



6 February 2017

Dear Mr Davis,

We are writing to you on behalf of the UK members of AGE Platform Europe and a broader community of older people and organisations working with older people who have a direct interest in the outcomes of the UK's negotiations for exiting the European Union.

As you know, older people are a significant part of the UK population whose interests and concerns need to be taken into account regarding the UK's future relationship with Europe. As the UK prepares its thinking on what a post-EU Britain will look like, we want to ensure that older people remain fully part of this process and that the Brexit negotiations deliver an outcome that strengthens the UK's ability to address the rights and needs of older people.

With this in mind, we offer the following issues and concerns raised from a broad-based constituency of older people. We hope their experience and expertise will help inform the thinking of the UK Government as it develops its plans for the negotiations and beyond.

We would also like to take this opportunity to ask for a meeting with yourself and your staff to ensure that older people's concerns are fully understood as you prepare for the negotiations. In addition we would like to discuss ways in which the government may be able to help us facilitate greater involvement and consultation with older people, for example through a national series of meetings and a process of on-line engagement.

Issues and concerns regarding older people and Brexit negotiations

1. Health & social care services

The pressures facing the health and social care services in the UK are well known and documented and are an urgent priority for the country, especially where older people are concerned. There is risk of services to older people being reduced and care providers going out of business. The negotiations must take into account:

- 1.1. **Health and care workforce** – with all working arrangements for non-UK nationals subject to negotiation, the Government must take into consideration the impact on the availability of qualified staff to work in the health and care service sectors.
- 1.2. **Allocation of resources to support appropriate care** – with the repatriation of UK funds from EU budgets following the UK's exit from the EU, serious consideration must be given to how some of these resources will be used to strengthen health and social care for older people in the UK.
- 1.3. **Collaboration between UK and EU member states** – public health, including the control of diseases, medical research and regulation, and access to medicines, are all areas that affect older people acutely and could be undermined if steps are not taken in the negotiations to ensure continued collaboration with EU member states, so that both EU citizens in the UK and UK citizens in the EU are able to access the care they need (e.g. through EHIC provisions).

2. Equality and human rights

The protection of the rights of older people should be a priority for any government. With the UK's withdrawal from the EU, **the UK Government must affirm that it will seek to strengthen these**

rights through any negotiated settlement. Various pieces of existing and future EU legislation have the potential to greatly improve the lives of older people. We would like to see a firm commitment from the UK Government to maintaining these, whilst going further in seeking to strengthen the protection of the rights of older people:

- 2.1. Equal treatment legislation deriving from EU directives and treaty provisions (e.g. employment)
- 2.2. Provisions in the European Charter of Fundamental Rights, such as rights to fair and just working conditions, to healthcare, and to have personal data protected
- 2.3. Proposals for a European Accessibility Act, which would create a mechanism to ensure manufacturers and providers of a wide range of products and services (including computers, phones, banking and transport) comply with agreed accessibility standards
- 2.4. Live assistance to disabled travellers (under the EU Air Passengers Regulation 2006, the rail Passengers Regulation 2007, the Sea and Inland Waterways Regulation 2010 and the bus and Coach regulation 2011)
- 2.5. Mutual recognition of preferential parking facilities for disabled people (e.g. the Blue Badge in the UK) under the EU parking Badge Scheme.

We would expect older people to be fully consulted as part of any future discussions regarding rights legislation.

3. Employment and training

Any negotiated settlement must **enable older workers** to benefit from **employment opportunities** and **provide access to training and employment support** in later life. Keeping age and equality rights in current employment legislation is fundamental for achieving this aim:

- 3.1. The Government should make it clear that private and public employers are not to use Brexit as a basis for reducing older people's employment rights.
- 3.2. There should be no forced redundancies of older workers (aged 50+) and mandatory retirement ages, nor should workers reaching retirement age be forced to leave work as long as they perform their job function to the standard required for all employees.
- 3.3. The protection of employment rights and pensions (TUPE) for employees of all ages should be protected if and when their jobs are transferred to another company – including foreign owned ones.
- 3.4. Enforcement rights and powers should be maintained and strengthened, including not capping the right to compensation on discrimination claims, as well as an end to fees for Employment Tribunals which restrict access to justice for victims of age and other types of discrimination.
- 3.5. A maximum working week of 48 hours, which is particularly relevant for workers in the care sector.

4. Access to goods and services

The Government must ensure that **access to goods and services in the financial, insurance and travel sectors for older people**, especially those over the age of 70, **be strengthened**. There is an opportunity for the UK to continue to lead the way in implementing age equality in provision of goods and services.

5. Rights of older UK and EU citizens living in EU member states and in the UK

Older people living in different locations within the EU and the UK must have their rights fully protected. As part of its negotiations, the Government should take specific action to ensure that the following rights are guaranteed:

- 5.1. Reciprocal rights to health provision (currently covered under EHIC provisions)
- 5.2. Employment and residence rights for current residents are maintained
- 5.3. Right to own property and businesses is maintained
- 5.4. State Pension annual increases for older British citizens residing in EU member states are maintained and the right to access and transfer pension funds across the EU and the UK are guaranteed.

6 Consumer protection

A considerable amount of **consumer protection legislation benefitting older people** is derived from the EU. The existing system, based on laws, codes and consumer rights is likely to remain unchanged, unless abrogated by Parliament. The UK Government should **commit to carrying over these protections and recognise the need for continued access to European consumer protection mechanisms**, such as FIN-NET, and cross-European mechanisms for preventing cross-border fraud.

7 Replacement of EU Regional and Social Fund grants

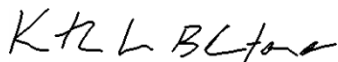
EU Regional and Social Funds are some of the only funds available for **supporting vulnerable and disadvantaged older people, particularly in the areas of employment and training**. They have helped older people pre and post-retirement who are at risk of being excluded from the labour market. Measures must be put in place to **ensure continued funding** for programmes that have had a positive impact. Areas of funding where older people are likely to benefit are: employment and self-employment, support and training, access to services and transportation.

8 Challenging ageist attitudes towards older people

The UK Government should ensure that EU-wide efforts to **promote positive attitudes towards older people and age-friendly environments that benefit people of all ages** continue after Brexit. The Government needs to invest in challenging ageist attitudes, tackling age discrimination, promoting age diversity and encouraging greater intergenerational dialogue.

For any follow-up to this letter, please contact Suzanne Foster, Secretariat for AGE Platform Europe UK (email: Suzanne.Foster@ageuk.org.uk; telephone: 020 3033 1692 / 07776 227 780).

Kind regards,



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