

Age Discrimination

As a discipline that involves considerable manpower it is important for facilities management people to fully understand equality issues and to comply with all relevant discrimination legislation.

Tackling discrimination helps to attract, motivate and retain staff and enhances an employer's reputation. Eliminating discrimination helps everyone to have an equal opportunity to work and to develop their skills.

The Equality Act 2010 makes it unlawful to discriminate against employees, job seekers and trainees because of their age. This includes direct and indirect discrimination, harassment and victimisation. The Equality Act also removed the upper age limits on unfair dismissal and redundancy.

It is unlawful because of age to discriminate directly or indirectly against anyone unless it can be objectively justified. The regulations forbid all harassment or victimisation related to age including the compulsory retirement of an employee unless it can be objectively justified.

Objective justification means that differences of treatment on the grounds of age can sometimes be justified. Objective justification is a test that employer will have to use to substantiate any exemptions to the laws.

Direct discrimination means treating someone less favourably because of their actual or perceived age, or because of the age of someone with whom they associate. This treatment can only be justified if it is a proportionate means of achieving a legitimate aim.

Indirect discrimination can occur where there is a policy, practice or procedure which applies to all workers, but particularly disadvantages people of a particular age. For example, a requirement for job applicants to have worked in a particular industry for ten years may disadvantage younger people. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim.

Harassment is when unwanted conduct related to age has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Victimisation is when an employee who has made or supported a complaint about age discrimination is treated unfairly.

Employers should ensure they have policies in place which are designed to prevent discrimination in recruitment and selection, pay determination, training and development, selection for promotion, discipline, grievances and bullying.

Factsheets and guidance on avoiding age discrimination for employers are available from the Chartered Institute of Personnel and Development. www.cipd.co.uk