

Age isn't an issue

Transport employers' guide to a 21st Century workforce



AGE POSITIVE

GoSkills
Moving skills forward

Supporting statement from *GoSkills*

GoSkills

Moving skills forward

It is widely accepted today, that a workforce that is age diverse has positive benefits for any business. Harnessing the skills, experience and enthusiasm of people of all ages creates a working environment that encourages cooperation and has the potential to contribute to a company at every level.

Unfortunately age discrimination in its many forms can still be an issue in every industry. The current economic climate however, provides an opportunity to evaluate current practices in the workplace and utilising older workers more effectively can be one of many changes to consider. It is a fact that employees should be selected solely on their skills and ability. Older employees also tend to be the ones with the most knowledge and experience and can be invaluable when training new, young recruits. They can make a considerable difference by way of their expertise and experience, much of which can only be gained through time spent on the job. Fixed retirement ages, for example, may cause businesses to suffer by losing key workers. This and many other age issues are covered in this employer guide, published by Age Positive. *GoSkills* recommends this guide to you to aid you in tackling age discrimination in your workplace.



A handwritten signature in black ink that reads "Nick Mitchell".

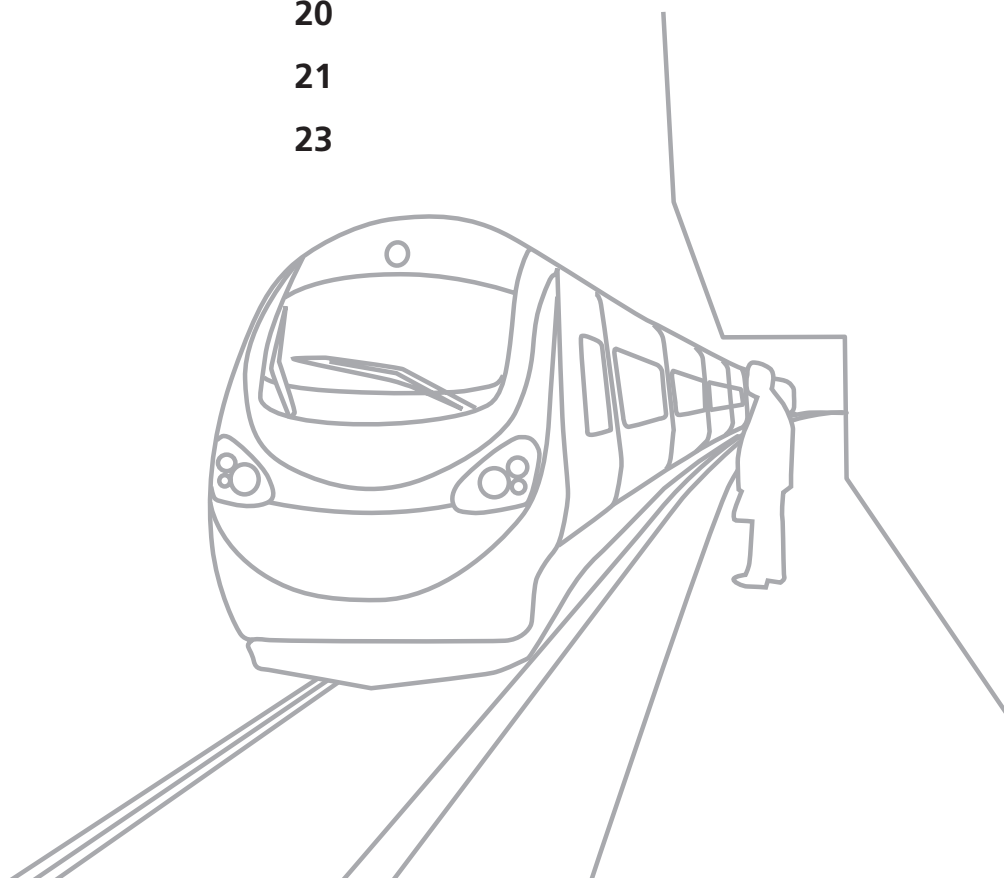
Nick Mitchell,
Chairman, *GoSkills*

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Contents

Supporting statement from <i>GoSkills</i>	2
Introduction	4
Age legislation facts	5
Recruitment	6
Employee benefits and pay	11
Training and development	12
Challenges for the passenger transport sector	13
Flexible working	15
Redundancy	17
Retirement	18
Workforce management	20
Health and safety	21
More information	23



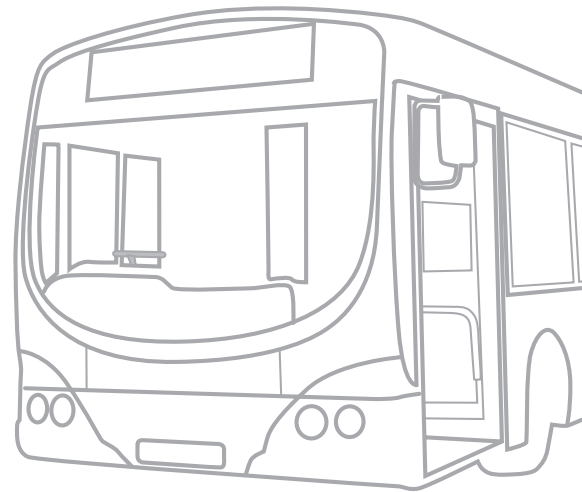
Introduction

A workforce that is age diverse has real benefits for any organisation. Harnessing the skills, experience and enthusiasm of people of all ages creates a working environment that encourages cooperation and has the potential to contribute to business at every level.

Businesses are increasingly recognising the value of older workers as they bring valuable skills, ideas and experience with them. This may benefit younger workers who can also gain by working in an age diverse environment where all members have something to offer.

With many businesses facing skills shortages and tight labour markets it makes sense to encourage older workers to stay within the business.

This guide covers all areas of employment – from recruitment and retention, to flexible working and retirement – helping everyone involved in employment get the best out of people of all ages.



"There is no doubt that the transport industry needs and also thrives with a better skilled and developed workforce. In addition we need professionally qualified and focused staff to help us achieve our objectives and particularly for succession purposes. We are now facing the challenges of the Certificate of Professional Competence (CPC) for all our employees. This is a good example where the support of GoSkills in carrying out research, influencing and developing composite packages that suit the industry needs has been totally invaluable."

Age legislation facts

- It is unlawful to discriminate against employees, job seekers and trainees on the grounds of age.
- The Employment Equality (Age) Regulations 2006 cover workers of all ages and all employment and vocational training.
- The regulations include access to help and guidance, recruitment, promotion, development, redundancy, perks and pay.

Employers need to be aware of their duties and review how they recruit and retain staff. They should check that current policies, practices and routines are compliant with the age regulations. Information to help employers understand good practice and age regulations is contained in this guide.

ACAS is nominated by government to provide advice to employers and individuals about the age regulations. ACAS contact details are at the end of this guide.

There is no official retirement age in the UK.

Age regulations introduced a default retirement age of 65 but this is not mandatory. Employers do not need to set a retirement age at all.

Recruitment

Recruitment is expensive, both in terms of time and money. It makes sense to get it right first time so it is important to make sure that applicants of all ages are included in the recruitment process.

Broadening the search

Employers are increasingly looking outside traditional recruitment processes to attract a broader range of employees. To avoid age discrimination it is important to look carefully at the wording of job descriptions. Words that suggest a preferred age are not acceptable.

There are several recruitment methods that help attract age diverse applicants. Some newspapers and other media might only reach a limited age group. By using a wider range of publications you will reach a broader range of people and give opportunities to a wider age range.

There are many ways to recruit people and it makes sense to spread the word and look at a number of methods.

These include:

- > local newspapers
- > community newsletters
- > Jobcentre Plus
- > recruitment agencies
- > in-house advertising
- > staff referrals

"When you employ staff you get the benefit of their life experiences too. The more the years - the more the experience. We feature employees over 50 in our recruitment advertising to send out a positive message to prospective older applicants."

Philip Brown, Recruitment and Training Manager, FirstGroup

Recruitment agencies

To get the best out of your recruitment agency or advisers it is important to be clear about your commitment to creating an age diverse workforce.

Ensure that your agencies are up to date with your policies and practices and that they are complying with current legislation. Remember, if they discriminate, you may be liable.

Job descriptions

It is important to spend time and effort in creating an accurate description of the job that will attract the right applicants. This should focus on the job and its requirements and must avoid any words or phrases that could suggest an age preference.

Some examples of descriptions that would suggest age include:

- > mature person
- > school leaver
- > first job
- > energetic graduate

Recruitment advertising that is clear and avoids age discrimination attracts a broad range of applicants and skills.

Some suggestions for creating effective recruitment advertisements:

- > Create a clear job description that focuses on the skills, experience and abilities of the applicant.
- > Ask for relevant and proven experience and avoid stating a set or minimum number of years experience.
- > Make sure that you are asking for education and vocational qualifications or equivalents that apply to applicants of all ages.
- > Take professional advice if you are unsure about any aspect of your recruitment advertising or procedures – remember your business is responsible for complying with the legislation.



A positive approach

To create a truly age diverse workforce you can take positive action to encourage people of a particular age to apply for employment and training opportunities.

This may include placing recruitment adverts in publications that appeal to the targeted age group, or contacting colleges of further education, community centres or other places which that age group might access.

It is also acceptable to include a statement saying that applicants are welcome from everyone 'irrespective of age, but especially from people in the [under-represented] age group'.

By making it clear that any appointment is based on merit alone you will be encouraging applications from people who might previously have felt excluded from applying.



"It is hard to point out the benefits of employing older workers without seeming to suggest that younger workers only offer the opposite. I believe that it is down to the attitude of an individual regardless of age that truly matters but the reality is that on the whole older workers can offer greater stability and reliability to a business which for various reasons, including ambition, cannot be offered by the younger employee. Couple this with the obvious 'life' experience the older worker brings to the workplace and it would be foolish to overlook this valuable sector of the labour market."

Application forms

It is advisable to separate the applicant's personal details, including their age and date of birth, from the rest of the application form. This will ensure that those involved in the recruitment process are not influenced by age and judge on merit alone.

Consider whether a complete work history is relevant or necessary for the particular job.

Reassess application forms. Asking for a full work history may suggest a certain age bracket. Consider whether the questions you are asking are really relevant to the job.

Focus on skills – don't rely on qualifications unnecessarily.

Interviews

Interviews differ between businesses and job requirements. They may involve one person and a single interview, or several people and a series of interviews.

Whatever the selection process, it is important to make sure that staff are up to date with current requirements.

If possible, provide regular training and remind staff from time to time of their responsibilities regarding age discrimination.

Applicants will be aware of a positive attitude towards age if interviews are conducted by more than one person and represent different age groups.

Conducting an interview

A professional interview allows both parties to explore the job and the individual's ability to do the work.

There are a number of ways to set up an interview so that applicants of all ages will be given equal opportunity.

These include:

- Agreeing on questions to be asked to all applicants before the interview and making sure that these relate to the job and not the person.
- Making sure that the questions are fair to all candidates and relate to the person's ability to do the work and not whether they fit in with other aspects of the business (eg the age of people they might work with).
- Considering giving applicants a telephone interview early in the process to reduce the possibility of age discrimination.
- Setting up a monitoring system that will give you information on the age profile of applicants.

Never use age or date of birth to influence the choice of applicants

Interviewers need to be aware that they are representing the business and reminded that personal comments that relate to age are not acceptable. Written notes should be taken during the interview which can be useful for feedback and provide evidence in the event of any accusation of age discrimination.

Exemptions to the age regulations

In practice, these are extremely rare but there are a limited number of occasions when it is legal to set an age limit:

- The job cannot legally be done by a person under a certain age (eg serving alcohol, handling dangerous machinery, or acquiring vocational driving licences).
- There is a 'genuine occupational requirement'. In practice this is unusual apart from acting in certain roles in the theatre or other media.
- The applicant is over, or within six months of the employer's retirement age provided this is over 65 or has been objectively justified if it is below 65. This means that the employer would have to show that the reason is necessary and is the right way to meet a genuine aim of the business.



Employee benefits and pay

Employers should review their policies on benefits and pay and make sure that they reflect current legislation.

Any benefits for employees who have been with the company for less than five years are exempt under the age regulations. These may include bonuses, holiday entitlement or other benefits.

Length of service criteria is acceptable when making decisions on how to reward staff as long as this is within the five years limit. However, if this exceeds the five year cut off it is necessary for the employer to be able to show that the employee benefit is related to additional experience, loyalty or motivation.

When considering other benefits such as eligibility to join a pension scheme, all staff should be treated fairly and factors such as age and part-time working should not influence eligibility.

There should be clear and objective criteria relating to decisions on pay awards and other benefits. These should be based on ability and performance and the needs of the business and not on age, discrimination or subjectivity.

Staff need to know about benefits to take advantage of what an employer offers. By making sure that any benefits such as flexible working are known by all employees, both parties can benefit.

Benefits such as career development, training and pursuing educational opportunities or sabbaticals are for all. Older employees can improve their performance as much as their younger colleagues through training and investing in their career.

Employers should check that all employees are receiving benefits and pay that relate to their skills, level of experience and loyalty, and not to their age. If rates of pay are linked to age, it is likely that this is unlawful unless it is related to National Minimum Wage rules.

National Minimum Wage

The National Minimum Wage is not affected by the age regulations.

Employers may pay different rates to employees within two different age bands as long as they are within the legal rates.

These are:

- > Band 1 – 16 and 17 years
- > Band 2 – 18 to 21 years
- > Band 3 – 22 and over.

Training and development

Employees of all ages benefit from training. This may mean updating existing skills or gaining new skills. This can help businesses grow and become more efficient and adds to the employee's job satisfaction and career prospects.

At any age, an investment in training shows real results including:

- > reduced absenteeism
- > fewer accidents at work
- > increased motivation and commitment
- > better performance.

Encouraging commitment

Training opportunities encourage staff to stay with the company, saving businesses the cost of additional recruitment and potential disruption.

Staff are not always aware of the opportunities that are open to them and all employees should be made aware that training and development are available, without minimum or maximum age restrictions.

Employers and staff may find it mutually beneficial to meet on a regular basis to discuss development needs and the opportunities that are available. A record of the discussion may be helpful to record progress and any targets.

"In addition to a presentation on the details of the Driver CPC and the current position on implementation, GoSkills will also be launching guidance materials for CPC advisors which have been produced as a result of the 'Experience Counts' research project.

The benefits of the PCV Driver CPC will be improvements in the overall quality of employees available to the bus and coach industries, an increase in road safety as well as the promotion of a more professional image, attracting more people to drive buses and coaches for a living."

Age at work - challenges for the passenger transport sector

- New Passenger Carrying Vehicle (PCV) Driver Certificate of Professional Competence (CPC) came into effect September 2008
- If you have a fixed retirement age – how are you replacing the expertise and experience lost by this cliff-edge approach to later years working
- Have you considered offering more choice in later years working and how easy is it to extend working lives
- What arrangements do you have to facilitate flexible working
- How easy is it to accommodate older workers into these patterns
- What are the implications of demographic change and an ageing society on the passenger transport sector
- How can you most effectively fill skills gaps and shortages – is the retention of the skills and experience of older workers an option to consider
- Would a different age mix in the workplace also help
- Are there appropriate age ranges for particular jobs
- Are there jobs where physical demand or levels of stress make extending working life more difficult
- Could mentoring by older workers become a feature of traditional career patterns

Promotion

It is unlawful to rule out anyone for promotion on the grounds of age.

When making decisions on promotion it is important that these should be based on merit and not on any age criteria – no one is too old or too young to be considered for promotion.

Experience may be relevant to deciding who is suitable but this may not be related to a set or minimum number of years.

Government-funded training

Some government-funded training programmes do have age limits. For example, Apprenticeships generally restrict funding to 16–24 year olds.

Other Apprenticeship opportunities are available for everyone else.

Investing in the future

To help encourage staff to invest in their future, employers can:

- Make sure that staff are aware that training and development is open to all ages.
- Encourage all employees, including new starters, part-timers and long-term staff to be aware of any training and development.
- Ensure that older staff, too, are given positive encouragement to update skills and take advantage of training opportunities.
- Promote staff involvement in mentoring – younger and older workers can support each other and share skills.
- Arrange talks or provide guidance to spread the word that training is for everyone.

More information

For a free employers pack on Apprenticeships, telephone 0800 015 04 00.

Train to Gain provides training advice and information to all businesses. Telephone 0800 015 55 45.



Flexible working

Flexible working has proven benefits for employers and employees alike, increasing commitment and helping retain staff.

The demand for changes to work patterns fluctuates during different stages of life. For example, parents with young children may want to work during the school term and older workers may prefer to reduce their hours when they approach retirement or decide to continue working.

There are several ways to facilitate flexible working in all kinds of job and at all levels, and employers are increasingly looking at ways to accommodate the growing demand.

These include:

- > flexitime
- > shift work
- > job sharing
- > compressed hours
- > part-time or reduced hours
- > temporary contracts
- > seasonal work
- > term time only
- > home working
- > unpaid leave

When making decisions on flexible working, employers must not use age as a factor. Staff of all ages may have legitimate reasons for wanting to take advantage of flexible working arrangements. But bear in mind that some staff, including older workers, may not know how to go about asking.

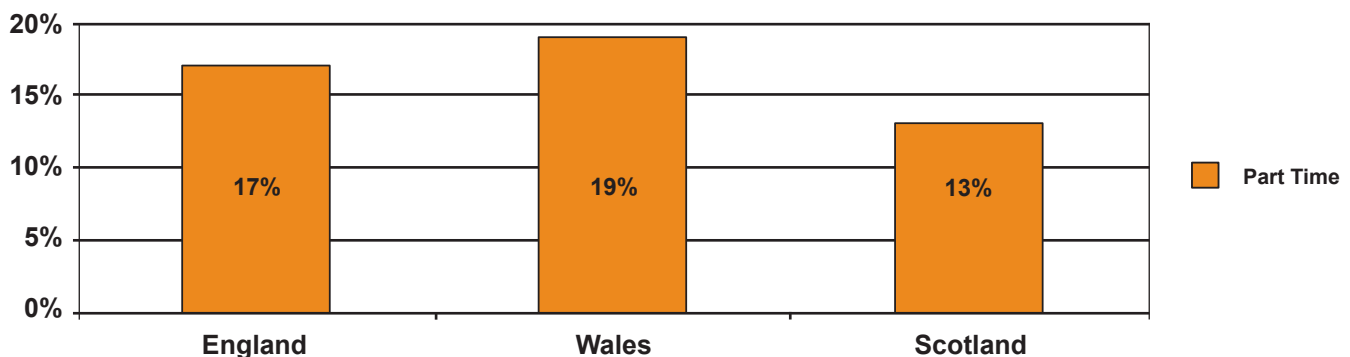
It is important that staff, managers and supervisors are made aware of what options are available. They should also be made aware of how decisions are made when requesting flexible working and what criteria are used to make those decisions.

Decisions must be made on individual and business needs, not on age or personal views.

A trial period is a good way for both parties to assess the benefits or any disadvantages before committing to different patterns of working.

Remember, flexible working is an attractive option for all ages so job applicants should also be made aware of what is available. Another way to attract quality applicants.

Part Time Working - Passenger Transport Workforce



Source - Labour Force Survey 2007

A flexible approach for a strong business

Employees who are considering working differently as they approach retirement, or plan to continue working, may wish to discuss the various options with their personnel or pensions department or their manager.

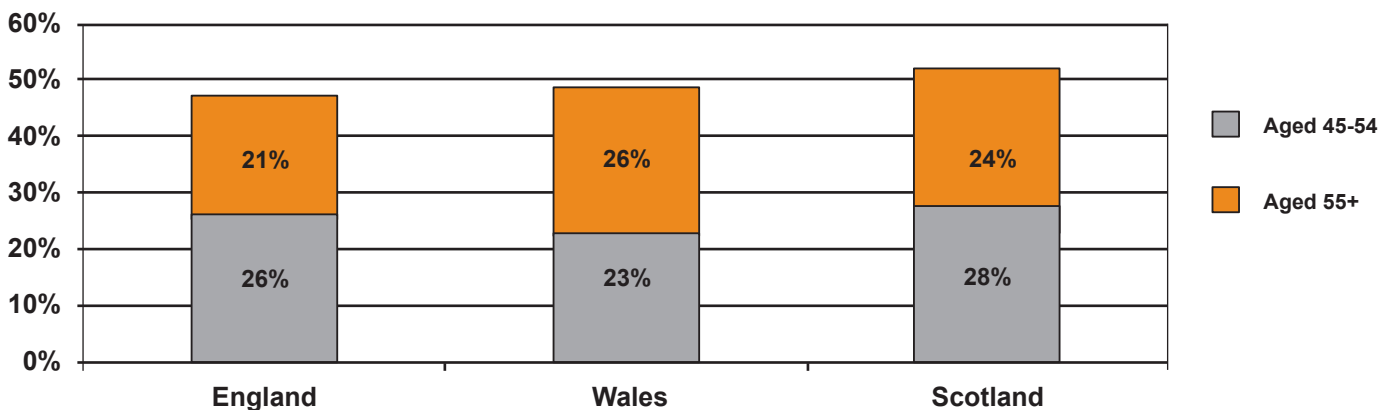
Employers should work with their staff to make sure both parties are aware of the benefits and opportunities that flexible retirement offers.

Employers should:

- > Review employment contracts to incorporate flexible retirement options.
- > Inform employees of company policies related to retirement issues and ensure staff fully understand how these affect their pension entitlement.
- > Work closely with staff to find out their ideas and preferences related to their retirement or plans to continue in employment.



Age Profiles - Passenger Transport Workforce



Source - Labour Force Survey 2007

Redundancy

It is unlawful to make people redundant based on their age.

Redundancy is an unfortunate fact of life and businesses have to make hard decisions when they need to let people go. It makes sense to try and keep the staff who have skills and experience that may be hard to replace.

Statutory payments

The law on statutory redundancy payments was changed by the Employment Equality (Age) Regulations 2006.

- > The upper and lower age limits were removed.
- > Workers under 18 and over 65 have the same rights to redundancy payment (after they have completed the minimum employment qualifying period).

Age and length of service are still taken into account when redundancy payments are calculated. Employers need to make sure that their calculating method complies with current requirements and that the way payments are worked out can be objectively justified.

Employers need to consider the value of each employee when they decide who to make redundant. They should consider the needs of the business, job requirements and the skills and capabilities of their staff.

Last in, first out...

This approach does not credit the fact that the 'last in' may be a crucial addition to the workforce. This could also lead to age discrimination. It is recommended that employers make their choice objectively, based on staff skills and the needs of the business.

Alternatives to redundancy

If a business needs to cut back, they could offer their staff alternative working arrangements such as:

- > job sharing
- > reduced hours
- > short-term contracts
- > career breaks.

Employers considering redundancies should make sure that all staff involved in the selection and decision-making process are aware that it is unlawful to make a decision based on age or other discriminatory grounds.

Voluntary redundancy

If used, this must be offered to all staff, regardless of age. You may be surprised at who applies.

More information

Guidance is available on the ACAS website
www.acas.org.uk

Retirement

There is no requirement for a retirement age and many employers are taking advantage of this to keep experienced skilled workers.

Retirement without a set age

If there is no set retirement age, it is assumed that an employee will continue working and it is up to the employee to notify the employer of their wish to retire.

Retirement with a set age

The law includes a default retirement age of 65 for employers who still believe they need to set a compulsory retirement age. It means those employers can set a compulsory retirement age at 65 or above.

Compulsory retirement below 65 is unlawful, except where an employer can objectively justify the earlier retirement age. The test of objective justification is not an easy one and it would be necessary for the employer to provide evidence. This means that the employer would have to show that the reason is necessary and is the right way to meet a genuine aim of the business.

Procedures apply if an employer decides to use a compulsory retirement age.

When an employer uses a compulsory retirement age (whether 65 or higher) they must write to employees not less than six months before the intended retirement date telling them of their right to request to work longer.

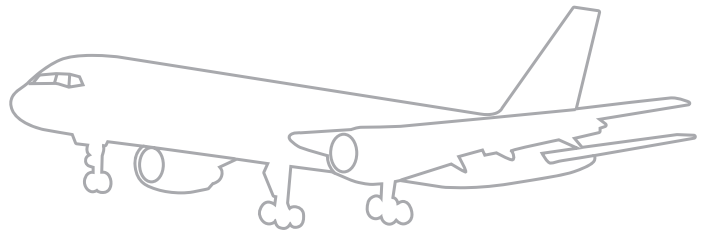
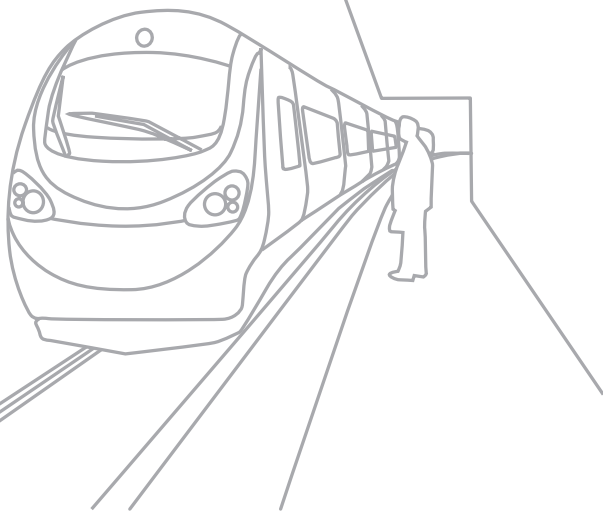
All employees have the right to request to work beyond a compulsory set retirement age and employers must consider all requests to work longer.

Employers may still refuse an employee to work past the compulsory retirement age (whether 65 or higher) as long as they have followed the correct procedures.

More information

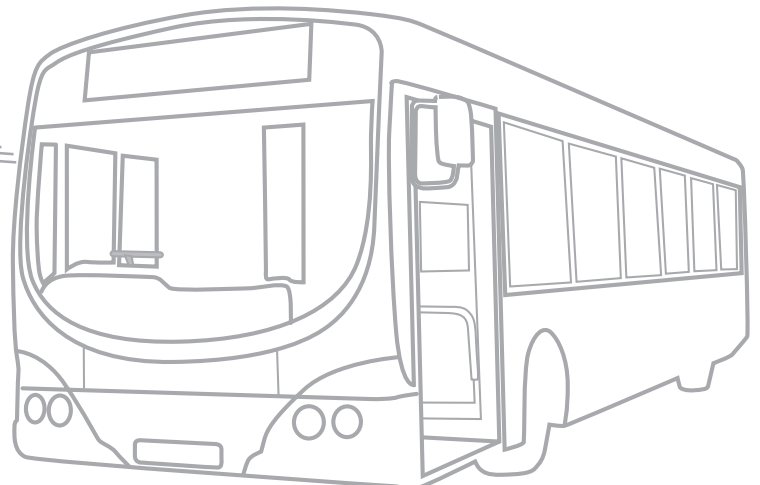
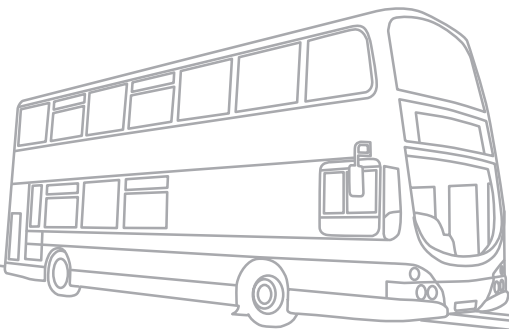
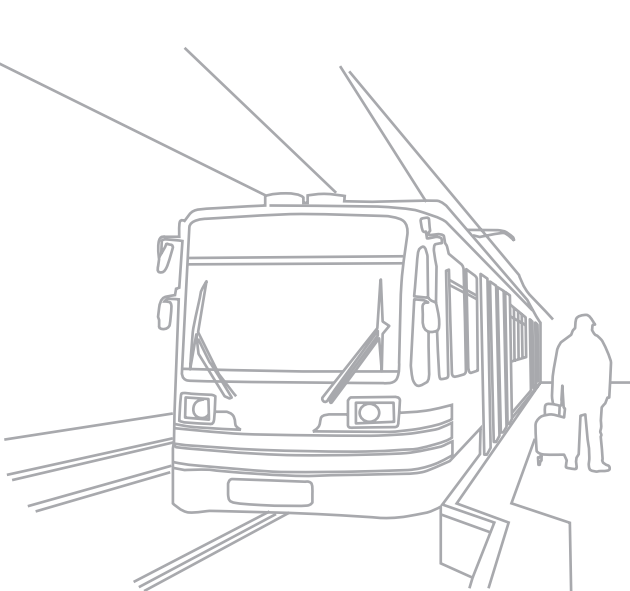
Guidance is available in the ACAS guide 'Age and the Workplace' on the ACAS website www.acas.org.uk

"First recognise the maturity, hard work and dedication older workers bring to our business. We benefit from the life skills older workers bring to our Operations and how they share these with their younger colleagues. First are committed to fair and consistent employment practices to create a diverse and valued workforce, which also reflects the communities which we serve."



Employers should:

- › Check whether the company retirement age should be raised or can be removed altogether.
- › Check their procedures and make sure that employees are aware that they can ask to work longer and employers must consider all requests.
- › Ensure all staff involved in managing retirement are aware of current regulations and of opportunities for keeping people on if they wish to work longer.
- › Make sure everyone in the organisation is aware of the requirement to treat everyone fairly regardless of age.



Workforce management

There is a myth about so-called 'job blocking'. Some employers assume there is a need to remove older workers to make way for younger workers. However, other employers believe this approach is damaging to productivity as it fails to maximise skills and experience and increases staff turnover and costly recruitment and training.

By using flexible working options instead of imposing compulsory retirement, employers can reduce capacity without losing valuable workers and their expertise.

Employers who monitor the age profile of their workforce find this not only helps with retirement planning but can disclose any bias and highlight the diversity of age within the organisation.

By 2020 there will be nearly 5 million more people aged 50 and over in the UK. Many employers are already taking a more positive approach to the recruitment and retention of older workers, and utilising this valuable resource to gain a competitive edge.



Health and safety

By making sure that any physical requirements of the job are clearly specified during recruitment and interviewing, all applicants will be aware of what is needed and their suitability. Employers may introduce testing but this should be for all applicants, regardless of age.

Poor workplace design and inflexible working practices prevent staff from being fully effective, not age.

The facts:

- › Employers increasingly recognise the benefits of employing older workers, including a commitment to working and high attendance rates.
- › The health and fitness of older people is improving.
- › Any loss in speed and agility is often compensated by an increase in accuracy and reliability.
- › Older workers do not have more accidents than younger workers.
- › Short-term absence is lower in older workers.

Capability to work

Age is not an indication of capability and does not determine an employee's physical ability to do a job. Physical incapacity at any age is a legitimate reason to terminate an employment contract, but age cannot be used as a reason to determine an employee's fitness to do a job.

It is important to be objective and not make an assumption of capability based on age. The demands of a job and the ability of the worker are the major factors in deciding on suitability.

Employers can encourage older workers to apply for employment or continue working by:

- › Accurately describing the physical requirements of the work in recruitment advertising and during interviews.
- › Offering flexible working, for example reduced hours or a different role to employees who want to continue working.
- › Retraining or adapting the workload to retain older workers requiring less strenuous work or less responsibility.
- › Encouraging regular health checks for all staff.

Risk assessment must be related to the job, not to the age of the employee.

"In general terms staff working more effectively, and understanding what the company requirements are, does mean that they enjoy their work and perform more efficiently. I genuinely believe that the "softer issues" - developing and investing in people does contribute to the bottom line, with improved service provision, customer excellence and a more profitable organisation."

Small adjustments – big benefits

Employers should analyse tasks and make adjustments that benefit the health and safety of all employees. Training staff and encouraging them to take an interest and responsibility for their health and fitness at work helps retain workers and improves morale.

Some simple changes include:

- Assessing whether heavy lifting is needed in a particular job or can be removed.
- Adapting workstations to minimise repetitive movements.
- Adjusting lighting, temperature and working conditions.

All staff benefit from improved working conditions and a commitment to health and safety.

More information

Guidance is available in the HSE guide 'Five steps to risk assessment' on the HSE website www.hse.gov.uk

"Respect the Difference, Value the Mix DVD - Diversity is a hot topic, and this DVD presents the key messages in a simple yet powerful way, showing that people should be respected for their differences, not in spite of them.

This is a powerful way of showing that although people are different, the message remains the same - workplaces are enriched by the diversity of their workforces. Trainers will find this a useful resource for stimulating discussion."

More information

GoSkills

Concorde House, Trinity Park, Solihull, B37 7UQ
Tel: 0121 635 5520 Email: info@goskills.org

GoSkills is the Sector Skills Council (SSC) for passenger transport. Licensed by Government, our mission is to work with employers UK-wide to improve the skills that make a difference to the performance of the passenger transport sector.

Confederation of Passenger Transport UK (CPT)

Drury House, 34-43 Russell Street, London, WC2B 5HA
Tel: 020 7240 3131 www.cpt-uk.org

Community Transport Association (CTA)

Highbank, Halton Street, Hyde, Cheshire, SK14 2NY
Tel: 0161 351 1475 www.ctauk.org

Department for Transport (DfT)

Great Minster House, 76 Marsham Street
 London, SW1P 4DR
Tel: 020 7944 8300 www.dft.gov.uk

Driving Standards Agency (DSA)

The Axis Building, 112 Upper Parliament Street,
 Nottingham, NG1 6LP
Tel: 0115 936 6666 www.dsa.gov.uk

Age Positive

Age Positive promotes good practice standards to help employers make decisions that do not discriminate against someone because of how old they are. Free, accessible and easy to digest information about all aspects of recruitment, retention, retirement and flexible working options can be found at:

www.businesslink.gov.uk/agepositive

ACAS

Euston Tower, 286 Euston Road, London, NW1 3JJ
Tel: 020 7396 0022 Helpline: 08457 47 47 47
www.acas.org.uk

Business Link

Tel: 0845 600 9006 www.businesslink.gov.uk

Learning and Skills Council

Helpline: 0870 900 6800 www.lsc.gov.uk
 Find your local Learning and Skills Council by calling the helpline.

Train to Gain

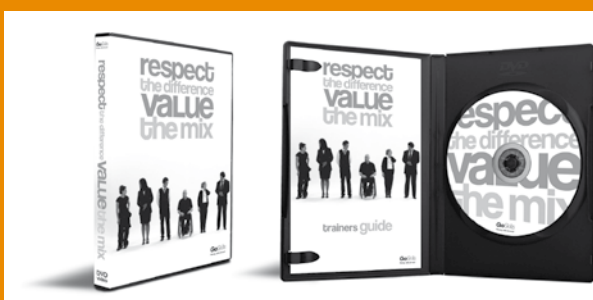
Tel: 0800 015 5545 www.traintogain.gov.uk

Small Firms Enterprise Development Initiative (SFEDI)

Business Incubation Centre, Durham Way South,
 Aycliffe Industrial Park, County Durham, DL5 6XP
Tel: 0845 224 5928 www.sfedi.co.uk

Equal Opportunities Commission

3 More London, Riverside Tooley Street,
 London, SE1 2RG
Tel: 020 3117 0235 www.eoc.org.uk



GoSkills has produced a DVD training resource designed to promote discussion on respecting people's differences in a growing and diverse society. - Awarded "Highly Commended" at the IVCA Clarion Awards 2007. The *Respect the Difference, Value the Mix* DVD can be purchased online at **<http://www.goskills.org>**



AGE POSITIVE

Working with employers to remove
age discrimination in employment

DWP Department for
Work and Pensions

GoSkills
Moving skills forward

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please email: agepositive@dpw.gsi.gov.uk

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