, supported by an 'age positive champion'** to push changes through - this doesn't have to be a senior member of staff, just someone committed to change
- Companies of all sizes should keep a record of the age profile of their employees at different levels.** This will help you to identify any areas of concern (for example where all employees are nearing retirement or where you need to recruit to fill expanding or critical areas)
- An equality policy is one of the easiest ways to demonstrate that you take discrimination seriously.** Consider including all forms of discrimination and harassment - gender, race, disability, gender reassignment, sexual orientation, religion, as well as age.

## A changing workforce for employers

### Currently, people aged 50+ represent:

- almost 30 per cent of people of working age<sup>2</sup> and
- 26 per cent of those actually in work<sup>3</sup>.

And by 2020 there will be nearly five million more people aged 50+ in the UK.<sup>2</sup>

This, combined with a falling birth rate, means the need to introduce flexibility into the way you manage your workforce has never been more pressing, and will become even more important over the next 10-15 years.

The 'Business Services' sector, for example, is very diverse, employing 3.2 million people (11 per cent of the national workforce) in real estate, renting, computer services, law, finance, advertising, security, call centres etc. This volatile sector has seen rapid growth, with 14 per cent of businesses less than a year old - there are also high levels of hard to fill vacancies and skills shortages which are substantially higher than in any other sector.

It is essential that all employers, of all sizes, in all sectors, take action now and get ready. It can only be a benefit to be ahead of the competition<sup>4</sup>.

## Asda

### Who we are

Asda was originally founded as a supermarket committed to offering shoppers 'permanently low prices', and is now one of the largest food retailers in Britain. We are part of the Wal-Mart family, with more than 300 stores and 150,000 colleagues across the UK.

### What we do

We have put real effort into creating a range of flexible working options that reflect the fact that a large proportion of the company's older employees do not want to hold down a full-time job. We extend flexible working options to colleagues from all age groups, recognising that they have responsibilities and interests outside work. Specifically, we:

- developed a suite of flexible working options to allow parents, grandparents and staff with other family or caring commitments to balance their work and family lives
- offer store swapping schemes for students wishing to work in their study store as well as in their home store
- introduced our new role of 'Seasonal Squad' worker to cover busy periods of the year such as Christmas, Easter and the school holidays
- allow job sharing for our managers to help them maintain a balanced lifestyle
- give all staff the option of a two year career break.

### How it has benefited our business

- We have continuity, a pool of people who know what to do and don't need to be re-trained
- Our labour turnover has dropped and our customer satisfaction survey results and colleague approval ratings have both improved
- ASDA has regularly been named one of the top ten companies to work for, which is great for our image and good for business.

<sup>2</sup> Government Actuary Population Projections, 2004.

<sup>3</sup> Labour Force Survey Dec-Feb 07

<sup>4</sup> Managing an ageing workforce in the 'business services' sector. A report for employers available to view at [www.agepositive.gov.uk](http://www.agepositive.gov.uk)



## Age Positive Flexible working: answers to your questions

### 1. Who does the age law cover?

The regulations make it unlawful to discriminate against people of all ages from 16 upwards. The only exceptions are members of the regular armed forces, full-time and part-time reservists and unpaid workers. It also covers those who already work for an organisation, are applying to work for an organisation and, in some instances, people who have left employment.

### 2. Aren't there already laws covering flexible working practices?

Yes, from 6th April 2003, flexible working law gave parents with a child under six or a disabled child under 18 the right to make a request for flexible working, and placed a duty on employers to consider such request seriously and only reject them for good business reasons.

Additionally, from 6 April 2007 the law was extended to give carers of adults the right to request flexible working. The guidance has been updated to take account of this change. For further information access DTI's website at <http://www.dti.gov.uk/employment/workandfamilies/flexible-working/index.html>

### 3. Do I have to do anything new or different with regards to flexible working in relation to age?

No, as above, flexible working is covered by other legislation, however, flexible working is an integral part of recruiting and retaining an older workforce. The new age regulations do include changes to redundancy and retirement, for example, all employees will have the right to request to work beyond 65 or any other retirement age set by the company. You will have a duty to consider such requests.

It is therefore sensible to give serious consideration to the benefits of flexible working and extending the option to all staff, whatever their age.

### 4. What is meant by flexible working and what are the benefits to me as an employer?

As mentioned in this leaflet, flexible working can take a number of different forms, including part-time working or reduced hours, job-sharing, flexitime, home working, compressed hours, annualised hours, temporary or call-down contracts to cover holidays, sickness or busy periods, seasonal work, term-time working, bank staff or unpaid leave, sabbaticals or career breaks.

However, employers who offer flexible working to their employees have identified a range of business benefits including:

- Retention of experienced staff of all ages and grades
- Better motivated and more productive staff
- Improved recruitment and less turnover
- Improved public image, making them an employer of choice and
- A more flexible workforce, enabling them to cover longer hours and difficult periods more effectively including 24/7 working hours.

### 5. Is there anything else I need to do to make sure I act in accordance with the new regulations?

Review your practices now and remove any, which are obviously ageist.

Seek advice if you have concerns. If you don't have access to your own HR department or to independent legal advice, ACAS is the nominated agency to give advice and guidance on age issues. Contact their Helpline on 0845 7474747 or go online at [www.acas.org.uk](http://www.acas.org.uk)

Good practice, help and information is also available on the Age Positive website at [www.agepositive.gov.uk](http://www.agepositive.gov.uk) or look at any of the other sources of help and information listed in this leaflet.

Remember - if you discriminate and lose your case, there is no limit on how much an employment tribunal can ask you to pay.

## Sources of additional information

### General help and information

Age Positive  
[www.agepositive.gov.uk](http://www.agepositive.gov.uk)

ACAS  
08457 474 747  
[www.acas.org.uk](http://www.acas.org.uk)

Business Link  
0845 600 9 066  
[www.businesslink.gov.uk](http://www.businesslink.gov.uk)

British Chambers of Commerce (BCC)  
020 7654 5800  
[www.chamberonline.co.uk](http://www.chamberonline.co.uk)

Financial Services Authority  
0845 606 1234  
[www.fsa.gov.uk](http://www.fsa.gov.uk)

Directgov (Employment)  
[www.direct.gov.uk/en/Employment/](http://www.direct.gov.uk/en/Employment/)

### Government sites

Department of Trade and Industry (DTI)  
[www.dti.gov.uk](http://www.dti.gov.uk)

Department for Work and Pensions (DWP)  
[www.dwp.gov.uk](http://www.dwp.gov.uk)

HM Revenue and Customs (HMRC)  
[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

### Other sources of help for flexible working

Trades Union Congress (TUC)  
020 7636 4030  
[www.tuc.org.uk](http://www.tuc.org.uk)

Confederation of British Industry (CBI)  
020 7395 7400  
[www.cbi.org.uk](http://www.cbi.org.uk)

Chartered Institute of Personnel and Development (CIPD)  
020 8612 6200  
[www.cipd.co.uk](http://www.cipd.co.uk)

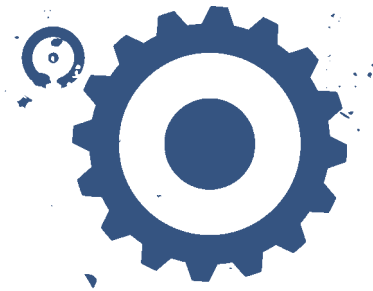
Equal Opportunities Commission (EOC)  
0845 601 59 01  
[www.eoc.org.uk](http://www.eoc.org.uk)

The Age and Employment Network (TAEN)  
020 7843 1590  
[www.taen.org.uk](http://www.taen.org.uk)

Federation of Small Businesses (FSB)  
020 7592 8100  
[www.fsb.org.uk](http://www.fsb.org.uk)

Flexibility  
01223 304792  
[www.flexibility.co.uk](http://www.flexibility.co.uk)

JobcentrePlus  
[www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)





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If you require further copies, please e-mail: [agepositive@dwp.gsi.gov.uk](mailto:agepositive@dwp.gsi.gov.uk)

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**DWP** Department for  
Work and Pensions