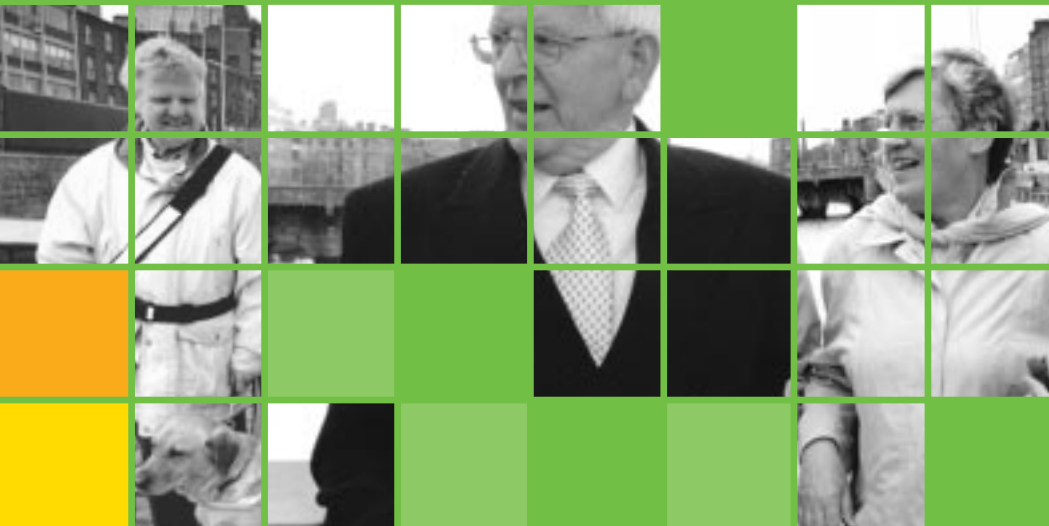


# Implementing Equality for

## Older People



THE EQUALITY  
AUTHORITY  
AN AIDARAS COMHIONANNAS  
EQUALITY IN A DIVERSE IRELAND

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## Foreword

The Employment Equality Act, 1998 and the Equal Status Act, 2000 introduced age as a ground on which discrimination is prohibited in the workplace and in the provision of goods and services, educational institutions and accommodation. This placed Ireland to the forefront across the European Union in working to eliminate discrimination.

The work of the Equality Authority on foot of this legislation has highlighted a widespread ageism in Irish society in particular experienced by older people. Strong negative stereotypes of older people persist. Negative and ill informed assumptions as

to the relationship between a person's age and a person's capacity all too often shape decision making. Systems and institutional behaviours end up posing barriers to the participation of older people on foot of such decisions. To date this has been a hidden phenomenon but it would appear to be deeply ingrained. It leads to outcomes that exclude older people.

The Equality Authority has given some priority to addressing this issue through convening an advisory committee composed of older people's organisations and the social partners to assist in preparing this report on 'Implementing Equality for

Older People'. The Report seeks to examine and expose the issue of ageism and to put forward an equality agenda with a capacity to change the situation and experience of older people in our society.

The agenda for change that is contained in the recommendations are based on a number of key principles. These include the need to give due regard to difference for older people, difference that is reflected in their particular situation, experience and identity.

Equally there is a need to respect the diversity of older people as older men and

women, as older Travellers and members of other minority ethnic groups, as older gays and lesbians and as older people with disabilities. The right to participate, the need for inter generational solidarity and the pursuit of equality of outcome are other key principles.

The recommendations are built around key strategies or actions. These include:

- Age proofing or assessing decisions made for their impact on older people.
- Positive action to address a past history of exclusion of older people.
- Participation by older people and their organisations in decision making that affects them.
- Training in age awareness and skills in combating ageism.

- Underpinning key services through legislative entitlements.


The Equality Authority is grateful to the members of the advisory committee for their time and expertise given so freely over the period of preparing this report. We wish to acknowledge the particular contribution of Greg Heylin (and Seamus Carroll in the initial stages) who chaired the advisory committee, Martina Kelly who supported the advisory committee and Ita Mangan who served as independent consultant to the committee and developed draft text around the various issues.

The Equality Authority is grateful to those who gave of their time and expertise in informing us through presentations (see Appendix 2).

The Equality Authority is also deeply appreciative of those

who attended the public consultation in Tullamore, which helped us to gauge the broad concerns of older people.

This report maps out a new future for older people, a future that they have been central in defining. It should be a source of change that sees the elimination of ageism and an enhanced participation by older people in Irish society. We look forward to working with the various entities to whom recommendations are made in realising this ambition.



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**Niall Crowley**  
**C.E.O., Equality Authority**

# Summary and Recommendations

## Chapter I Why an Equality Strategy for Older People?

There are a number of interrelated reasons why there is a need for an equality strategy for older people:

1. Ageism and institutional practices based on negative stereotypes of older people exclude them and shape negative attitudes to them;
2. Negative attitudes to older people shape the behaviour of individuals, organisations and institutions;
3. Ageist behaviours and attitudes need to be identified and challenged;
4. Services specific to older people, including education/training and health and community services are required in order to enable them to be active participants in society;
5. Certain older people have particular needs because they are frail, ill or vulnerable;
6. Positive action targeting older people is required to address a past history of discrimination and to address the need for changed institutional practices to ensure benefit to them from mainstream provision;
7. The current position needs to be addressed for the benefit of those who are currently old and those of the younger generation who can aspire to living long enough to be considered old themselves; and
8. Our emphasis as a society on the value of youth and youth culture can devalue the experiences and perspectives of older people, sometimes to such

an extent that they themselves devalue their own age and experience.

Chapter 2  
Principles of Positive Ageing

The following are the main proposed principles underlying the strategy:

- 1. Equality with due regard to difference
- 2. Equality with due regard to diversity
- 3. Full legal equality
- 4. Equality of opportunity, of participation and of outcome
- 5. Right and capacity to participate
- 6. Integration of policies and services
- 7. Intergenerational solidarity

- 8. Mainstreaming and age proofing
- 9. Involvement of all sectors of society

Chapter 3  
Legal Status

Applicable Principles

- 1. Equality with due regard to difference
- 2. Equality with due regard to diversity
- 3. Full legal equality
- 4. Equality of opportunity and of outcome
- 5. Right and capacity to participate

This chapter outlines the current legal status of older people and makes the following recommendations:

- 1. In the context of an overall review of the Constitution, the changed wording for the equality clause proposed by the Constitution Review Group should be adopted.
- 2. There should be no upper age limit in the Employment Equality Act, 1998 as recommended in the submission of the Equality Authority to the Department of Justice, Equality and Law Reform on the review of discriminatory grounds covered by the Act. Also, the specific exceptions contained in subsections 17(3) and 17(4) of the Employment Equality Act, 1998 should be reviewed in the context of the transposition of the EU Directives on 'racial' equality and employment equality.
- 3. The opportunity provided by the transposition of the EU



Directives on 'racial' equality and employment equality should be taken to review and amend the existing age provisions of the equality legislation and may require the removal of many of the existing statutory exclusions. A levelling up of provision in relation to all grounds should be maintained as the Directives are transposed into Irish equality legislation - both in the Employment Equality Act, 1998 and in the Equal Status Act, 2000.

4. The opportunity provided by the transposition of the two EU equality Directives should be taken, to introduce a statutory obligation into the Employment Equality Act, 1998 and the Equal Status Act, 2000, for Government departments, local and regional public authorities and noncommercial public

sector organisations to promote equality. In the meantime such an obligation should be introduced on an administrative basis.

5. The legislative changes recommended in this report and elsewhere should be introduced by changes in mainstream legislation and not in a single statute dealing with older people.

## Chapter 4 General Upper Age Limits

### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Full legal equality
4. Equality of opportunity, of participation and of outcome
5. Right and capacity to participate

The issue of working after the usual upper retirement age of 65 is considered in Chapter 6.

This chapter describes the current age limits which apply in various areas such as jury service, driving licences etc., and makes the following recommendations:

1. As a general principle, upper age limits should not apply unless there is objective justification.
2. There should be no upper age limit for membership of state bodies.
3. There should be no upper age limit for jury service but everyone over 65 should be excusable as of right.
4. We recommend that people aged between 60 and 70 should be charged the same per annum rate for their driving license as those under 60 who opt for 10 year licenses.
5. The proposed changes in health insurance rules on community rating should be the subject of a major information campaign, before the Health Insurance (Amendment) Act, 2001 is implemented, to ensure that people are aware of the problems they may subsequently encounter if they do not join a scheme before age 35.
6. The recommendations of the Motor Insurance Advisory Board insofar as they impact on the availability of motor insurance for those over 65 should be implemented as soon as possible and where relevant in consultation with older people and their organisations.
7. The terms of reference of the Motor Insurance Advisory Board should be extended or a separate mechanism established to consider the actuarial or other commercial basis, if any, for the loadings and exclusions experienced by older people in relation to travel insurance.
8. The Equality Authority should give priority to case work in these areas as part of its strategic enforcement approach.

## Chapter 5 Policy Making

### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Right and capacity to participate
4. Mainstreaming and age proofing
5. Involvement of all sectors of society

This chapter looks at older peoples' role in the policy making process and how it can be developed and enhanced and

makes the following recommendations:

1. Policy makers must adjust their consultative processes to allow for the participation of older people and their organisations in mainstream policy making, and in particular in areas where they have not been involved traditionally.
2. Policy makers need to ensure that relevant staff engage in age awareness training to assist policy making that takes account of the experience, situation and identity of older people.
3. National social partnership arrangements should be reviewed to incorporate organisations representative of equality interests generally and older people in particular.
4. Equality proofing of policies should be widely deployed and should include age proofing.
5. Policy makers engaged in commissioning pure research, or in policy related research or evaluation should build age related considerations into research specifications where relevant and should consider whether specific research of relevance to older people is required.
6. Older people should be assisted by the Combat Poverty Agency as part of their national network programme in further developing appropriate national lobbying organisations. This assistance should involve capacity building and funding but must not be at the expense of any diminution of independence.
7. Older people and their organisations should negotiate common agendas and develop mechanisms to bring forward those agendas in order to be more fully and effectively involved in the policy process. In this work, systems of accountability need to be further developed and resourced within organisations of older people. In particular, systems need to be developed to allow for the representation of vulnerable older people by advocates if necessary.
8. Comhairle should develop and support advocacy services for older people at local community level.
9. The Department of Social, Community and Family Affairs should support the emergence and ongoing work of local community organisations of older people.

10. The Department of Social, Community and Family Affairs should consider, stimulate and support the emergence of community advocacy in this area as an important dimension to community development through the Community Development Programme.

**Chapter 6**  
**Working**

Applicable Principles	
1.	Equality with due regard to difference
2.	Equality with due regard to diversity
3.	Equality of opportunity, of participation and of outcome
4.	Right and capacity to participate

This chapter looks at issues such as early retirement, flexible working, obstacles to older people returning to work, access to education, and training. The right to retire at the age of 65 or earlier in some occupations, the right to a pension from the state at 65 and the right of members of occupational pension schemes to pension payments at 65, or earlier in some occupations or in some circumstances, are all hard won entitlements. The preservation of these entitlements is fundamental and underpins all recommendations in relation to work in this chapter and recommendations in relation to incomes in the next chapter. This chapter makes the following recommendations:

1. While acknowledging that it is possible for older people over the usual upper retirement age of 65 to seek employment at present, obstacles to exercising that option successfully for this age group should be identified on an ongoing basis by the Department of Enterprise, Trade and Employment, Congress, IBEC and the Equality Authority and should be removed. There must not be a cost to the older person, in relation to contributory state benefits or benefits from occupational pension schemes, in return for active participation in the labour market over the age of 65.
2. The upper age limits in the full range of employee protective legislation, for example, the Redundancy Payments Acts and the

Unfair Dismissals Acts, should be reviewed by the Department of Enterprise, Trade and Employment, Congress, IBEC, and the Equality Authority in the context of the abolition of the upper age limit in the Employment Equality Act, 1998.

3. While acknowledging that older people in the age group 50-65 can seek employment at present, obstacles to exercising that option successfully for this age group should be identified on an ongoing basis by the Department of Enterprise, Trade and Employment, Congress, IBEC and the Equality Authority and should be removed.
4. Imaginative efforts should continue to be made to increase coverage of occupational pension

schemes to at least 70% of the workforce over the age of 30, building on the objective in the Programme for Prosperity and Fairness (Framework I, Section 1.2, Page 13).

5. Work arrangements should be made more flexible in order to facilitate people who may wish to work part time or in other atypical ways. The solution to the problem of creating a new work life balance lies with government, employers, trade unions and employees. Particular efforts are required in order to facilitate older people (aged 50 to 65 or over 65) who may wish to work part time or in other atypical ways. All must cooperate to provide the supports necessary to enable older people to exercise their option to seek employment after the age of 65.

Recruitment agencies in the private sector and FAS in its placement work should seek to attract older clients under or over 65 offering themselves for employment whether that is for full-time or more flexible attendance patterns. The Department of Enterprise, Trade and Employment should coordinate an initiative to facilitate phased retirement and to promote greater work life balance particularly for older workers.

6. When engaging in collective bargaining the social partners whether at the national or enterprise level should include measures to promote age equality and to facilitate phased retirement. One objective of such negotiations should be the development of workplace policies to facilitate workers up to the age of 65 to continue and

develop in employment and to facilitate those who wish to seek employment after the usual upper retirement age of 65. The facilitation of those over the age of 65 must be done without adversely affecting state or occupational pension entitlements.

7. Equality training in the workplace for managers, trade unions and employees generally should include elements in relation to age awareness training.
8. Employers should be encouraged, in dialogue with trade unions and employees, to establish practical workplace policies to facilitate those seeking employment over the age of 65.
9. The rules about pension abatement in the public service when civil service

and local authority pensioners go back to work in the civil service or the local authorities respectively should be reviewed by the Department of Finance, the Department of the Environment and Local Government and the relevant trade unions.

10. People who are receiving the Pre Retirement Allowance should be informed of the new arrangements which will make it easier for them to return to work .
11. Full use should be made of the positive action provisions in the equality legislation, which currently apply. Positive action in the provision of education and training for older people could facilitate their return to work. Amongst the issues identified as barriers to the return to work which might

be addressed by positive action are engaging with the recruitment interview/selection process, perceptions of the age structure of particular organisations, and induction into the workplace.

12. FÁS should make further provision to assist the return to work of older people. This should involve new targeted training provision, and outreach initiatives by the employment services.
13. The Department of Enterprise, Trade and Employment should coordinate the identification of a series of new initiatives targeting older workers and older people seeking to return to work in each annual national action plan under the EU Employment Guidelines.

# Chapter 7

## Income of Older People

### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Equality of opportunity, of participation and of outcome
4. Right and capacity to participate
5. Intergenerational solidarity
6. Mainstreaming and age proofing
7. Involvement of all sectors of society

This chapter looks at pension and other income supports for older people and makes the following recommendations:

1. Older women and older men should have an adequate income from their pensions after the age of 65.
2. Older people and their organisations should be actively involved in determining what constitutes an adequate income. They should, therefore, have a major role in the formal and regular review of issues covered in the Income Adequacy Group Report under the monitoring and review structures of the Anti-Poverty Strategy. That process should take into account the particular needs of older people and the likelihood that older people will not have access to other sources of income. As a minimum the old age pension should be set at 34% of average industrial earnings, and continue to track this proportion, as recommended by the National Pensions Policy Initiative and as noted in the Programme for Prosperity and Fairness (Framework I, Section 1.2, Page 13, Point 1).
3. The question of extending the Homemakers Scheme to older women - in particular those who were obliged to leave the labour force on marriage - should now be addressed with a view to allowing as many of the women concerned as possible to qualify for pension entitlements in their own right.
4. A system should be put in place to allow people retrospectively to buy social insurance contributions for pension purposes.

- 5. The qualifying age for the old age pension should be 65, thus abolishing the Retirement Pension.
- 6. The Department of Social, Community and Family Affairs should build on its existing best practice in enhancing its consultations with older people and their organisations in relation to all aspects of their provision for older people, including rates of payment, conditions of schemes, means testing and the quality of service to the citizen. Relevant staff should engage in age awareness training. New information strategies should be developed that target older people.

**Chapter 8**  
**Health and Community Services**

**Applicable Principles**

- 1. Equality with due regard to difference
- 2. Equality with due regard to diversity
- 3. Equality of opportunity, of participation and of outcome
- 4. Right and capacity to participate
- 5. Integration of policies and services
- 6. Intergenerational solidarity
- 7. Mainstreaming and age proofing
- 8. Involvement of all sectors of society

This chapter looks at the current arrangements for health and other community services and makes the following recommendations:

- 1. The development of a coordinated action plan to meet the needs of ageing and older people outlined in the health strategy statement is endorsed. It should build on the objectives set out in "*The Years Ahead - A Policy for the Elderly*" and it should be needs driven and person centred.
- 2. The proposed coordinated action plan to meet the needs of ageing and older people should include special provisions for vulnerable older people. Proposals in relation to specific health promotion projects aimed at preserving and improving the quality of life of older



people should also be included in the action plan.

3. Older people and their organisations should be involved in the development of the action plan for older people mentioned in the health strategy and in the implementation of the action points in the health strategy which have an impact on older people. This involvement should be with Health Boards, with the Department of Health and Children and with other relevant departments and service providers. Relevant staff should engage in age awareness training.
4. Community care should be underpinned by clear legislative entitlement and dedicated funding provided to ensure that this legislative entitlement is

delivered. Amongst the community care services to be covered by this entitlement are home help, night sitting services, respite care inside and outside the home, day care and social activity centres, social work services for older people, community and domiciliary paramedical services especially chiropody, and day hospital care.

5. Older people and their organisations should be involved in the detailed negotiations around the new Care Allowance, and the funding of respite care should be included as one of the items to be funded under the new allowance.
6. The housing grant schemes should be seen as part of the core community services and should be underpinned by clear

legislative entitlement. They should operate as nationally consistent schemes, administered by the local authorities, with accessible information and a statutory appeals system, and should be applied to all regardless of housing status.

7. Future housing surveys should undertake a comprehensive assessment of housing circumstances including the collection of data at household level on social, economic and tenure circumstances as well as physical characteristics of accommodation. This would enable the housing circumstances of older people in particular to be assessed more precisely, the demand for the different schemes to be forecast and appropriate budgets to be secured.

8. The needs of older people should be consciously included in establishing the level of investment in social or sheltered housing schemes and in the planning and implementation of any such schemes being considered now or in the future by local authorities or housing associations, in consultation with older people and their organisations.
9. A review of all relevant transport schemes should be carried out by the Department of Social, Community and Family Affairs and a comprehensive package of transport and other arrangements should be devised to ensure mobility for older people in the community.
10. Medical cards should be available for everyone over the age of 65.
11. Preventative health services should be part of the service provided to medical card holders.
12. The proposed 7,000 day centre places should be provided in consultation with older people and their organisations, so that their full potential for service provision, social contact, information exchange and respite care can be realised.
13. Entitlement to long term care should be clarified and there should be clear equality of entitlement for people who are cared for in the community.
14. The quality of long term care places should be of paramount importance and core standards in this regard should be established by the Department of Health and Children in partnership with older people and their organisations.
15. The Department of Health and Children should establish an independent advocacy service for older people in or considering entering into long term care.
16. A clear information policy adapted to the needs of older people should be devised and implemented by the relevant service providers in relation to services, healthier lifestyles, and health promotion generally.
17. The information needs of older people availing of services should be catered for by relevant service providers, to enable them to make informed decisions in relation to their care. This may require the involvement of relatives or

an advocacy service in some cases. There should be provision in relation to the particular information needs of carers of older people

- 18. Formal, statutory appeals systems should be put in place for all health and community services.

## Chapter 9 Lifelong Learning

### Applicable Principles

- 1. Equality with due regard to difference.
- 2. Equality with due regard to diversity
- 3. Equality of opportunity, of participation and of outcome.
- 4. Right and capacity to participate.
- 5. Intergenerational solidarity.
- 6. Involvement of all sectors of society.

This chapter looks at lifelong learning as it applies to older people and makes the following recommendations:

- 1. *The White Paper on Adult Education - Learning For Life* provisions on literacy and numeracy are very important. The proposed increase of learners in receipt of tuition by the adult education system from 13,000 to 18,000 by 2006 is central. The opportunity to avail of this tuition must be made available on an equal basis to older people (i.e. all those over 50) by the VECs, FÁS and any other providers who incorporate literacy and numeracy modules into their training/ education. This will require positive action, supported by the establishment of targets and indicators for participation and outcomes for older people.
- 2. Second level education providers, the VECs, and third level education institutions generally should

take active measures to encourage older people to avail of formal education. Learning from existing supports for mature students and, where relevant, students with a disability is one means of developing such measures. Flexibility in the organisation of education provision and in the manner in which grants are made available should be considered. Research may also be required into needs, and barriers to meeting those needs in order to develop policies, programmes and practices to address the needs of older people and the particular barriers they face.

3. In the context of education/training for work the VECs and third level institutions generally should make relevant and specific targeted provision for older people attempting to return

to work in unfamiliar work areas.

4. FÁS in partnership with employers and trade unions should adapt a number of traineeships to the specific needs of older workers as positive action to facilitate their return to work.
5. FÁS in partnership with employers and trade unions should make provision for training initiatives for those in work targeting older workers, to facilitate their retention in changing workplaces, and to facilitate phased retirement.
6. Any organisation involved in the development and implementation of policies in relation to training/education of relevance to older people, involved in reviewing existing training/education provision, or in the

development of new provision should draw on the experiences of older people through consultation with older people and their organisations. This should take place as part of an equality proofing exercise which includes an age proofing element.

7. FÁS, VECs, and third level education institutions generally should tailor some training and education provision specifically to the needs of older people through, for example, adopting appropriate adult learning models in teaching, ensuring the learning area is suitable for older people, focussing on subject areas of particular interest to older people, or providing courses on a part-time or modular basis.
8. Pre-service and in-service age awareness training

should be provided to all involved in the provision of education and training.

9. The National Qualifications Authority of Ireland, the Further Education and Training Awards Authority (FETAC), and the Higher Education and Training Awards Authority (HETAC), should ensure a coherent certification system with accreditation of prior learning, and transferable credits from one institution to another or from one course to another.
10. FÁS, VECs, and third level education institutions generally should address the training/education needs of older people in relation to IT. Local authorities and health boards, possibly in partnership with third level institutions with

appropriate expertise, should explore the possibility of providing assistive technology for older people in communities as well as for individuals - for example, voice recognition software, and video links to assist the provision of services and expertise in more remote areas.

11. Information in relation to education and training generally and those courses targeted at the needs of older people, either because of subject matter, structure of course (e.g. modular, part-time, more flexible opening hours), or teaching methodologies, should be provided to older people in accessible formats and in places accessible to older people, by FÁS, VECs and third level institutions generally.

12. Appropriate older people's organisations should be resourced by bodies such as FÁS, VECs, or Health Boards, to provide education and training relevant to the needs of older people or particular categories of older people.

## Chapter 1

# Why an Equality Strategy for Older People?

### 1.1 Why an equality strategy for older people?

Discrimination on the ground of age is prohibited under the Employment Equality Act, 1998 and the Equal Status Act, 2000. The age ground, while not confined to older people, lays valuable foundations for change for older people using an individual rights based approach as a point of departure. The development of case law in relation to older people has the potential over time to transform the experience of older people in the workforce and in relation to the provision of goods, services and facilities, including market led services

and state services. Legislation and case law are the necessary first steps towards the elimination of discrimination and the realisation of equality. However they must be part of a wider framework for action on equality if the pursuit of equality is to be effective.

Under the equality legislation the Equality Authority is charged with the elimination of discrimination and the promotion of equality of opportunity. This allows the Equality Authority to focus on actions required to prevent discrimination as well as on the more ambitious actions required to achieve equality. Equality in this context involves:

- a recognition and valuing of older people and their contribution;
- the participation of older people in decision making especially where these decisions have an impact on them; and
- change in the status of older people in particular their economic status but also in other areas such as health and education.

The aim of this report is to identify, in partnership with older people, an agenda for change that will contribute to greater equality for them. This is an agenda for implementation

by a wide range of institutions. It is an agenda that can be promoted by the Equality Authority and by older people and their organisations.

We consider that there are a number of interrelated reasons why there is a need for an equality strategy for older people:

- ageism and institutional practices based on negative stereotypes of older people exclude them and shape negative attitudes to them;
- negative attitudes to older people shape the behaviour of individuals, organisations and institutions;
- ageist behaviours and attitudes need to be identified and challenged;
- services specific to older people, including education/training and health

and community services are required in order to enable them to be active participants in society;

- certain older people have particular needs because they have disabilities or are vulnerable;
- positive action targeting older people is required to address a past history of discrimination and to address the need for changed institutional practices to ensure benefit to them from mainstream provision;
- their current position needs to be addressed for the benefit of those who are currently old and those of the younger generation who can aspire to living long enough to be considered old themselves; and
- our emphasis as a society on the value of youth and youth

culture can devalue the experiences and perspectives of older people, sometimes to such an extent that they themselves devalue their own age and experience.

## 1.2 Who are older people?

"Old" is a relative term. "Youth" and "middle age" suffer from the same difficulties of definition. All may be reckoned in accordance with the reckoner rather than in accordance with some objective standard.

For the purposes of this strategy, we are concerned with people aged 50 and over. This age has been chosen pragmatically because it is the age at which positive action may be taken under the provisions of the Employment Equality Act, 1998.

A strategy for equality for older

people is concerned with the present generation of older people. It is also concerned with the future generations of older people - in other words, the current generations of middle aged and younger people. Everyone is continuously involved in the ageing process and everyone has an interest in ensuring that a life long active ageing strategy is implemented.

### 1.3 Positive action for older people

The Employment Equality Act, 1998 permits positive action in favour of people aged 50 or over to assist integration into employment. The Equal Status Act, 2000 permits positive action targeting older people, to promote equality of opportunity, or to cater for special needs.

Positive action can include targeting resources to address

the specific needs of older people, to ensure that institutional decision making and service provision takes adequate account of the particular needs and aspirations of older people, and to address any disadvantage experienced because of ageism in the past. Positive action can be especially important in addressing the needs and rights of vulnerable older people. Positive action is a key part of a broader equality strategy which aims to turn legal rights into practical realities. This broader equality strategy encompasses rights, institutions to promote those rights, outcomes from mainstream provision and participation in decision making as well as positive action or targeting.

### 1.4 Ageism

Biological ageing is a continuous process. However, societal attitudes, assumptions and

barriers create social ageing, which is the subject of much of this report. For instance, the link between chronological age and what is and is not expected of a person at that age is socially conditioned. These social constructs can be taken as the received wisdom by people generally because they have not been examined reflectively or critically or remain unchallenged. In this kind of setting it may be very hard for individuals to see how their actions are in fact ageist rather than "plain common sense". Where people cannot see that there is something ageist in their assumptions and principles it may be hard to bring about change in behaviour or practice.

Ageism involves an interlinked combination of institutional practices, individual attitudes and relationships. Institutional practices in this context can be characterised by:



- the use of upper age limits to determine provision or participation;
- segregation where older people are not afforded real choices to remain within their communities;
- a failure to take account of the situation, experience or aspirations of older people when making decisions, and a failure to seek to ensure benefit to them as a result of an over emphasis on youth and youth culture; and
- inadequate provision casting older people as burdens or dependants.

Institutional practices can shape, and be shaped by, individual attitudes based on stereotypes of older people as dependent, in decline or marginal. Some of these practices can also have a detrimental impact on an older person's sense of self worth.

Ageism, combining institutional practices and individual attitudes, generates relationships with older people that can be characterised by abuse, neglect, dependence and patronage. This is challenged where longevity is celebrated as a sign of progress and as a resource to be valued.

## I.5 Difference

Ageism has been constructed around difference in terms of chronological age. In seeking to challenge ageism there can be a desire to deny any form of difference. Yet one's age can be a shaping factor in one's identity. Difference can be an important rationale for meeting needs specific to older people and to ensuring benefit to older people from mainstream provision.

Ultimately difference is something that is and will continue to be self defined by older people. Difference is not

static. It is subject to change and therefore continuing definition. It is useful to establish a framework within which to construct and develop any such definition.

This framework should encompass:

### **Experience**

Difference can be a product of the experience of ageism and the relationships it generates. Equally it can be a product of a diversity of experience over different decades.

### **Situation**

Difference can be a product of differential access to education or income for example. It can be a product of physiological decline or age related illnesses.

### **Identity**

Difference can be a product of identity and age can have a bearing on one's sense of identity.

This framework and its use by older people requires further work and evolution over time.

## 1.6 Diversity

Older peoples' experiences have been acquired through living within a particular set of social, economic and cultural circumstances. So, the experience of an older professional man can be quite different from the experience of an older woman in the home and very far removed from the experience of an older member of the Traveller community.

Within the group of older people, there are people who suffer and/or have suffered discrimination on other grounds. The discrimination problems faced by the current generation of older women largely arise from past discrimination on the grounds of gender, in particular exclusion from the labour market, arising from the

"marriage bar" and caring responsibilities, and the consequent exclusion from independent pension arrangements.

Relatively few members of the Traveller community live to reach retirement age as they have a much lower life expectancy than the rest of the population. This is an indictment of society's treatment of Travellers of all ages. At present, there are relatively few older members of any other minority ethnic groups living in Ireland. This will change over the coming years so a strategy for equality has to address their particular needs.

Older gay and lesbian people have lived most of their lives under laws and attitudes which did not tolerate their sexual orientation. Whereas the laws have changed and attitudes have changed somewhat, it would still be difficult for many older people to "come out". The social

facilities available to younger gay and lesbian people may not be suitable for older people.

Older people have multiple identities. As such while the age ground in the equality legislation focuses our attention on older people, the other eight grounds under the equality legislation<sup>1</sup> include older people.

This diversity means that:

- equality strategies for older people must take account in their design and implementation of different groups of older people be they men or women, heterosexual or homosexual, Traveller or settled and so on; and
- equality strategies for other groups covered under the legislation must take into account the specific situation, experience and identity of older people within that group.

## 1.7 Politicisation

The political process of proclaiming an identity as older people has only occurred to a limited degree in Ireland.

Experience of other grounds under the legislation would strongly suggest that the process of building a group identity is political in the broadest sense of the word.

Once a group identity is in the process of being established, a political lobby can emerge from a common sense of experience, situation and identity. Political choices need to be made along the way: whether to make no demands, or to demand to be treated the same as others, or to be treated differently based on the difference of the group.

These political choices pose questions which are addressed to some extent in this report but which ultimately require the

ongoing engagement, debate and decisions of older people and their organisations.

## Chapter 2

# Principles of Positive Ageing

### 2.1 Introduction

The term “active ageing” is widely used by the World Health Organisation and the European Commission. Although it can be used in a somewhat superficial, tokenistic way, in essence, the term “active ageing” means the right of older people to equality - it denotes involvement in society to the maximum extent possible (intellectually, politically, socially, economically) according to each individual's capacity. The World Health Organisation, which promotes the Global Movement on active ageing defines the term as “the capacity of people as they grow older to lead productive and healthy lives in their families, societies and economies.”

Because the term “active ageing” has a currency it is used in this report. However, there may be connotations in some minds that active ageing applies only to those who are physically active. This is not the case. Active ageing implies that people have opportunities to match their capacities. However, it was felt on balance that the term “positive ageing” should be used in the chapter heading and that associated connotations would thereby be imported into the use of the phrase “active ageing”.

In this report we set out what needs to be done to achieve equality:

- to reform the policies and practices which constitute barriers to meaningful participation by older people;
- to eliminate the disabling negative images and stereotypes associated with retirement and older age; and
- to create the enabling environment which will facilitate all older people to be involved in active ageing.

Here we set out the nine principles which we consider must underpin an equality strategy for older people.

## 1. Equality with due regard to difference

Equality with due regard to difference does not require that everyone be treated exactly the same. It requires that there be due regard to difference. It would not be appropriate to treat all older people in exactly the same way as younger people.

A strategy for equality must respect difference and must ensure that difference is not used unjustly to favour or to disadvantage people. The central question in this context is - is there a relevant difference? If there is, then adjustments must be made to take account of and respect the difference.

## 2. Equality with due regard to diversity

A strategy for equality must recognise the diverse needs and

aspirations of older people including the needs and aspirations of groups within the older population who suffer or have suffered multiple discriminations. This has been the experience of groups such as older women, older Travellers, older members of other minority ethnic groups, older gays and older lesbians and older people with disabilities.

## 3. Full legal equality

Full legal equality is an essential condition for, but is not sufficient to ensure, equality of treatment. Older people must have full equality before the law. This will require some changes - these are set out below. Full legal equality must be underpinned by adequate implementation methods and measures so that the framework of rights is complete and sustainable.

## 4. Equality of opportunity, of participation and of outcome

There must be full equality of opportunity, equality of participation and equality of outcome as appropriate for older people to be involved in all aspects of society. Chronological age should not, in itself, be a barrier to involvement. Equality must apply in all areas such as work, education, training, health, voluntary activities, social, cultural, sporting and artistic activities.

## 5. Right and capacity to participate

In order to enable older people to fully participate in society, their right and capacity to do so must be facilitated by appropriate provisions for consultation and involvement in

decision making of older people and their organisations and by the provision of necessary supports to enable their organisation.

## **6. Integration of policies and services**

A successful strategy requires that policies and services for older people be operated in an integrated manner. This means that there must be coherence between, for example, income maintenance and community care policies, between employment policies and education/training policies. The overall policies must be enabling and facilitating and be responsive to age, gender, cultural and other diversity.

## **7. Intergenerational solidarity**

Policies and practices must ensure fairness between the generations and encourage and

facilitate activities which span the generations.

## **8. Mainstreaming and age proofing**

All policy decisions and public investment decisions must be analysed to ensure that they do not adversely impact on the current generation of older people, to ensure that they do not provide incentives to any age group to make decisions which may adversely affect them in older age, and to ensure that they contribute to greater equality for older people. This means that there must be a systematic analysis of all policies and investment decisions to ensure that they promote equality for older people and that the planning and implementation processes must be imbued with the equality agenda at every stage. Mainstreaming a focus on age equality will require the assessment of impact of policy and resource allocation

decisions on older people alongside clear equality objectives for older people, the participation of older peoples' organisations in the impact assessment process and a monitoring of outcomes for older people. There must be a coherent mobilisation of all legal, financial and organisational capacities in order to ensure a balanced relationship between older people and the rest of society. This mainstreaming and proofing will be part of a wider mainstreaming of equality and equality proofing.

## **9. Involvement of all sectors of society**

All sectors of society, including the state, employers, and non-governmental organisations, have a role in ensuring full participation of and equality for older people. The respective roles of these actors must be devised and implemented in partnership with older people and their organisations.

## Chapter 3

### The Current Legal Status of Older People

#### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Full legal equality
4. Equality of opportunity, of participation and of outcome
5. Right and capacity to participate

#### 3.1 Introduction

The current legal status of older people is addressed in the Constitution, the equality legislation, the EU treaties,

other legislation and common law. There is no specific legislation dealing with older people.

#### 3.2 The Constitution

Article 40 of the Constitution provides for equality before the law. It states:

*"All citizens shall, as human beings, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function."*

It is generally considered that this guarantee of equality is

narrowly worded and it has not been widely relied on to promote equality. Because of this, a majority of the Constitution Review Group considered that the following wording should be substituted:

*"All persons shall be held equal before the law. This shall not be taken to mean that the State may not have due regard to relevant differences."*

*No person shall be unfairly discriminated against, directly or indirectly, on any ground such as sex, race, age, disability, sexual orientation, colour, language, culture, religion, political or other*

*opinion, national, social or ethnic origin, membership of the Travelling community, property, birth or other status."*

The Constitution Review Group report predated the current equality legislation and the enactment of the Treaty of Amsterdam. Nevertheless, we consider that the Constitution Review Group recommendation is still relevant. Constitutional provisions have both a legal and a moral value. We consider that a strong anti-discrimination provision in the Constitution would underpin the existing legislation and would also make a clear statement of the value society placed on equality.

**We recommend that, in the context of an overall review of the Constitution, the changed wording for the equality clause proposed by the Constitution Review Group should be adopted.**

### 3.3 The Employment Equality Act, 1998

The Employment Equality Act, 1998 prohibits direct and indirect discrimination, victimisation, sexual harassment and harassment at work and in employment on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community.

Discrimination is defined as less favourable treatment on one of the discriminatory grounds. The Act came into force in October, 1999.

#### 3.3.1 Age discrimination

In general, the age discrimination provisions do not apply to people aged under 18 or over 65, except for the vocational training provisions.

#### 3.3.2 Where discrimination arises

Discrimination by employers is prohibited but so also is discrimination which is perpetrated by employment agencies, providers of vocational training, trade unions, employer organisations, professional bodies, trade associations or any body which controls entry to or the carrying on of a profession, vocation or occupation.

The discrimination which is prohibited relates to access to employment, conditions of employment, training or experience, promotion or regrading or classification of posts. Conditions of employment do not, in this context, include pensions.

Discriminatory job advertisements are prohibited - an advertisement includes all forms of advertising whether



addressed to the public or not including notices, displays etc.

### 3.3.4 Exclusions from the general prohibition of discrimination on age grounds

An employer may not discriminate on any of the stated grounds but that does not mean that the employer must recruit or promote someone who is not willing to do or is not fully competent, available or capable of doing the job in question.

There is a general exemption from the age clauses for the Defence Forces, Gardaí and the Prison service.

There is also an exclusion (subsections 17(3) and 17(4) of the Act) where acts are done in compliance with statutory requirements. The effect of this provision is that nothing in the Employment Equality Act, 1998 renders unlawful any act done

in compliance with the nominated statutory provisions. In the case of discrimination on the grounds of age, these statutory requirements relate to regulations made for the control of air traffic, standards of aircraft, standards of merchant shipping, welfare of seamen, standards of competence of seamen, medical standards for train drivers and the calculation of the redundancy lump sum payment.

It is not unlawful to discriminate on the grounds of age where it can be shown that "there is clear actuarial or other evidence that significantly increased costs would result if the discrimination were not permitted."

Setting different ages for retirement for employees or any class of employees - either compulsorily or voluntarily - does not constitute discrimination under the Act.

It does not constitute discrimination to set a maximum age for recruitment which takes account of :

- any cost or period of time involved in training a recruit to the required standard, and
- the need for there to be a reasonable period prior to retirement age during which the recruit will be effective in the job.

### 3.3.5 Positive Action

Positive action to facilitate the integration into employment of people aged over 50 (either generally or in particular areas or a particular workplace), is allowed under the Act. The State and its agencies may provide training or work experience for disadvantaged groups who would not otherwise get such training or experience.

### 3.3.6 Review of the Act

The Minister for Justice, Equality and Law Reform was obliged to review the operation of the Act within 2 years of its coming into effect (i.e. by October 2001) with a view to assessing the need to add to the discriminatory grounds set out. The Equality Authority has made a submission to the Department in relation to the review. The Equality Authority argued for the inclusion of four new grounds - socio economic status, criminal conviction, trade union membership, and political opinion - and for the removal of the age limits that bound the age ground.

### 3.3.7 Issues arising from the Employment Equality Act

From the first date of the operation of the Employment Equality Act (18 October, 1999) to the end of February, 2002, 58 age related cases were referred to the Equality Authority, representing 11% of total cases

referred under the Act. The two most prominent categories of complaint were in relation to access to employment and access to promotion. Other issues included dismissal, working conditions, equal pay and remuneration, and advertising. While the age ground covers both younger people and older people, over 90% of the cases referred are as a result of people who feel they are being discriminated against because of their older age

The implications of the exclusion of everyone over the age of 65 are quite clear. People over the age of 65 simply do not have the same protection at work as people under that age. For instance a person who is discriminated against in relation to pay rates under the age of 65 has access to redress under the Employment Equality Act, 1998 but once they are over the age of 65 that access is no longer available. There is no

objective justification for this continuing discrimination. It leaves employed people aged over 65 with very little protection against arbitrary actions of employers, against harassment and generally places them in an invidious position relative to other employees.

The general exemption for acts done in pursuance of nominated statutes does not seem to have any objective justification either. The rationale behind them seems to be based on an assumption that older people (in this case, older people who are aged under 65) are not medically capable of performing the relevant jobs. The Act already provides for exceptions for people who are not able to carry out the tasks so these specific exceptions are unnecessary.

**We recommend that there should be no upper age limit in the Employment Equality Act, 1998 as recommended in the submission of the Equality Authority to the Department of Justice, Equality and Law Reform on the review of discriminatory grounds covered by the Act, and the specific exceptions contained in subsections 17(3) and 17(4) of the Employment Equality Act, 1998 should be reviewed in the context of the transposition of the EU Directives on 'racial' equality and employment equality.**

### **3.4 The Equal Status Act, 2000**

The Equal Status Act, 2000 prohibits discrimination in the provision of goods, services and facilities, education and

accommodation. There are separate provisions in relation to registered clubs. Like the employment equality provisions, discrimination on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community are all prohibited. The upper age limit of 65 does not apply under the Equal Status Act. The Act came into effect in October 2000.

#### **3.4.1 Provision of services generally**

There is a general prohibition on direct and indirect discrimination and discrimination by association in the disposal of goods and the provision of services. A service is defined as a service or facility of any nature which is available to the public generally or a section of the public and includes:

- access to and use of any place;
- facilities for banking, insurance, grants, loans, credit or financing, entertainment, recreation, refreshment, cultural activities, transport or travel; and
- a service or facility provided by a club which is generally available to the public or a section of the public whether for payment or not, or a professional or trade service.

Sexual harassment and harassment on any of the grounds, including the age ground, is prohibited.

#### **3.4.2 Exceptions**

There are a number of general exceptions to the principle that discrimination is prohibited. Among the relevant exceptions are the following:

- the disposal of goods or provision of services which is not done in the course of business or trade;
- disposal of goods by will or gift;
- differences of treatment in relation to annuities, pensions, insurance policies or any other matters related to the assessment of risk, which are based on actuarial or similar data, other relevant underwriting or commercial factors and which are reasonable having regard to the data and other relevant factors;
- reasonably necessary differences of treatment on the grounds of gender, age, disability, nationality or national origin in relation to sporting facilities and events;
- age requirements for fostering and adopting children where the requirement is reasonable having regard to the needs of the children;
- reasonably necessary differences of treatment on the gender, age, or disability ground or on ground of race for reasons of authenticity, aesthetics, tradition or custom; and
- a reasonable preferential charge for people together with their children, married couples, people in a specific age group and people with a disability.
- reasonably necessary differences in relation to services that are provided for the principal purpose of promoting bona fide the special interests of persons in that capacity.

### 3.4.3 Disposal of premises and provision of accommodation

Discrimination in disposing of premises and provision of accommodation is generally unlawful under the Act. Again, there are a number of exceptions, including accommodation in nursing homes and retirement homes.

Housing authorities and voluntary housing bodies will continue to be able to treat people differently on the grounds of family size, family status, marital status, disability, age or membership of the Traveller community.

### 3.4.4 Education

Educational establishments may not discriminate against students in matters such as admission or access to courses, terms or conditions of participation, or expulsion from courses, or other sanctions.

Again, there are some exceptions. Single sex schools will be allowed. There is a religious ethos exemption. Education establishments may make reasonably necessary distinctions based on gender, age or disability in relation to sport. Differences of treatment may also be lawful if the admission of a student with a disability would make impossible, or be seriously detrimental, to the education of other students. There is an exemption in relation to "mature students".

### 3.4.5 General exemptions

Actions which are required to be done by or under statute, court order, EU law or international obligations are exempt, as are bona fide positive action measures.

Differential treatment is acceptable where it arises in the exercise of clinical judgment

or because the person concerned is incapable of entering an enforceable contract or of giving informed consent.

The Equal Status Act, 2000 permits positive action for older people, to promote equality of opportunity or to cater for special needs.

### 3.4.6 Issues arising under the Equal Status Act, 2000

From the date of first operation of the Equal Status Act (25 October, 2000) to the end of February, 2002 the Equality Authority has received 66 age related cases representing 9% of all cases under the Act. Of these 24 were in the older category, representing 3% of all cases under the Act and over one third of the age cases. The main category of complaint by older people is access to insurance. Amongst the other categories of complaint are

transport, medical insurance and access to pubs or night clubs.

## 3.5 Implementing the equality legislation

The Equality Authority has overall responsibility for promoting equality and combating discrimination under the legislation. Complaints of discrimination may be made to The Director of Equality Investigations who may offer mediation or may appoint an equality officer to conduct a formal investigation. The Director may order a particular course of action to rectify the discrimination and may award compensation.

## 3.6 EU law

Article 13 of the Amsterdam Treaty gives the EU power to "take appropriate action to combat discrimination based on

sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". On the basis of this Article, the Council of Ministers have now agreed the Directive establishing a general framework for equal treatment in employment and occupation. This Directive outlaws direct and indirect discrimination on the grounds of, religion or belief, disability, age or sexual orientation. The Directive allows for broadly the same sort of exceptions as are allowed under the Irish legislation. It should, however, require the amendment of the Irish legislation to remove some of the statutory exceptions. The Directive is required to be implemented by 2 December 2003.

The Council has also agreed a Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin covering employment and an area

broadly similar to equal status in Irish terms. This Directive outlaws direct and indirect discrimination in a range of areas on the grounds of racial or ethnic origin. The Directive is required to be implemented by 19 July, 2003. There is currently no proposal for an equal treatment Directive on the age ground in relation to the matters that are covered by equal status legislation.

### **3.6.1 Issues arising from EU law**

The inclusion of an anti-discrimination clause in the EU treaties is a welcome safeguard for all older people throughout the EU and it is a provision which has scope for further development. Current Irish legislation will need to be changed on foot of the transposition of the EU Directives.

**We recommend that the opportunity provided by the transposition of the EU Directives on 'racial' equality and employment equality should be taken to review and amend the existing age provisions of the equality legislation and may require the removal of many of the existing statutory exclusions. A levelling up of provision in relation to all grounds should be maintained as the Directives are transposed into Irish equality legislation - both in the Employment Equality Act, 1998 and in the Equal Status Act, 2000.**

### 3.7 The Human Rights Commission

The Human Rights Commission has been established under the Human Rights Commission Act, 2000. The Commission was formally established in July 2001. It has an overall role in monitoring and protecting human rights. While it has no specific remit in relation to age discrimination, this is one of many human rights issues which may arise in the course of its work.

### 3.8 Incorporation of European Convention on Human Rights into Irish Law

The government has announced its intention to incorporate the European Convention on Human Rights into Irish law. The European Convention on Human Rights Bill, 2001 is designed to fulfil this

commitment, but has not yet been enacted.

### 3.9 Public authority obligation to promote equality

In Northern Ireland, there is a requirement on all public authorities to promote equality. This involves drawing up equality schemes and submitting these to the Equality Commission for Northern Ireland and conducting equality impact assessments on foot of guidance from the Equality Commission for Northern Ireland. There is no equivalent provision in Ireland.

The Good Friday Agreement includes a commitment by the Irish Government to take steps to further strengthen the protection of human rights within its jurisdiction. It requires that the measures taken in Ireland will ensure at least an

equivalent level of protection of human rights as will apply in Northern Ireland.

#### 3.9.1 Imposition of a public authority obligation in Ireland

The Good Friday Agreement requirement that the Irish government ensure at least an equivalent level of protection of human rights as will apply in Northern Ireland would seem to require the introduction of a statutory public service obligation to promote equality. We consider that an obligation to promote equality should be explicitly provided for in legislation covering all public authorities. This would underpin equality proofing and mainstreaming and would serve to embed equality as a core principle in public administration.

**We recommend that the opportunity provided by the transposition of the two EU equality Directives should be taken, to introduce a statutory obligation into the Employment Equality Act, 1998 and the Equal Status Act, 2000, for Government departments, local and regional public authorities and noncommercial public sector organisations to promote equality. In the meantime such an obligation should be introduced on an administrative basis.**

### **3.10 Specific legislation for older people**

The issue arises as to whether there should be specific legislation dealing with the rights of older people - along the lines of the Older Americans Act. Specific legislation for people with

disabilities has been published - the Disability Bill, 2001, but there are no proposals to have specific rights legislation for other categories of people who face discrimination.

We consider that legislation is required to underpin the rights of older people in a range of areas, to remove discrimination, to ensure access to services etc. However, we are not convinced that a single piece of legislation is the solution.

**We recommend that the legislative changes recommended in this report and elsewhere should be introduced by changes in mainstream legislation and not in a single statute dealing with older people.**



## Chapter 4

### General Upper Age Limits

#### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Full legal equality
4. Equality of opportunity, of participation and of outcome
5. Right and capacity to participate

#### 4.1 Introduction

There are a number of areas where legally binding upper age limits apply. The Equal Status Act, 2000 cannot bring about

change in all of these situations as there is a general exemption for acts required under existing law.

The specific issue of working after the usual upper retirement age of 65 is considered in Chapter 6.

**We recommend that, as a general principle, upper age limits should not apply unless there is objective justification. That justification must be provided by the body imposing the upper age limit.**

The rules governing membership of state bodies vary in accordance with the

various bodies concerned. Almost all set out maximum periods of appointment. Some also have an upper age limit. For example, members of the Governing Body of the Dublin Institute of Technology must retire at age 70. There is no objective justification for upper age limits for membership of state boards or for company directors. It is reasonable to have provisions which ensure that members do not remain on boards indefinitely but this can be ensured by appointments for a limited time.

**We therefore recommend that there be no upper age limit for membership of state bodies.**

## 4.2 Jury service

There is a clear case of discrimination on the basis of age in eligibility for jury service. People over 70 are not eligible at all; those between 65 and 70 are excusable as of right. There is no case for a continuation of this discrimination.

Jury service is obligatory for people aged 18 - 65 who are on the electoral register. There are some exclusions and some exceptions. Generally, the exceptions have to show cause why they should not be obliged to serve.

It may be that the reason for the exclusion of people over 70 was to spare them the burden of service. Jury service is a civic duty and it is reasonable not to impose civic duties on people who would have difficulty in fulfilling those duties. It is not reasonable to assume that everyone over the age of 70

would find jury service a burden. In fact, some might enjoy it, some might regard it as an opportunity to do something they were unable to do earlier in life and some may consider it important to contribute to society in this way. Equally, some might consider it an intolerable burden and/or may not be physically able.

We do not consider that it would be appropriate to make everyone eligible for jury service but those who are willing and able to serve should be able to exercise their right.

**We therefore, recommend that there be no upper age limit for jury service but that everyone over 65 be excusable as of right.**

## 4.3 Driving licences

People aged over 60 may no longer get a 10 year driving licence. They may only get a

licence which lasts until they reach 70 or for three years whichever is greater. People aged over 70 seeking a licence must submit a medical report. We welcome the abolition of the licence fee for those over 70 from 1 February, 2002, in recognition of the additional cost of a medical report. We also note that the fees paid by those in the age range 60 to 70 will be considered in the context of a fundamental review of driver licence fees.

**We recommend that people aged between 60 and 70 should be charged the same per annum rate for their driving license as those under 60 who opt for 10 year licenses.**

## 4.4 Access to health insurance

At present, under the Health Insurance Act, 1994 all health insurers must offer "Community

Rating". This means that all adults pay the same for the same benefits. Unlike motor insurance or life insurance, the price charged for health insurance is not affected by age, sex, sexual orientation, health, past record of claims etc.

While older people do not have to pay more than other adults for health insurance, it is legally possible to refuse to provide cover for new members over the age of 65 and, in practice, the main insurers do this.

The Health Insurance (Amendment) Act, 2001 provides for significant changes in the application of community rating. The section of the Act related to community rating is not expected to be commenced until related regulations have been prepared.

While companies will continue to be bound by the principle of community rating, the Government has decided to

introduce lifetime community rating, which will encourage new young people to join, and thereby protect the current system. This will effectively be restricted to those who have contributed to health insurance before the age of 35 and/or who do not have a significant break in cover.

Companies will have discretion to apply late entry premium loadings to people of age 35 or over under certain circumstances. Regulations will be made dealing with the circumstances in which such loadings may be applied. This will be known as "lifetime community rating".

In the Dáil, the Minister for Health and Children said that, based on actuarial advice, such maximum loadings will range from 10% between the ages of 35 and 44 to 80% at age 65 and over.

The late entry loadings will not apply to people who have health insurance cover when this

legislation comes into effect. However, they could apply to people who wish to take out a higher level of cover than they currently have but the loading will be restricted to the difference between the two levels of cover.

At present, companies may refuse cover to people aged 65 or over who did not previously hold health insurance. The Act provides that cover may not be refused to people of any age except in circumstances which may be prescribed.

**We recommend that the proposed changes in health insurance rules on community rating should be the subject of a major information campaign, before the Act is implemented, to ensure that people are aware of the problems they may subsequently encounter if they do not join a scheme before age 35.**

## 4.5 Access to motor and travel insurance

Many insurance companies apply loadings to older people taking out motor and travel insurance and some refuse cover altogether. The age at which these loadings and total refusals apply varies from one insurance company to another but is generally at age 70. The legality of this will be decided in due course by the Director of Equality Investigations, in response to a complaint which may be referred to her.

The Motor Insurance Advisory Board has been established to provide advice and/or recommendations to the Minister for Enterprise, Trade and Employment on factors affecting the cost of motor insurance. The report of that board was published after we, the advisory committee had concluded our main work and were about to formally finalise our report.

It was not possible in the time available to undertake a comprehensive analysis of the findings of the report. However, it contains a range of very useful recommendations including:

- That insurers undertake to comply with the provisions of the Equal Status Act, 2000 in respect of drivers aged 65 and over, including advising them of their rights to freedom of contract, and to improve procedures for retirees who have a record on employers' fleet policies but are now seeking private motor insurance (see recommendation 10 of the Motor Insurance Advisory Board).
- That a regulation be introduced to require insurers who refuse to quote for any particular risk to state their reasons in writing upon request, acknowledging

the fact that insurers cannot be required under EU law to provide cover for any particular risk but equally subject to the anti-discrimination provisions of the Equal Status Act, 2000 (see recommendation 9 of the Motor Insurance Advisory Board).

- That the existing Declined Cases Agreement between the Minister for Enterprise, Trade & Employment and insurers operating in Ireland, under which a quotation cannot be refused on the grounds of age alone, should be formalised by legislation (see recommendation 19 of the Motor Insurance Advisory Board).
- That the Irish Financial Services Regulatory Authority (when established) should supply regular market wide statistics on motor premium differentials to the

Equality Authority to assist in assessing insurers' compliance with the Equal Status Act, 2000 (see recommendation 6 of the Motor Insurance Advisory Board).

- That the Competition Authority would have a duty to review all further insurance mergers in the interests of the Irish economy, with appropriate references to the Irish Financial Services Regulatory Authority (when established), and that the process of consultation seek to protect the interests of specific policy holder groups since the effects of mergers may warrant consideration below the market as a whole (see recommendation 65 of the Motor Insurance Advisory Board).

**We recommend that the recommendations of the Motor Insurance Advisory Board insofar as they impact on the availability of motor insurance for those over 65 should be implemented as soon as possible and where relevant in consultation with older people and their organisations.**

**We also recommend that the terms of reference of the Board should be extended or a separate mechanism established to consider the actuarial or other commercial basis, if any, for the loadings and exclusions experienced by older people in relation to travel insurance.**

**We recommend that the Equality Authority should give priority to case work in these areas as part of its strategic enforcement approach.**

## Chapter 5

### Policy Making

#### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Right and capacity to participate
4. Mainstreaming and age proofing
5. Involvement of all sectors of society

#### 5.1 Introduction

The law, while it is significant, is not the only determinant of the status of any group in society. Policy and resource allocation decisions which are made in a variety of fora - both at national and EU level - play a very significant role. The influence any particular group has in the policy formulation process depends on a number of factors. The present generation of older people and their organisations are not sufficiently represented in the policy making processes. The concerns of older people are addressed in some of these processes but often without the direct input of those affected. Getting more

older people and their organisations involved in the policy making process poses challenges for policy makers and for older people themselves.

#### 5.2 The policy making process

Policy making and implementation processes have become rather more complex in recent years. The social partnership process and the number of issues which are now being dealt with on a cross departmental basis mean that the traditional ways of influencing policies have changed.

There have been major changes in service delivery with the establishment of various local development agencies, reorganisation of local authority and health services and the new regulatory frameworks for various services. Active involvement by any group requires a considerable level of organisation, of political awareness and of relevant information.

This presents problems for older people who have not been organised as a lobbying group to the same extent that other groups have.

### **5.2.1 The partnership processes**

At present, older people and their organisations have only a peripheral involvement in the forum where the major social and economic decisions are made i.e. the social partnership arena which produced the Programme for Prosperity and

Fairness. Older people are represented on the National Economic and Social Forum and on the Community Platform of the Voluntary and Community Pillar.

There is no specific representation for older people on the Strategic Policy Committees of the local authorities and the new City/County Development Boards. There may be some older people on some of these bodies but they are not among the groups from which the representation was sought and so are not represented as a group. These are bodies which deal with issues of immediate concern to all older people.

### **5.2.2 Changes in structures**

There is an onus on policy makers, whether at central, regional or local level, to ensure that all the policy making and implementation processes are open to the involvement of the

people affected. This means they must provide more and better information about what they are doing and they must find ways of actively engaging citizens. While this clearly imposes a greater workload on policy makers, it is an essential element of a genuinely democratic society.

There are a number of areas where older people have not traditionally been involved and where their concerns are hardly addressed at all. These areas include sports, culture and the arts. The engagement of older people and their organisations in the development of policy and practice in these areas could see a radical improvement in this situation.

**In order to promote the involvement of older people, we recommend that the following changes should be made:**

**Policy makers must adjust their consultative processes to allow for the participation of older people and their organisations in mainstream policy making, and in particular in areas where they have not traditionally been involved.**

**Policy makers need to ensure that relevant staff engage in age awareness training to assist policy making that takes account of the experience, situation and identity of older people.**

**National social partnership arrangements should be reviewed to incorporate organisations representative of equality interests generally and older people in particular.**

### **5.2.3 Age proofing**

One of the principles underlying this strategy is the introduction of age proofing. We consider

that all policy and public investment decisions should be age proofed. This would involve the systematic analysis of decisions to ensure that they do not adversely impact on the current generation of older people and also to ensure that they do not provide incentives to any age group to make decisions which may adversely affect them in older age and to ensure that they contribute to greater equality for older people. At present the issue of equality proofing is being developed by a working group convened by the Department of Justice, Equality & Law Reform which was established under the Programme for Prosperity and Fairness.

**We recommend that equality proofing of policies should be widely deployed and should include age proofing.**

### **5.2.4 Research**

In order for policy makers to be able to engage in all stages of the proofing process and to ensure that policies and programmes take account of the needs of older people research is necessary on the needs of older people and evaluation is also necessary on the effectiveness of policies and programmes in addressing those needs. The age dimension of an issue needs to be built into the specifications of general research and evaluations and it may also be necessary to initiate particular research specifically in relation to older people. There is anecdotal evidence to suggest that in some areas of scientific enquiry issues of particular relevance to older people are relatively neglected.

**We, therefore, recommend that policy makers engaged in commissioning pure research, or in policy related research or evaluation**



**should build age related considerations into research specifications where relevant and should consider whether specific research of relevance to older people is required.**

### **5.3 Empowering older people**

Older people must insist that the necessary changes in policy making structures and attitudes are brought into effect. This requires that they themselves become even more organised as a group in order to successfully represent their interests. As far back as 1993 the Senior Citizens Parliament held in Luxembourg called in a Declaration for access to political authority by older people in order to be able to influence all aspects of policy including in particular economic and social policy. The European Parliament endorsed this Declaration.

Other similar interests have received and continue to receive assistance to organise e.g. the National Women's Council of Ireland. A similar system of network funding could be provided for older peoples' organisations for the specific purpose of building a cohesive participative capacity.

**We recommend that older people should be assisted by the Combat Poverty Agency as part of their national network programme in further developing appropriate national lobbying organisations. This assistance should involve capacity building and funding but must not be at the expense of any diminution of independence.**

At present, there are a number of different organisations promoting the interests of

older people. Many older people are not members of any of these organisations and there is no umbrella body of groups representing them generally. There is a need for the strengthening of older people's organisations and for greater coordination between them to ensure that they are effectively represented on bodies that deal with issues with which they are concerned.

**We recommend that older people and their organisations should negotiate common agendas and develop mechanisms to bring forward those agendas in order to be more fully and effectively involved in the policy process.**

Organisations need to be clearly seen to represent older people and they must have adequate systems of involving their members, encouraging

new members and reporting back.

**We recommend that systems of accountability need to be further developed and resourced within organisations of older people.**

Advocacy services have been developed for older people in a number of long term care institutions. Similar services need to be developed for older people in the community.

**In particular, systems need to be developed to allow for the representation of vulnerable older people by advocates if necessary.**

Comhairle has statutory responsibility for supporting the provision of independent information, advice and advocacy services under the Comhairle Act, 2000. There is provision within this function

for the Board to provide such a service directly where this is considered appropriate. However the strategic approach of Comhairle is to resource and support others in the independent/voluntary sector to deliver these services, generally in a mainstream environment.

**We recommend that Comhairle should develop and support advocacy services for older people at local community level.**

Organisation at local level is developing among older people. This is important for the empowerment of older people. Such organisation provides a space to develop shared agendas for change, to engage older people in the solution to the issues they face and to lobby for change.

The Community Development Programme of the Department

of Social, Community and Family Affairs has played an important role in this regard within other communities experiencing inequality.

**We recommend that the Department of Social, Community and Family Affairs should support the emergence and ongoing work of local community organisations of older people.**

The Equality Authority is developing new approaches to community advocacy to support those taking cases under the Equal Status Act, 2000 and to support a wider preventative strategy at local community level. Community based organisations have the key contribution to make to the successful implementation of these approaches. The Equality Authority is developing training and resource materials to build the capacity of community

based organisations to engage in community advocacy approaches. Further supports and resources are required. The Community Development Programme under the aegis of the Department of Social, Community and Family Affairs could make a significant contribution in this regard.

**We recommend that the Department of Social, Community and Family Affairs should consider, stimulate and support the emergence of community advocacy in this area as an important dimension to community development through the Community Development Programme.**

## Chapter 6

### Working

#### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Equality of opportunity of participation and of outcome
4. Right and capacity to participate

#### 6.1 Introduction

The right to retire at the age of 65 or earlier in some occupations, the right to a pension from the state at 65 and the right of members of occupational pension schemes

to pension payments at 65, or earlier in some occupations or in some circumstances, are all hard won entitlements. The preservation of these entitlements is fundamental and underpins all recommendations in relation to work in this chapter and recommendations in relation to incomes in the next chapter. At present, relatively few people over the age of 65 are in work and those who are do not benefit from the normal protections available in employee protection legislation. They may also lose out on some social welfare benefits. Recent research shows that of those in the age range 55-69 who are at work, over a third wished to retire as soon

as possible. In the same age group amongst those who are retired, in home duties or otherwise not working over a quarter wished to take up some paid employment. The latter group is larger than the former group in number. However, it is not clear that they would want to take up full time employment. Approximately seven out of ten of those at work in the age group would like gradual retirement, while less than half of those who are already retired would have liked to have retired more gradually. There are also between one fifth and a quarter of those who have retired who felt that pension arrangements or employer practices meant they

had to retire at an age or pace with which they were unhappy.

## 6.2 Option to seek employment

The role of older people in the workforce is being considered at national and international level. EU Employment Guidelines include references to encouraging more older workers. The European Council at Lisbon set employment targets which include the promotion of higher employment rates for older workers. It envisaged moving from the current level where 37% of older workers are in employment to a level of 50% by 2010. In Ireland, the second report of the Expert Group on Future Skills Needs recommends that "employers should actively seek to recruit those over the age of 55 and those in this age group should be encouraged to take up employment".

The emphasis is mainly on economic factors and not on social or equality issues. "Active ageing" is seen as an imperative in many countries because of increasing employment and reduced numbers of young people. There is also a recognition of the business benefits of a mixed workforce.

However, as can be seen from the survey data quoted above, the reality is that many older people find it difficult to access employment. There are many obstacles facing those who have effectively left the work force. Equality requires that older people who wish to should have access to the labour market on the same basis as other adults.

In recognising the option for older people to seek employment, it is important that this should not be seen to encroach in any way on existing rights to a state pension, to contribute to and benefit from

an occupational pension and to other income maintenance arrangements.

The 20th century has seen major improvements for all age groups in the Western world. These improvements include the fact that children and older people are no longer forced by economic necessity to work. It would be entirely undesirable to allow further economic progress to erode these improvements.

The business benefits of a mixed age workforce are now widely recognised. There is clear evidence that both turnover and absenteeism are reduced and that motivation and commitment are improved in organisations employing people of all ages. Recent research has highlighted the higher level of personal and communication skills that older workers can bring to the workplace and the business benefit that can be

gained from "reflecting your market". These clear benefits are enough to justify the provision of incentives to

older people to work after the age of 65.

**While acknowledging that it is possible for older people over the usual upper retirement age of 65 to seek employment at present we recommend that obstacles to exercising that option successfully for this age group should be identified on an ongoing basis by the Department of Enterprise, Trade and Employment, Congress, IBEC and the Equality Authority and should be removed. There must not be a cost to the older person, in relation to contributory state benefits or benefits from occupational pension schemes, in return for**

**active participation in the labour market over the age of 65.**

### **6.3 Protective legislation for employees**

There are some upper age limits in employee protection legislation. For example, under the Redundancy Payments Acts employees aged 66 or over are not eligible for statutory redundancy payments. Under the Unfair Dismissals Act dismissal on the grounds of age may be unfair but the Act does not apply to people aged over 66. People who must leave employment when they reach the mandatory retirement age may not claim unfair dismissal.

**We recommend that the upper age limits in the full range of employee protective legislation, for example, the Redundancy**

**Payments Acts and the Unfair Dismissals Acts, should be reviewed by the Department of Enterprise, Trade & Employment, Congress, IBEC and the Equality Authority in the context of the abolition of the upper age limit in the Employment Equality Act, 1998.**

### **6.4 Unemployed older workers below the retirement age**

The obstacles which face workers above the usual upper retirement age returning to the workforce are not confined to workers in that age cohort. Many workers as young as 50 years of age find it very difficult to be called for interview, and, therefore, have minimal chance of securing employment.

**While acknowledging that older people in the age**

**group 50-65 can seek employment at present, we recommend that obstacles to exercising that option successfully for this age group should be identified on an ongoing basis by the Department of Enterprise, Trade and Employment, Congress, IBEC and the Equality Authority and should be removed.**

## **6.5 Occupational pension schemes**

The state provides both contributory and non-contributory pension arrangements, and special pre-retirement arrangements for those who are not in employment. Occupational pension schemes provide an essential source of additional income for those who are fortunate enough to be covered by a scheme. Those who are not covered by a scheme are likely to have a lower income

and a lower standard of living as a result when they retire. The National Pensions Policy Initiative has made a number of recommendations in this regard and has set a target for coverage of occupational pension schemes.

**We, therefore, recommend that imaginative efforts should be made to increase the coverage of occupational pension schemes to at least 70% of the workforce over the age of 30, building on the objective in the Programme for Prosperity and Fairness (Framework I, Section 1.2, Page 13).**

## **6.6 Work life balance**

Work is, of course, an important aspect of life, but there is more. Work life balance is usually discussed with the emphasis on work. There should be an equal emphasis on life.

For older people, work may be a life enhancing activity but there are many other such activities which they may wish to pursue. The concept of a new "work life balance" has been promoted for many years under many different guises. In the gender equality agenda there has been significant focus on the need to reconcile family and working life. The advantages of a more flexible approach to working hours and the resultant enhancement of family life for both men and women has been elaborated at length at national and international level. In spite of the well argued case that has been made, there has only been a little progress in achieving such a reconciliation or balance.

In the area of retirement it has long been recognised that the abrupt ending of working life which is the norm for most employed people is not the best approach to retirement. However, again there has been

very little effort made to adopt a different approach. The fact that efforts are now being made to encourage older people to remain in or return to the workforce is largely due to economic factors, in particular, a shortage of labour and the increasing costs of pension provision. It is not primarily based on any philosophical view that a new work life balance is appropriate.

We would argue for work life balance for older workers on equality grounds. From this point of view there is an opportunity to organise working life in a manner which will continue to take the social and human factors into account even when the economic conditions are different. A new work life balance is a concept that should apply throughout working life and not just for the years when people have caring responsibilities for children. So, it is important that the concept

be developed and promoted for all ages and for men as well as for women.

### 6.6.1 Inflexible work arrangements

One of the major barriers to increased involvement of older people in the labour market is the inflexible nature of working arrangements. It may be that the demand for labour will result in the easing of the structural rigidity of the labour market. This has happened to some extent in areas where there are severe labour shortages - for example, in nursing. However, there does seem to be a reluctance among employers to countenance changes in working arrangements unless they are forced to do so by economic considerations.

Good practice in employment, in recruitment and in organisation of work would

lead to benefits for many groups. Ergonomics and job design are relevant to all workers. Changes in these areas need not be age specific. In fact, they should not be age specific.

Policies addressed specifically at older workers may run the risk of treating older workers as difficult problems. Overall age management strategies may overcome this problem. Such strategies encompass preventative measures, lifelong training and job redesign and remedial measures, and specific training for older workers. Most of these strategies apply to all generations and most of the resulting benefits are for all generations.

A particular example of inflexibility is retirement. At present retirement may occur in practice over a range of years depending on personal circumstances and the position of the nation or a particular



employer or sector in its economic cycle. However, whatever the retirement age it usually occurs on a definite date, before which the person is typically fully employed and after which the person is fully retired. The option to retire in a phased way should be available. This would facilitate some people to make the transition into retirement. It might also provide an opportunity for the organisation to facilitate the hand over not only of a job, but also of the experience gained by an older employee.

Employers and trade unions too will need to look again at their expectations in relation to attendance to see whether they have erected unnecessary barriers to the recruitment of older people, especially barriers to working arrangements other than the conventional full time.

In addition, the recruitment industry in the private sector

and FÁS in its placement work will need to reconsider the range of clients it targets and the range of working arrangements those clients are willing to offer employers. The recruiters may have the opportunity to encourage employers to consider more flexible attendance times for individuals to match older people with suitable work.

**We recommend that work arrangements should be made more flexible. The solution to the problem of creating a new work life balance lies with government, employers, trade unions and employees. Particular efforts are required in order to facilitate older people (aged 50 to 65 or over 65) who may wish to work part time or in other atypical ways. All must cooperate to provide the supports necessary to**

**enable older people to exercise their option to seek employment after the age of 65.**

Recruitment agencies in the private sector and FÁS in its placement work should seek to attract older clients offering themselves for employment whether that is for full-time or more flexible attendance patterns. The Department of Enterprise, Trade and Employment should coordinate an initiative to facilitate phased retirement and to promote greater work life balance particularly for older workers.

## **6.7 Age equality at work**

We have already outlined our view that the Employment Equality Act, 1998 should apply to people over 65 and that the existing age restrictions in other employee protection legislation should be reviewed.

Equality at work requires more than legislation. It requires the active involvement of the social partners in promoting an equality ethos. Voluntary codes on the employment of older people are one option which is often considered. However, voluntary codes are not always successful as the experience in the UK with the *Code of Practice on Age Diversity* shows.

**Therefore, we recommend that, when engaging in collective bargaining, the social partners whether at the national or enterprise level should include measures to promote age equality and to facilitate phased retirement.**

It may not always be possible for younger people to fully consider the needs of older people because of stereotyping. Indeed older people may not be fully conscious of how stereotyping impacts not only

on how others see them but also on how they see themselves.

**Therefore, we recommend that equality training in the workplace for managers, trade unions and employees generally should include elements in relation to age awareness training.**

For some people, work is a key element of their life. Such people clearly want the opportunity to seek employment past normal retirement age.

For other people, retirement is a liberation which provides an opportunity to do other things - some of which may be income generating - or to do nothing. For such people, an adequate income in retirement is a major priority.

In between, there are people who view retirement in various

shades of grey, people who see it as an inevitable development but are not sure what it will bring. Again, for them, an adequate income is essential.

A full life has many different meanings.

The retirement age for most people is determined by the contract of employment. The general retirement age is 65 but many employments allow/encourage earlier retirement. Some employments permit flexibility in relation to those over 65 who seek work.

There is a statutory retirement age for some public servants. This is generally 65. Recently appointed judges have a statutory retirement age of 70 while judges appointed at an earlier stage may remain in office until age 72.

General Practitioners must retire from the General Medical

Services scheme at age 70. However, they may continue in private practice if they meet the fitness to practice criteria set by the Medical Council.

In general, self-employed people do not face age limits. They are not generally entitled to Retirement Pension so the question of claiming it between ages 65 - 66 does not arise.

Some companies set maximum ages for their directors but these can be changed in accordance with the rules governing the company.

**We, therefore, recommend that employers should be encouraged in dialogue with trade unions and employees to establish practical workplace policies to facilitate those seeking employment over the age of 65.**

## 6.8 Abatement of public sector pensions

The abatement of pensions legislation applies to civil servants employed to work in the civil service who are in receipt of a civil service pension and to local authority pensioners employed in similar circumstances in the local authority area. If the combination of pension and pay within the period of employment exceeds the pay the person would earn in their old post their pension is abated accordingly. The arrangement does not cap the amount a person can earn in theory, if for instance they take up employment at a higher rate of remuneration. In practice in most cases the person will opt to earn the difference between their pension and their old earnings. The abatement arrangements do not apply if the person takes up employment outside the civil

service or the local authorities respectively. The Commission on Public Service Pensions has recommended some relaxation of the abatement rules in order to facilitate the re-employment of public servants with required expertise or skills.

**We recommend that the rules about pension abatement in the public service when civil service and local authority pensioners go back to work in the civil service or the local authorities respectively should be reviewed by the Department of Finance, the Department of the Environment & Local Government and the relevant trade unions.**

## 6.9 Pre-retirement Allowance

Pre-retirement Allowance is payable to people aged 55 - 65

who consider that they are retired rather than unemployed. Many of the recipients opted for this payment when there was no real prospect of getting employment and may still be discriminated against when seeking employment. Those in receipt of the Pre-retirement Allowance are now eligible for the Back to Work Allowance, which facilitates the transition from long-term unemployment to paid employment. Recent budget changes have also made it easier for those who were in receipt of the Pre-retirement Allowance who take up employment, but return to unemployed status to return also to the Pre-retirement Allowance.

These facilities may not be known to many of those on the Pre-retirement Allowance as they would tend to have minimal involvement with the benefit system or with current employment practices.

**We recommend that people who are receiving the Pre Retirement Allowance should be informed of the new arrangements which will make it easier for them to return to work.**

### **6.10 Positive action**

The Employment Equality Act, 1998 allows positive action to promote the integration into employment of those over 50. Older people have a strong case for the allocation of significant education and training resources to them - partly for reasons of intergenerational equity but also to enable them, if they wish, to rejoin the labour force. Education levels of older people in Ireland are considerably lower than in other OECD countries. There are lower levels of literacy in older age groups than in others. Clearly the particular needs of those

groups who have never benefited from education must be addressed in an overall adult education strategy.

A number of issues have been identified by work on the recruitment of older workers under the age cluster project funded through the Framework for the Development of Equal Opportunities Policies at the Level of the Enterprise under the Programme for Prosperity and Fairness. Included amongst these issues are the recruitment interview/selection process, perceptions by older people of the age structure of particular organisations, and, therefore, of the preferred age of employees and recruits, and induction for older workers into the workforce.

Positive action in relation to ongoing training for older workers who are employed in changing workplaces and in relation to training and

education for those who wish to return to work are considered in chapter 9 on life long learning.

**We recommend that full use should be made of the positive action provisions in the equality legislation, which currently apply. Positive action in the provision of education and training for older people could facilitate their return to work. Amongst the issues identified as barriers to the return to work which might be addressed by positive action are engaging with the recruitment interview/selection process, perceptions of the age structure of particular organisations, and induction into the workplace.**

**We recommend that FÁS should make further provision to assist the return to work of older**

**people. This should involve new targeted training provision, and outreach initiatives by the employment services.**

**We recommend that the Department of Enterprise, Trade and Employment should coordinate the identification of a series of new initiatives targeting older workers and older people seeking to return to work in each annual national action plan under the EU Employment Guidelines.**

## Chapter 7

### Income of Older People

#### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Equality of opportunity, of participation and of outcome
4. Right and capacity to participate
5. Intergenerational solidarity
6. Mainstreaming and age proofing
7. Involvement of all sectors of society

#### 7.1 Intergenerational equity

Work is the primary determinant of income for most people, either arising from current work or through the accumulation of state and/or occupational pension rights while working. In the past, public policy actively encouraged early exit from the workforce - thus exercising a choice in favour of a younger generation. That policy was actively promoted. It was a policy that made economic sense for employers in that, in general, it displaced more expensive older workers and replaced them with cheaper younger workers. For

governments, there was an element of managing the unemployment statistics but there was also a clear choice to prefer one generation over another. Intergenerational equity requires that those who were displaced from the workforce should now benefit from an adequate income.

#### 7.2 Adequate income

Participation in society requires an adequate income. The report *'Income, Deprivation and Well being among Older Irish People'*, published by the National Council on Ageing and Older People in 1999 draws attention, among other things, to the heavy reliance of older people

in Ireland on social welfare pensions. This makes the adequacy of social welfare pensions a major factor in any assessment of intergenerational equity.

The rate of relative income poverty of those aged 65 and over has increased sharply in the period 1994-98. A contributory factor has been that social welfare rates have lagged behind average income.

Concern is often expressed about the future ability of society to meet the income maintenance requirements of older people. This tends to be an underlying theme of the discussion about work and older people. As stated in the previous chapter, the option to seek employment beyond current retirement age must not affect the right to avail of pension entitlements. For older women and for older men adequate income is a necessary

condition for ongoing involvement in society. Inadequate income can lead to social exclusion, a poorer quality of life generally including a poorer quality of accommodation, ill health and even earlier death.

**We recommend that older women and older men should have an adequate income from their pensions after the age of 65.**

The question of what constitutes an adequate income has been addressed in a number of reports. The National Pensions Policy Initiative recommended that the social welfare pension should be increased to 34% of average industrial earnings over the next ten years - this recommendation was made in 1998. European non-governmental organisations of older people and the European Trade Union Confederation

support the maintenance of the link between social welfare pensions and the average industrial wage. There are arguments for and against any benchmark. For example, the National Council on Ageing and Older People research report expressed reservations about the use of average industrial earnings as a benchmark. It argued that the comparator should relate to net rather than gross earnings and should reflect the income experience of all households rather than a particular subset, thus ruling out average industrial earnings and the consumer price index, but not pointing unequivocally to a single obvious comparator. The Council in its comments and recommendations on the research report called for a linkage to net average earnings.

The Combat Poverty Agency identified the need for public acceptability, methodological defensibility and operational

feasibility as the three criteria for a minimum income standard. Indexation of welfare payments would be done on the basis of the standard, but the standard itself would be periodically rebased and updated. Combat Poverty recommended a floor of 50 per cent of average household income. As a short term measure it recommended the uprating of welfare payments in line with wages or inflation, whichever is higher. However, it is arguable that older people are not in the same circumstances as, say, the young unemployed. Opportunities, training, education etc. are all factors which would suggest that the young unemployed have potential access to other sources of income which are not readily available to older people.

It is also arguable that poverty is not the only factor involved. The question of

intergenerational equity also has to be addressed. Other groups, at present, have other opportunities to improve their income; many older people are not in a position to avail of any general increases in pay rates and wage drift in the economy generally.

On the question of the standard on which to base the adequacy of income for older people net earnings or average household earnings would appear to be a fairer reflection of reality. For immediate implementation, however, average industrial earnings has the advantage of being an independent, preexisting time series.

### 7.2.1 The Benchmarking process

There is a commitment in the Programme for Prosperity and Fairness to consider the question of benchmarking social welfare payments. The Final

Report of the Social Welfare Benchmarking and Indexation Group was completed in September, 2001. A number of methods of benchmarking the lowest payments were considered in some detail. The Group was not required by its terms of reference to recommend any particular benchmark for adoption by Government. In any event consensus was not forthcoming, with employers, the Department of Finance and the Department of Enterprise, Trade and Employment adopting a minority position. The majority felt that a target of 27% of gross average industrial earnings by 2007 was not an unreasonable policy objective. This method of indexation would apply to the lowest levels of payment (short term unemployment assistance and supplementary welfare allowance), with any increases extended through the system through internal relativities in



the social welfare system. When this increase was worked through into an amount for the contributory old age pension it in turn represented 34% of gross average industrial earnings, the amount recommended by the Pensions Board. In its review of the National Anti-Poverty Strategy, published in February, 2002 the Government set itself a key target of achieving a rate of 150 euro per week in 2002 terms for the lowest rates of social welfare to be met by 2007.

Older people were not represented directly on the benchmarking group. The majority of the National Anti-Poverty Strategy Income Adequacy Group strongly felt that the issues covered in its report should be the subject of formal and regular review and monitoring. The monitoring and review structures for the Anti-Poverty Strategy could

accommodate this task, in the view of the majority of the Income Adequacy Group.

**We recommend that older people and their organisations should be actively involved in the formal and regular review of issues covered in the Income Adequacy Group Report under the monitoring and review structures of the Anti-Poverty Strategy. That process should take into account the particular needs of older people and the likelihood that older people will not have access to other sources of income. As a minimum the old age pension should be set at 34% of average industrial earnings, and continue to track this proportion, as recommended by the National Pensions Policy Initiative, and as noted in the Programme for**

**Prosperity and Fairness (Framework I, Section 1.2, Page 13, Point 1).**

### 7.3 Older women

The social insurance system is a good example of intergenerational solidarity but it falls down quite badly on gender solidarity. A particular aspect of the life history of older women was the combination of social, cultural, administrative, legislative and even constitutional pressures on women to retire from paid employment on marriage and more particularly on the arrival of children. These women provided considerable support to their children and husbands, facilitating the development of the economy.

In particular, the current generation of older women have been largely excluded from the social insurance system and so have no or inadequate individual connection to the income

maintenance system. Their access to state pensions in particular only as dependents of their husbands does not adequately reflect the importance and value of their past contributions.

The family caring which may be taken into account does not allow a significant number to re-establish such a connection. These arrangements apply to family caring which occurs after 1994 so the older generation of women do not benefit. There are strong arguments in favour of retrospectively allowing family caring credits in order to redress the past discriminations against women and allow them to qualify in their own right for social welfare pensions. The granting of such credits would not address the past discriminations against women who worked in the civil or public service as they were never eligible for social welfare pensions, nor would it address the issue of women who had no paid employment before

marrying. Nevertheless, it would address the issue for some women.

**We recommend that the question of extending the Homemakers Scheme to older women - in particular those who were obliged to leave the labour force on marriage - should now be addressed with a view to allowing as many of the women concerned as possible to qualify for pension entitlements in their own right.**

## **7.4 Buying social insurance contributions**

The social insurance system has never had a facility to allow people to "buy back" contributions for periods when they were excluded from the system or did not exercise their option to be voluntary contributors. This particular rigidity in the system means

that people cannot compensate for shortfalls in contributions in the way they can in private and occupational pensions. There is a case for changing this particular rule. Additional contributions could allow access to full pension - this may become increasingly important as the number of contributions required to qualify for old age pensions will increase in 2002 and again in 2012.

**We recommend that a system should be put in place to allow people to retrospectively buy social insurance contributions.**

## **7.5 The Retirement Pension**

Occupational pension schemes are generally paid at age 65 if not before in certain circumstances. Generally it is possible for a person in receipt of an occupational pension to seek employment.

People aged 65 cannot avail of the Retirement Pension unless they cease to be in insurable employment. However, if they are eligible for the contributory old age pension there are no social welfare restrictions on them supplementing their income by engaging in further employment at age 66. This is an anomaly and militates against those who wish to seek employment between the age of 65 and 66.

**We recommend that the qualifying age for the old age pension should be 65, thus abolishing the Retirement Pension.**

## **7.6 Involving older people**

The Department of Social, Community and Family Affairs has been to the forefront in consulting the users of its services and in improving its information and consultation

procedures. In addition Comhairle provides an impressive information dissemination service through its 85 Citizen Information Centres. In spite of this, many older people continue to be unaware of all their entitlements and to have unwarranted fears about means testing and other aspects of the administration of schemes.

**We recommend that the Department of Social, Community and Family Affairs should build on its existing good practice in enhancing its consultations with older people and their organisations in relation to all aspects of their provision for older people, including rates of payment, conditions of schemes, means testing and the quality of service to the citizen. Relevant staff should engage in age awareness training. New**

**information strategies should be developed that target older people.**

## Chapter 8

### Health and Community Services

#### Applicable Principles

1. Equality with due regard to difference
2. Equality with due regard to diversity
3. Equality of opportunity, of participation and of outcome
4. Right and capacity to participate
5. Integration of policies and services
6. Intergenerational solidarity
7. Mainstreaming and age proofing
8. Involvement of all sectors of society

#### 8.1 Introduction

"Community services" are generally defined in an organisational context i.e. the services provided by health boards. In this chapter we include a wider range of services under the general umbrella of "community services" including housing, transport services and formal and informal networks of support established by or for individual older people.

Adequate health and community services are essential for the quality of life of all citizens. Equality in access to health and community services requires that the specific individual needs of each person

are taken into account. The needs of all older people are clearly not the same. Nevertheless, there are certain basic services which are essential for the health and well being of all older people.

#### 8.2 Development of Health Policy for older people

Health policy in general and for older people in particular has been outlined and analysed in a number of reports over the years.

The '*Care of the Aged*' report in 1968 was the first policy document dealing specifically with the issues of the health and social care needs of older

people. *'The Years Ahead - A Policy for the Elderly'* was produced in 1988. It identified the need for comprehensive, coordinated and accessible community based services with the capacity to respond flexibly to current and emerging needs. The report stated four objectives of public policy in relation to health and older people:

- "to maintain elderly people in dignity and independence in their own home;
- to restore those elderly people who become ill or dependent to independence at home;
- to encourage and support the care of the elderly in their own community by family, neighbours and voluntary bodies in every way possible;
- to provide a high quality of hospital and residential care

for elderly people when they can no longer be maintained in dignity and independence at home."

These objectives are still relevant today and inform the recommendations contained in this chapter.

The health strategy, *"Shaping a Healthier Future - A Strategy for Effective Healthcare in the 1990s"* was published by the Department of Health in 1994. It dealt with overall health policy, including policy for older people.

A major review, *"The Years Ahead Report: A Review of the Implementation of its Recommendations"* was published by the National Council on Ageing and Older People in 1997.

A new health strategy *'Quality and Fairness - A Health System for You - Health Strategy'* was

published towards the end of 2001 by the Department of Health and Children. It makes recommendations across the whole health service and in relation to the population as a whole, as well as in relation to particular groups, including older people.

### 8.3 A new health strategy for older people

We note the publication of the new health strategy and in particular we note that equity and fairness is the first of four principles which support the primary vision of the strategy. It is also fair to say that while the strategy makes a number of important statements in relation to actions for older people it also states as its first point of action that a coordinated action plan to meet the needs of ageing and older people will be developed.

**We endorse the development of a coordinated action plan to meet the needs of ageing and older people outlined in the health strategy statement. It should build on the objectives set out in "The Years Ahead- A Policy for the Elderly" and it should be needs driven and person centred.**

**We recommend that the proposed coordinated action plan to meet the needs of ageing and older people should include special provisions for vulnerable older people. Proposals in relation to specific health promotion projects aimed at preserving and improving the quality of life of older people should also be included in the action plan.**

### **8.3.1 Involvement of older people in health strategy**

The review of the Years Ahead report noted the absence of the consumer voice in the drawing up of the report. The National Council on Ageing and Older People argue that the service delivery structures must include structures for user participation, both by service recipients and carers. Special arrangements should be made for the participation of frail older people, including advocacy services.

The impressive range of publications on health related issues and older people, which has been produced over the years by organisations such as the National Council on Ageing and Older People, illustrates the importance of research and the value which can be added to policy debate and service delivery by involving older people and their organisations.

The new health strategy envisages a system of regional advisory panels/coordinating committees where older people, their carers and service providers will come together so that the voice of older people will be heard. This is to be welcomed as it permits the development of needs driven and person centred service provision. We would also see a broader role for older people and their organisations.

**We recommend that older people and their organisations should be involved in the development of the action plan for older people mentioned in the health strategy and in the implementation of the action points in the health strategy which have an impact on older people. This involvement should be with Health Boards, the**

**Department of Health & Children and other relevant departments and service providers. Relevant staff should engage in age awareness training.**

## **8.4 Community care**

While virtually all health policy documents assert the desirability of promoting community care over residential care, in practice this does not always happen. At present, there is a clear legislative entitlement to general practitioner and hospital services. There is no such clear legislative entitlement to the basic services necessary for living in the community - for example, home help services. It is unlikely that adequate funding will be provided for services unless there is a clear entitlement to services. The only significant legislation dealing with older people - the Nursing Homes Act, 1990 - has led to an increase in

institutional rather than community care.

The high cost of institutional care may be the motivating force for considering community care. We would argue that community care is not necessarily always a cheaper option than residential care. Traditional (female) community carers' participation in the labour market is increasing and participation rates by men are consistently high. In addition, the intensification of work means that people are struggling to find a work life balance, particularly where they have children to care for. Therefore, the state is called on to provide more of the supports in the community for older people that may have been provided free of charge by daughters or sisters in particular in the past. Either these supports cost money for recipients or are not provided. Where community supports are

lacking there is little option but for older people to enter residential care.

However, we would argue that there is a strong equality argument for ensuring older people can remain in their community. In the first instance the provision of home help and home nursing as a legal entitlement can make it possible for an older person to remain at home. Such an approach with imaginative and comprehensive supports will lead to a better quality of life for most older people.

**We, therefore, recommend that community care should be underpinned by clear legislative entitlement and dedicated funding provided to ensure that this legislative entitlement is delivered. Amongst the community care services to be covered by this entitlement are home help,**

**night sitting services, respite care inside and outside the home, day care and social activity centres, social work services for older people, community and domiciliary paramedical services especially chiropody, and day hospital care.**

Residential care and community care are in many cases, but not all, two sides of a single coin.

The more community provision, the less pressure on residential care and vice versa. Therefore, a person who is entitled to long term care should be entitled to receive up to the equivalent subsidy if he/she is able to avail of community care - there should be clear equality of entitlement for people who are cared for in the community.

We note from the health strategy that the government intends to reform the operation of the Nursing Home Subvention Scheme and the

Carers' Allowance to introduce an integrated subvention scheme with a view to maximising support for home care. We have a very real concern that in the final negotiations on any such scheme there may be a trade off between funding for community care and residential care on a 'win-lose' basis. In reality both are needed and both need funding.

In addition to funding carers need respite care, which could be included as one of the items to be funded under the new Care Allowance.

**We recommend that older people and their organisations should be involved in the detailed negotiations around the new Care Allowance, and that the funding of respite care should be included as one of the items to be funded under the new allowance.**

## **8.5 Housing/ accommodation supports**

In addition to the basic physical care needs, the physical structure of an older person's living accommodation can also be a reason for moving into residential care. Advances in drug treatment have made it possible to manage the care at home of frail older people who traditionally required to be institutionalised. However, some of the accommodation where older people live can be difficult to heat on a fixed income with resultant risks of hypothermia. Privately owned houses, privately rented housing or apartments, local authority housing, Traveller halting sites, and caravans at the side of the road can all present varying difficulties to the older resident.

However, it is necessary to move conceptually away from the minimalist goal of ensuring



that accommodation is adequately insulated and secure to considering adaptations of accommodation to support assistive technologies, design for life long living and the development of very sheltered housing. In the preparation of development plans and spatial strategies, local authorities should note the suggestions of the U.N. Economic and Social Affairs Unit that "future strategy on ageing may include pragmatic measures such as a barrier free and age integrated built environment supporting all age access." There is a danger that the real needs of older people may be overlooked in environmental planning because of ageist attitudes.

The various schemes for housing maintenance and repair remain of particular relevance to older people and fit well into an overall emphasis on community care. The schemes in question include the Disabled Persons and Essential Repairs

Grants Schemes, the Task Force on Special Housing Aid for the Elderly, and the scheme of improvement works in lieu of Local Authority housing. These schemes, however, have many unsatisfactory aspects.

The first drawback may be a lack of imagination in relation to the changes that can make accommodation habitable by an older person even if they are frail or vulnerable. Assistive technology can make the difference between a person continuing to live at home and being institutionalised.

There are major problems with the disabled person's housing grants and essential repairs grants. Among these is the absence of information about the grants. The schemes are restricted by an annual budget which is rarely adequate to meet demand. A scheme based on statutory entitlement would require full financing.

**We recommend that the housing grant schemes should be seen as part of the core community services and should be underpinned by clear legislative entitlement. They should operate as nationally consistent schemes, administered by the local authorities, with accessible information and a statutory appeals system, and should be applied to all regardless of housing status.**

**We further recommend that future housing surveys should undertake a comprehensive assessment of housing circumstances including the collection of data at household level of data on social, economic and tenure circumstances as well as physical characteristics of accommodation. This would enable the housing circumstances of older people in particular to be**

**assessed more precisely, the demand for the different schemes to be forecast and appropriate budgets to be secured.**

With rising house prices social housing is subject to renewed attention. In any developments in this area the needs of older people need to be consciously included.

Sheltered housing can be a further alternative to institutional care worthy of support in relation to older people. A range of proposals have already been made by the National Council on Ageing and Older People in this regard.

**We recommend that the needs of older people should be consciously included in establishing the level of investment in social or sheltered housing schemes and in the planning and implementation of any such**

**schemes being considered now or in the future by local authorities or housing associations, in consultation with older people and their organisations.**

## **8.6 Transport**

Once physical care needs and physical living conditions have been considered, the issue of isolation of older people through lack of transport is highlighted as a further community care requirement if people are to remain living in the community. This is particularly the case in rural areas. A comprehensive package of transport arrangements needs to be devised to ensure mobility for older people in the community. The recent review of the free schemes operated under the aegis of the Department of Social, Community and Family Affairs highlights the many problems in the free transport scheme.

Other schemes such as the tax allowances for disabled drivers and passengers are currently being reviewed. The transport arrangements for travel to hospital and day care centres vary hugely throughout the country and there is no clear entitlement. Arrangements worth considering include vouchers, the use of An Post vans, private transport, school buses, and the rearrangement of hospital appointments to permit older people to avail of their free transport.

**We recommend that a review of all relevant transport schemes be carried out by the Department of Social, Community and Family Affairs and a comprehensive package of transport and other arrangements should be devised to ensure mobility for older people in the community.**

## 8.7 Medical cards

From July 2001, everyone over the age of 70 is entitled to a medical card regardless of income. At present, the income limits for medical cards are higher for those aged 66 or over than for those aged under 65. Many of the groups representing older people have argued strongly for the award of a medical card to everyone over the age of 65.

Older people can have greater recourse to the health services than others. A medical card provides a degree of security to people on limited incomes. It enables them to avail of health services without undue concern as to costs. It may well ensure that they actually avail of health services. It also increases the likelihood that older people will remain longer in the community.

**We recommend that medical cards should be**

**available for everyone over the age of 65.**

### 8.7.1 Medical card services

There are significant gaps in the services available to medical card holders. In particular, they are not entitled to preventative health services such as cholesterol screening and there is confusion about entitlement to certain services such as the flu vaccination. Their exclusion militates against the primary aims of health policy i.e. social gain and health gain. Their inclusion will also increase the likelihood that older people will remain longer in the community.

**We recommend that preventative health services should be part of the service provided to medical card holders.**

## 8.8 Day Centres

The health strategy states that 7,000 day centre places will be provided for older people. We are of the view that day centres are a versatile and adaptable means of providing a range of benefits to some older people. They can be the focus for the provision of a range of services by appointment such as chiropody, bathing, hair care, meals, and entertainment. They can also act as a significant social outlet for older people who might not otherwise have the opportunity for regular social contact, especially if appropriate transport arrangements are associated with the centre. The day centre can also be a location where information of relevance to older people is available. In addition to traditional forms of information provision relevant service providers could attend day centres to present their services and answer questions,

from time to time. Day centres may also be a source of regular short-term respite care for carers of older people while they attend the centre.

**We, therefore, recommend that the proposed 7,000 day centre places should be provided in consultation with older people and their organisations, so that their full potential for service provision, social contact, information exchange and respite care can be realised.**

## 8.9 Long term care

While we have argued strongly for the central importance of community care for older people in the much broader context of community care described above, there are undoubtedly individuals who require long term residential care. There is, therefore, a need for free or subsidised residential care. It is important that those availing of such services have a

say in their design and provision. Advocacy services will be important in this regard.

However, excluding those who are clearly incapable of being cared for except by 24 hour care and supervision in a residential setting, there are many marginal cases where people could stay longer in the community if there were more developed services and supports available in the community as argued above. This group has been acknowledged by the health strategy which proposes the appointment of key workers in relation to people in such a situation.

Inadequate funding can also give rise to poor quality long term care. The emphasis cannot be solely on the number of beds or places available. If quality and systems for policing quality standards are not to the fore also there is a danger that we may be simply warehousing older people who can no longer

survive in our existing communities. The work of the National Council on Ageing and Older People in relation to care standards in its report entitled '*A Framework for Quality in Long-term Residential Care for Older People in Ireland*' published in 2000 is particularly important in this regard. The care standards appropriate to those suffering from dementia needs particular attention by the Department of Health and Children, health boards and private service providers.

In relation to entitlement to long term care services the following issues need to be clarified as a matter of urgency:

- when long term charges may be imposed in public hospitals;
- who is entitled to long term care in state welfare and similar homes;

- what happens to people who have a public entitlement when no places are available;
- who is entitled to a contracted bed in a private nursing home;
- how are assets to be valued in assessing entitlement to a contracted bed or a nursing home subvention;
- what minimum income is to be retained by residents in free or subsidised care; and
- who is eligible for enhanced payments for residential or community care.

**We recommend that entitlement to long term care should be clarified and there should be clear equality of entitlement for people who are cared for in the community.**

**We also recommend that the quality of long term care places should be of paramount importance and core standards in this regard should be established by the Department of Health and Children in partnership with older people and their organisations.**

**We recommend that the Department of Health and Children should establish an independent advocacy service for older people in or considering entering into long term care.**

## 8.10 Information

The quantity and quality of information on health and community services is poor relative to, for example, social welfare services. This may be due to a number of factors including the number of agencies which deliver services,

the discretionary nature of some of the services and the lack of a coherent information policy. The information should be provided in a form suitable for older people and should be made available through the service providers or organisations most in contact with older people e.g. general practitioners and public health nurses.

Information should also be available to older people generally on health promotion issues so that older people have the option of adopting healthier lifestyles. This information needs to be adapted to the particular needs of older people and again the involvement of older people and their organisations in the design and testing of such information would be beneficial.

In addition to information about services the information needs of those using services needs to be considered. Doctors and hospitals need to provide

information to patients in an accessible form to enable the patients to make informed choices. In relation to some older people who may have short term memory problems it may be necessary to involve a supportive relative in the process. Where a relative is either unavailable or inadequately resourced to deal with the issues an advocacy service is necessary.

The particular information needs of those caring for older people also needs to be considered. Information is a relatively low cost method of providing support and it could diminish the burden of care for carers.

The National Council on Ageing and Older People is undertaking a survey on the information needs of older people in relation to health, social care, and welfare services. When it is completed it should

provide a valuable resource for service providers on which to base improvements in information provision.

**We recommend that a clear information policy adapted to the needs of older people should be devised and implemented by the relevant service providers in relation to services, healthier lifestyles, and health promotion generally.**

**We also recommend that the information needs of older people availing of services should be catered for by relevant service providers, to enable them to make informed decisions in relation to their care. This may require the involvement of relatives or an advocacy service in some cases. There should be provision in relation to the particular information needs of carers of older people.**

## 8.11 Appeals systems

There is still no appeals system for medical cards. The intention to establish such a system has been announced on numerous occasions. The failure to do so not only constitutes a wrong towards medical card applicants but also brings the political and administrative system into disrepute. The appeals system for nursing home subventions is not widely known. There is no appeals system for aggrieved patients who cannot get hospital services or who cannot even find out where they are on waiting lists.

**We recommend, therefore, that formal, statutory appeals systems should be put in place for all health and community services.**

## Chapter 9

### Lifelong Learning

#### Applicable Principles

1. Equality with due regard to difference.
2. Equality with due regard to diversity
3. Equality of opportunity, of participation and of outcome.
4. Right and capacity to participate.
5. Intergenerational solidarity.
6. Involvement of all sectors of society.

#### 9.1 Introduction

The "*White Paper on Adult Education - Learning for Life*" describes age based differentials in educational attainment as one of the most pervasive and persistent inequalities throughout the industrialised world. It is hardly surprising that the educational attainments of the current generation of older people is less than that of younger generations. They have not benefited from free secondary education or free third level education. They have, however, been instrumental, through their economic contribution, in providing the greatly enhanced education system which has proved so beneficial to the economic

advancement of the country and to the personal benefit of younger generations. A strategy for equality for older people requires that efforts be made to redress the inequalities in educational attainment. Older people should now be given the opportunity to avail of education both as an end in itself and as a means of acquiring formal qualifications. Improving access to education for older people should not be seen purely in terms of improving the quality of the potential work force but also in terms of improving the quality of life and redressing generational imbalances. There are a number of reasons why older people should have access to training/education:

- in order to facilitate participation in society;
- in order to facilitate participation in the economy as an employee or self-employed;
- to support access to culture;
- as a form of stimulus and activity which is rewarding intrinsically and which helps maintain and develop the individual's faculties;
- in order to be aware of one's rights and to be in a position to assert them if necessary; and
- to learn how to improve one's quality of life through education in relation to managing and adapting to personal change and to the changing times and in relation to such issues as nutrition, health, the ageing process etc.

The European Council in Lisbon in March 2000 gave a new impetus to lifelong learning as an issue for all EU member states. The European conception of lifelong learning sees it as having two equally important aims: the promotion of active citizenship and the promotion of employability.

## 9.2 The policy of lifelong learning

The "*White Paper on Adult Education - Learning for Life*" adopts lifelong learning as the governing principle of education policy. The concept recognises that education is not confined to any one phase of life and should be accessible at all stages. In principle it would appear that the adoption of such a policy would lead to greatly improved access to education for people who were not able to avail of formal education, for whatever reason, in their youth. However, there is

a danger that the major beneficiaries of the lifelong learning approach will be those who have already benefited from formal education and that those who have most to gain from this approach will be further excluded. This danger can be averted by positive action to encourage greater involvement by groups such as older people.

## 9.3 Older people's rights of access to education

People aged 50 and over have the same rights of access to formal second and third level education and to adult education as all other adults.

Courses which are designed for mature learners and which lead to State second level examinations are provided in a number of centres, mainly by VECs, and there are no explicit age barriers. There are no



explicit barriers to older people becoming candidates for places as mature students in third level institutions, nor are there any explicit age barriers to participation in adult education. However, the absence of explicit barriers is not the whole story - there are a number of hidden barriers.

As well as lower levels of educational attainment, older people in Ireland have low levels of literacy relative to younger generations and also relative to their contemporaries in other OECD countries. Participation in educational opportunities is clearly difficult, if not impossible, without an adequate level of literacy.

Many older people may not have the confidence to participate in further or adult education. This may be due to a lack of formal education. Equally, older people may not be able to get formal

recognition for achievements gained by experience rather than formal education. These issues need to be addressed in order to remove the hidden barriers to older peoples' participation.

Other hidden barriers for older people can lie in the teaching environment or the teaching methodologies used. Adult learning models and appropriate teaching areas can serve to overcome these barriers.

## 9.4 Literacy

Genuine participation in society is close to impossible without an adequate level of literacy. This is so whether people wish to participate economically, socially, culturally but particularly if they wish to avail of education.

Literacy may be a barrier to participation in culture, even in sport. It is an essential

requirement for people in order to be able to represent their interests, to demand their rights and to ensure that their concerns are addressed. In effect, it is central to the implementation of almost all the recommendations in this strategy in respect of the role of older people in society.

In relation to literacy we make the following recommendation:

**The White Paper's provisions on literacy and numeracy are very important. The proposed increase of learners in receipt of tuition by the adult education system from 13,000 to 18,000 by 2006 is central. The opportunity to avail of this tuition must be made available on an equal basis to older people (i.e. all those over 50) by the VECs, FÁS and any other providers who incorporate**

**literacy and numeracy modules into their training/education. This will require positive action, supported by the establishment of targets and indicators for participation and outcomes for older people.**

## **9.5 Formal education**

Older people have not benefited from free access to formal education at second and third level. They have a strong case on the grounds of intergenerational equity for positive action measures to be put in place to enable them to participate if they wish.

It is likely that there will be vacant places in the formal second and third level sectors in the near future. Major efforts should be made to encourage older people to avail of the opportunities this will provide. Again, selection should not be

based on economic considerations alone.

**We recommend that second level education providers, the VECs, and third level education institutions generally should take active measures to encourage older people to avail of formal education. Learning from existing supports for mature students and, where relevant, students with a disability is one means of developing such measures. Flexibility in the organisation of education provision and in the manner in which grants are made available should be considered. Research may also be required into needs, and barriers to meeting those needs in order to develop policies, programmes and practices to address the needs of older people and the**

**particular barriers they face.**

## **9.6 Education/training for work**

The Employment Equality Act, 1998 allows positive action to promote employment among those over 50 and the Equal Status Act, 2000 permits positive action generally, including in the provision of education. Positive action involves the provision of special arrangements aimed at redressing past discrimination. We consider that full use should be made of these provisions.

**We recommend that in the context of education/training for work the VECs and third level institutions generally should make relevant and specific targeted provision for older people attempting to return to work in unfamiliar work areas.**

**We recommend that FÁS in partnership with employers and trade unions should adapt a number of traineeships to the specific needs of older workers as positive action to facilitate their return to work.**

**We recommend that FÁS in partnership with employers and trade unions should make provision for training initiatives for those in work targeting older workers, to facilitate their retention in changing workplaces, and to facilitate phased retirement.**

## **9.7 Consultation with older people**

While positive action measures in the area of employment are necessary, we consider that it is important that access to lifelong learning opportunities should not be confined to areas which are seen as being relevant only

to economic developments. They should also be concerned with giving older people the opportunity to avail of education for the purposes of self-development, for fun and to enable them to fully participate in all aspects of society.

Measures to encourage older people into education - whether formal education or otherwise - should be taken after consultation with older people. This is the only way to ensure that these measures are properly targeted and actually meet the needs of older people.

Older people's organisations should encourage older people to become involved in organisations such as VECs. The recent Vocational Education Act, 2001 allows for the representation of students on VECs. This is an opportunity for older people, as students, to

have their interests represented. Older people also have a legitimate interest in engaging with secondary schools to avail of education at that level which they did not have the opportunity to avail of when they were children.

**We recommend that any organisation involved in the development and implementation of policies in relation to training/ education of relevance to older people, involved in reviewing existing training/education provision or in the development of new provision should draw on the experiences of older people through consultation with older people and their organisations. This should take place as part of an equality proofing exercise which includes an age proofing element.**

**We recommend that FÁS, VECs, and third level education institutions generally should tailor some training and education provision specifically to the needs of older people through, for example, adopting appropriate adult learning models in teaching, ensuring the learning area is suitable for older people, focussing on subject areas of particular interest to older people, or providing courses on a part-time or modular basis.**

**We recommend that pre-service and in-service age awareness training should be provided to all involved in the provision of education and training.**

## **9.8 Recognition of qualifications**

The qualifications system which is now being put in place by the National Qualifications Authority of Ireland provides, among other things, for the accreditation of non formal learning. This should

enable older people to get recognition for achievements which are not currently formally recognised and to take up education at a level appropriate to their skills and not just to their formal qualifications.

The new system also allows for the establishment of procedures for transfer and progression. Again, this should benefit older people who may wish to engage in education at a different pace than younger students.

**We recommend that the National Qualifications Authority of Ireland, the Further Education and Training Awards Authority (FETAC), and the Higher Education and Training Awards Authority (HETAC), ensure a coherent certification system with accreditation of prior learning, transferable credits from one institution to another or from one course to another.**

## **9.9 Information Technology (IT)**

The Information Society Commission has put forward proposals to facilitate IT access for everyone. Older people should be among the first to benefit here. Older people need access to IT in order to:

- be able to fully participate in society;
- keep in touch with their families;
- avail of the various assistive technologies which may make independent living easier for people as their physical capacity deteriorates; and
- remain employable in a wide range of occupations.

While IT opens up new opportunities it can also paradoxically result in new forms of social exclusion. The term "digital divide" has been coined to cover these particular forms of social exclusion. A two fronted approach is necessary to tackle this. The first, and the one emphasised in what follows, is opening up the opportunities of IT for older people. The main barrier for older people being comfortable

and confident in relation to IT would appear to be lack of awareness and skills, followed by the cost of acquiring the technology themselves.

The second approach is finding ways of addressing negative impacts for older people arising from IT developments. Better design for older people could also result in better design for all. However, there may also be a need to make special provision for older people as a form of positive action. This might include the maintenance of existing options for engaging with services for those who find electronic systems difficult.

Specific work related training in IT could be provided by employers, FÁS and VECs as well as by older peoples' organisations. Local libraries, older people's homes, older people's recreational clubs, and other accessible venues could be used for general

familiarisation with IT, for work-focussed programmes and for recreational and cultural use of IT. Public libraries have a key role as facilitators and enablers of all citizens to access information, and IT can help make the library a more powerful centre for information, recreation and learning, especially for older people who may not have other access to IT facilities. In addition the timing of the training is important depending on the client group. People who are dependent on public transport or who prefer not to travel after dark may prefer daytime provision or provision which obviates the need to negotiate rush hour traffic. This might mean that the course is provided part-time.

It is not always sufficient to use generic training material for older people. Their perspectives and requirements may suggest a very different approach. For

instance an older person who wishes to correspond with family and friends abroad using e-mail may find it difficult to master the "qwerty" key board. However, a familiarity with voice recognition software and an ability to use text handling functions in software may be more useful. It may be effective to develop an individual's facility with the internet if it is presented as a research tool or resource for an established interest of the individual, or a group of individuals.

Courses, study materials and teaching methods need to be tailored to the needs of older people.

IT is particularly relevant and potentially useful for vulnerable or isolated older people. Video links could be used to provide some services or expertise in more remote areas. For example, a local general practitioner might have a video

link to allow a remote consultant make a routine assessment of a person's progress, in the general practitioners surgery assisted by the general practitioner, rather than having the patient travel long distances on poor roads to a major specialist hospital.

IT also has the possibility of acting as an assistive technology. When mainline services are provided at relatively low cost on a universal basis they can sometimes be adapted for the use of older people with special needs. For example e-mail may be a more comfortable medium of communication than the telephone for an older person who has become deaf.

Alternatively relatively modestly priced attachments or software can be purchased. For example, an older person who has become blind could use a screen reader to read a

newspaper online. As technology develops the possibilities increase, provided someone has the imagination to adapt it for older people, and to train older people in its use.

**We recommend that FÁS, VECs, and third level education institutions generally should address the training/education needs of older people in relation to IT. We also recommend that local authorities and health boards, possibly in partnership with third level institutions with appropriate expertise, should explore the possibility of providing assistive technology for older people in communities as well as for individuals - for example, voice recognition software, and video links to assist the provision of services and expertise in more remote areas.**

### 9.10 Information about education and training

Older people need to be informed about the availability of education and training facilities and encouraged to make use of them.

**We recommend that information in relation to education and training generally and those courses targeted at the needs of older people, either because of subject matter, structure of course (e.g. modular, part-time, more flexible opening hours), or teaching methodologies should be provided to older people in accessible formats and in places accessible to older people, by FÁS, VECs and third level institutions generally.**

### 9.11 Involvement of older people's organisations in education provision

At present, youth groups are resourced by the Department of Education and Science and the VECs to provide various education and training courses. This arrangement is being put on a statutory footing by the Youth Work Act, 2001. A similar scheme should be considered for older people.

**We recommend that appropriate older people's organisations should be resourced by bodies such as FÁS, VECs, or Health Boards, to provide education and training relevant to the needs of older people or particular categories of older people.**

## Appendix 1

### Membership of the Committee

*Robin Webster,*  
Age Action Ireland

*Mamo McDonald,*  
Age & Opportunity

*Catherine Rose,*  
Age and Opportunity

*Jim Gallagher,*  
Care of the Aged

*Attracta Behan,*  
Congress

*Jim Rea,*  
IBEC

*Sheila Simmons,*  
Irish Association of Older  
People

*Louise Richardson,*  
CEO, Irish Hospice Foundation

*Sylvia Meehan,*  
Irish Senior Citizen's Parliament

*Michael O Halloran,*  
Irish Senior Citizen's Parliament

*John Kincaid,*  
Administrator, Community  
Care, Midland Health Board

*Bob Carroll,*  
National Council of Ageing &  
Older People

*Dr Gerry Cowley,*  
St. Brendan's Village, Mulranny,  
Co. Mayo

**Chair:**  
*Seamus Carroll*  
(to October, 2000),  
*Greg Heylin*  
(from October, 2000),  
Equality Authority

**Secretary:**  
*Martina Kelly,*  
Equality Authority

**Consultant:**  
*Ita Mangan*



## Appendix 2

### Presentations to the Committee

#### **Adult Education**

*Des O Loughlin,*  
Department of Education &  
Science

#### **Lifelong Learning Committee**

*Pat Houlihan,*  
Department of Enterprise,  
Trade & Employment

#### **Occupational Pensions & Policies**

*Mary Hutch,*  
Head of Information & Training  
Pensions Board

#### **Services for Older People**

*Carolyn O Neill,*  
Department of Health &  
Children

## Footnotes

- I The nine grounds under the equality legislation are: gender, marital status, family status, sexual orientation, age, disability, religion, race and membership of the Traveller community.