



Comisiynydd Pobl Hŷn Cymru
Older People's Commissioner for Wales

Taking Action Against Ageism

**Information and advice
for Older People**



**An independent voice and
champion for older people**

The Older People's Commissioner for Wales

The Older People's Commissioner for Wales protects and promotes the rights of older people throughout Wales, scrutinising and influencing a wide range of policy and practice to improve their lives.

The Commissioner is taking action to end ageism and age discrimination, stop the abuse of older people and enable everyone to age well.

The Commissioner wants Wales to be the best place in the world to grow older.

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What is ageism?

Ageism is the **stereotyping**, **prejudice** and/or **discrimination** against people on the basis of their age or perceived age.

Ageism can apply to any age group. For the purposes of this guide, we'll be looking at ageism that affects older people, the negative impact this can have and the ways in which you can challenge ageism.

Stereotyping is a thought process where people are categorised into groups and given certain characteristics. Stereotypes are generalised ideas or beliefs about a group of people. They can be harmful when the stereotype doesn't actually apply to many in the group (for example, older people can't learn new things) or where the stereotype is so strongly held that it overrides evidence to the contrary.

Stereotypes do not take into account individual differences, perspectives, preferences, aspirations & needs. They dehumanise individuals by grouping people together under a label, a label that is often unrelated to the individuals concerned.

Prejudice refers to the attitudes or feelings that people have about members of other groups. These may be a mixture of positive and negative attitudes and feelings, though they are often negative (for example, that all older people are rich and enjoy financial security at the expense of younger people).

Discrimination is a behaviour. It means treating people unfairly because they possess certain characteristics. This can mean treating people unfairly as a result of the ideas held about them as a result of stereotypes and prejudice (for example, a gym refusing a 76-year-old man membership on the basis that his age alone 'suggests' him being too frail).

Discrimination can also mean failing to take into account differences between people and treating everyone the same (for example, a hotel expecting all staff and guests to use a stairway to move above the ground floor). This would, amongst others, discriminate against people with certain disabilities.

Impacts of ageism

The impacts of ageism are many, varied and damaging.

For individuals, ageism can lead to:

- Losing important roles in life (e.g. in work, within the family or the community), as well as losing influence, choice and self-esteem.
- Experiencing an erosion of social stimulation and networks, of physical activity, of health and financial security.
- Experiencing depression, frustration, exclusion, rejection, isolation and humiliation.
- Not being treated with dignity, respect or equality.

Ageism also means that vital roles and contributions played by older people across society are undervalued or go unnoticed. For example, older people make a significant contribution to society through volunteering, providing care and support and paying taxes. After accounting for costs relating to pensions, welfare and health, older people contribute over £2.19 billion a year to the Welsh economy.

Challenging ageism

The first step in addressing ageism is to be alert to it, in all its forms: stereotyping, prejudice & discrimination.

Once ageism has been identified, it can be challenged informally or formally. An informal challenge can mean drawing attention to the ageism, exposing incorrect assumptions being made and highlighting the damaging impacts of ageism through discussion. A formal approach will also mean drawing attention to the ageism, but may also mean using legislation designed to eliminate and address discrimination. This legislation is the Equality Act 2010.

Equality Act 2010

The Equality Act 2010 states that the providers of goods and services (e.g. shops, GPs, hospitals, dentists, social services, transport services such as bus services, local authority services such as access to public toilets) and employers must not discriminate - or offer inferior services or treatment - on the basis of a **protected characteristic**.

The protected characteristics are:

Age	Race
Disability	Religion or belief
Gender reassignment	Sex
Marriage and civil partnership	Sexual orientation
Pregnancy and maternity	

Where discrimination occurs related to one or more of these protected characteristics, then the Equality Act can be used to challenge this discrimination. As 'age' is a protected characteristic, the Equality Act can therefore be used to challenge age discrimination.

What does the Equality Act protect against?

The Equality Act offers protection against **direct** and **indirect** discrimination, as well as from **harassment** and **victimisation**. These terms are explained below.

Direct discrimination means treating one person worse than another directly because of a protected characteristic. For example, a person being refused a mobile phone contract because they are 'too old'.

Indirect discrimination means putting a rule, policy or way of doing things in place that has a worse impact on someone with a protected characteristic than someone without one. For example, GP practices implementing a rule that to see a doctor the same day, patients need to telephone at 8am the same morning. This often has a worse impact on people with some disabilities.

Harassment is behaviour that violates a person's dignity or which creates a hostile, degrading, humiliating or offensive environment for someone with a protected characteristic. For example, a person's colleagues repeatedly making jokes about their age, which the individual finds offensive. It could also be harassment if the individual is offended by age-related comments made about someone they associate with, such as a partner.

Victimisation is treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.

Is it ever legal to treat people differently because of their age?

In certain circumstances, a difference in services or treatment between people may be lawful if:

- There is a good reason, backed up by evidence, for making something available to some people and not others. For example:
 - A health screening programme aimed at a particular age group - there would need to be evidence that people within the age group offered the screening are more at risk of the particular disease being screened for, or that the screening would be ineffective for age groups it is not offered to.
 - The financial services sector (e.g. banks, building societies and insurance companies) using age to assess risk and calculate the cost of services such as car or travel insurance - where these are more expensive for older people, the extra cost needs to be based upon evidence demonstrating that people over a certain age are at greater risk when driving or travelling.
- The circumstances fall under one of the exemptions that allow organisations to provide different treatment or services based on age. For example:
 - Age-related holidays offered for the over 50s.
 - Discounts in shops for people aged over 65.
 - Social or leisure clubs catering for people of specific ages.

Using the Equality Act

If you have been discriminated against, you can use the Equality Act to try to put things right. As a general guide, you should keep a record and any evidence of the discrimination you've experienced.

Step 1: Raise your concern with the provider of the goods or service or the employer (or employee representative, such as a trade union rep) that you want to make the complaint about. Do this using their complaints procedure.

The complaints procedure should give details of who to contact and how long you should expect to wait for a reply. Make your complaint as clear as possible and include an explanation that your complaint is about discrimination, stating the protected characteristic that applies to you. You may feel that you have been discriminated against because of more than one protected characteristic and so you can explain this too.

It can be helpful for you to suggest the changes you would like to see as a result of your complaint. You may want to receive a formal apology, for example, may feel that staff need to attend training on a certain issue, or may wish to see changes to the way that a service is being run. Keep a copy of your complaint, alongside copies of any evidence you have to support your complaint.

Step 2: If you feel any response you receive is unsatisfactory or unreasonable, you can take the complaint further by taking it to a more senior person within the organisation if there is one, to a head office or to the relevant Ombudsman. If escalating a complaint in this way, do take it step-by-step, as if you don't you may be asked to go back a step.

It can be daunting to make a complaint and so you may find it helpful to seek support from an advocacy service or specialist.

Some useful contacts are listed below:

The Equality Advisory Support Service (EASS)

This helpline can provide advice and information on discrimination in employment, housing, education, transport and cases where you may have been discriminated against when using or buying goods and services.

Tel: 0808 800 0082

<http://www.equalityadvisoryservice.com/app/home>

Ofcom

This helpline can provide advice and receives complaints about phone or internet services, or TV or radio programmes.

Tel: 0300 123 3333

<https://www.ofcom.org.uk/about-ofcom/contact-us>

Advertising Standards Authority

This helpline receives complaints about adverts and promotions across different forms of media (including the press, radio and TV, teleshopping, online, websites, posters and billboards, leaflets and brochures, cinema and direct mail)

Tel: 020 7492 2222

<https://www.asa.org.uk/make-a-complaint.html>

Advisory, Conciliation and Arbitration Service (ACAS)

Acas provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. This helpline will provide help with resolving a dispute or a problem in your workplace.

Tel: 0300 123 1100

<https://www.acas.org.uk/helpline>

Citizens Advice

Citizens Advice is a network of independent charities offering free confidential advice online, over the phone, and in person.

Tel: 03444 77 20 20

<https://www.citizensadvice.org.uk/wales>

Identifying ageism: what to look out for

Age discrimination in the media

The media has a lot of power in influencing how we think about age. It is therefore important that the way older people are represented is fair and accurate.

This includes using images and language that reflect the diverse range of experiences, interests and aspirations of older people. When listening to or reading media reports (including print, television, radio, internet and social media), the following questions may be useful in determining whether ageism is present:

- Does reporting a person's age add anything to the story?
- Does this image or story reinforce or challenge negative stereotypes?
- Does this publication or channel regularly report negative stories of older people or ageing?
- Has this publication or channel reported positive stories about older people or ageing?
- Where there are positive stories, are they patronising in nature?

If you feel ageism is present, you can make an informal challenge through contacting the editor (newspapers or magazines), broadcaster (radio or TV) or person sharing the story (social media) to highlight the ageism and request more balanced coverage that more accurately reflects the contribution and value that older people bring to society.

If this doesn't produce a satisfactory response, then contact the relevant regulatory body to escalate the complaint (Ofcom for most media coverage or the Advertising Standards Authority for advertisements).

Age discrimination in the workplace

Meaningful work can help people stay active, feel valued and improves health and well-being. However, ageism and discrimination within the workplace – founded on debunked myths about a lack of productivity, poorer health and an unwillingness to adapt to change – is a barrier to older people remaining in, or re-entering, paid work.

When applying for jobs or whilst in work, the following questions may be helpful in determining whether ageism is present:

- Do job advertisements give you the impression that the employer might not be interested in you as an older person (e.g. the employer asking for qualifications such as GCSEs or recruitment being targeted at graduate fairs)?
- In the workplace, are opportunities for promotion and training open to people of all ages on an equal and fair basis?
- In the workplace, are work appraisals unclouded by preconceptions about age and based on actual performance?
- If redundancy situations arise, are they carried out without assumptions about age (e.g. free from assumptions that older people will soon retire)?

It is important to note that there may be an ‘objective justification’ for treating someone differently based upon age in an employment context. This could include examples such as age limits to do certain jobs or payment of the National Minimum Wage.

If you feel you are experiencing age discrimination in looking for work or in the workplace, you can:

- Speak to your Trade Union or employee representative in the workplace.
- Talk with the employer to seek an informal and agreeable solution.
- Make a formal complaint to the employer using their complaints procedure.
- Take a claim to an employment tribunal (time limits apply for making a claim – 3 months from the date of the last incident of discrimination, you should contact the ACAS early conciliation service to try and resolve the matter first).
- At any of the stages above, get free advice & support from a specialist agency that can give you advice based upon your individual experiences and circumstances (e.g. from ACAS).

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Age discrimination in health & care services

When we are ill, we want to receive the best treatment available. However, sometimes problems are dismissed as 'old age', overlooked and not investigated or treated fully.

Anyone who works for the NHS or in the private healthcare sector (including professional medical staff such as consultants, doctors and nurses, receptionists, managers, security staff, cleaners, ambulance drivers) or anyone who works for a local authority (including social workers) has a duty not to discriminate against older people.

When using health or care services, the following questions may be helpful in determining whether ageism or discrimination is present:

- Are you being refused a service because of your age (it is important to note there are some treatments for which the evidence base suggests they are not effective beyond a certain age)?
- Are you receiving a service of worse quality or on worse terms than would normally be offered because of your age?
- Is the provider behaving in a way related to your age which causes you distress, offends or intimidates you?
- Is the provider punishing you because you complain about discrimination or helping someone else complain because of an issue related to age?

If you experience age discrimination in health or care services, then you can:

- Make a complaint to the ward, hospital, care home or care provider.
- If you are not satisfied with the outcome of your complaint, you can take it further by making a complaint to the relevant health board (for health services) or local authority (for care services). If this doesn't produce a satisfactory response, then you can make a complaint to a regulatory body or watchdog:
 - **Care Inspectorate Wales** - registers and inspects care services, taking action to improve quality and safety.
 - **Social Care Wales** - investigates concerns raised about care workers.
 - **Healthcare Inspectorate Wales** - regulates and inspects NHS services and independent healthcare providers, and investigates concerns.
 - **Public Services Ombudsman for Wales** - investigates complaints about public bodies.
 - **Nursing and Midwifery Council** - regulates the nursing profession and investigates complaints.
 - **General Medical Council** - manages the UK medical register of doctors and investigates concerns.
 - **Community Health Councils** - scrutinise the operation of health services and represent the interests of patients and the public .

At any of the stages above, you can also get free advice & support from a specialist who can give you advice based upon your individual experiences and circumstances (e.g. from the Equality Advisory & Support Service).

Age discrimination in consumer services

The Equality Act 2010 covers providers of goods and services, as well as services such as health and social care. This includes, for example, shops, hotels, and insurers.

It means that, in most instances, you can't be discriminated against because of your age.

There are, however, a number of specific exemptions relating to some consumer and financial services, including:

- Age-related holidays offered for people over 50.
- Social or leisure clubs which cater for people of specific ages only.
- Insurers being able to take age into account when calculating a premium and a bank being able to refuse a financial product to a customer based on their age (however, they must make sure that they base the decision on reliable and relevant information, as opposed to just making a general assumption based on age).

If you feel that you have been treated badly as a customer on the basis of your age, you can:

- Make a complaint using the company's complaints procedure, stating that you believe you have been discriminated against on the grounds of age.
- Report a local business to trading standards (teams based in local authorities that enforce legislation to protect consumers).

Depending on who you are complaining about, you could take your complaint further to a regulatory body:

- The Advertising Standards Authority (ASA) about non-broadcast advertisements, sales promotions and direct marketing. You may want to complain if you've seen a press advertisement, promotion, leaflet or poster that you think is ageist and you want it changed or withdrawn. The ASA can stop misleading or offensive advertising and ensure sales promotions are run fairly. Complain about television or radio advertising through the regulator Ofcom.
- Complaints about financial organisations, insurers and banks can be taken to the Financial Ombudsman, which can investigate complaints that haven't been resolved through the organisation's complaints process first.

At any of the stages above, you can also contact the Equality Advisory & Support Service for advice.

You may also wish to take your business elsewhere, and tell your friends and family to do the same. Write to the company telling them that ageism is the reason they've lost your business.

Online reviews can be a powerful way of making your views known and can sometimes get a more favourable response from the company if they fear losing more business.

Take action and help to tackle ageism

You can support the Commissioner's work to end ageism and age discrimination in a number of ways:

- Make a pledge to our **#EverydayAgeism** campaign and let us know the action you will take - however big or small - to play your part in tackling ageism.
- Share your examples or evidence of ageism with us so we can call them out and challenge them.
- Raise awareness with friends and local groups.
- Share copies of this guide with family, friends and local groups.
- Write an article for a local paper or newsletter (we can provide the information to help you to do this).
- Share your contact details with us so we can keep you updated on the campaign and support local action.

If you would like further information on how to get involved in our **#EverydayAgeism** campaign to tackle ageism please visit our website - olderpeoplewales.com/everydayageism or call us on **03442 640 670**

