How do we tackle ageism and age discrimination of older people?

Report of the capacity-building seminar organised by AGE Platform Europe and Equinet

Summary

On 27-28 June 2019, AGE Platform Europe (AGE) and the European Network of Equality Bodies (Equinet) organised a capacity building seminar for Organisations of older people and National Equality Bodies to reflect on how to best act against misconceptions and discrimination on the ground of older age.

NEBs and Organisations of older people have different but complementary strengths. Their respective expertise and practices can easily enhance their impact when the two organisations are teaming up with a view to achieve a common objective. For example, due to the low number of cases reported in some fields, NEBs are not able to provide legal analysis or issue recommendations that can have a positive impact for future policies.

The knowledge that Organisations of older people hold in combination with their experience about the real-life situation of older people can help NEBs to ensure that instances of age discrimination are reported. By investigating cases of discrimination, NEBs feed in return Organisations of older people with evidence and recommendations to address policy makers with sound proof of the need to act.

This report is an overview of the discussions held during this two-day capacity-building seminar. It gives a snapshot of the evidence and research findings shared by both AGE and Equinet in relation to ageism and age discrimination and lists the avenues identified by the participants to address the issue.
Objectives

The purpose of this seminar was to build the capacity of NEBs and Older persons’ organisations to detect, prevent and address ageism and age discrimination, and promote equality for older people. It aimed at clarifying the legal and practical meaning of the terms ‘ageism’ and ‘age discrimination’ and identify obstacles that AGE and Equinet members face in the scope of their work.

One important objective was to identify good practices and blueprints among the members of AGE and Equinet on how to eliminate discrimination and to further discuss possible avenues of collaboration that can strengthen the cooperation of NEBs and organisations of older people at national level.

Background work

With the anti-ageism movement growing in Europe and beyond, the seminar took place at a strategic moment for both organisations.

In the last trimester of 2018, AGE engaged in an open discussion with partners and the wide public on the harmful consequences of ageism with the global awareness-raising campaign #AgeingEqual that shed light on the pervasive nature of the phenomenon and its effects on the capacity of individuals to fully enjoy human rights in older age.

In March 2019, Equinet released a discussion paper on “Fighting discrimination on the ground of age” that shared the practices and views of NEBs on the prevalence of age discrimination in the European Union (EU) in the fields of employment, access to goods and services, housing as well as health and family issues.
The state-of-the-art: opportunities and challenges

The first day of the seminar aimed at taking stock of the particular issues and challenges when addressing ageism and age discrimination, from a conceptual, policy and legal perspective.

Policy context

The seminar counted on the support and participation of Karl Moehl, from the Federal Anti-Discrimination Agency (German NEB) that hosted the seminar in their premises, Barbara Wurster, from the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and Szabolcs Schmidt, Head of the Unit “Non-Discrimination and Roma Coordination” of the Directorate-General Justice and Consumers.

The discussions confirmed that the current context is particularly favourable for action on ageism and age discrimination thanks to:

- The renewal of the EU Commission, it is particularly important to ensure a sustained commitment for the adoption of the Equal Treatment Directive that has been so far blocked in the Council of the EU.\(^1\)
- The United Nations Open-Ended Working Group on Ageing, that has the mandate to explore ways to strengthen the protection of the human rights of older persons at global level, including by considering the need for a new binding legal framework (i.e. UN convention).\(^2\)

Several opportunities to continue work in this area were mentioned:

- The discussion on the implementation of the so called “passerelle clause” in the EU in relation to social policy. This would enable the Council of the EU to adopt the Equal Treatment Directive through qualified majority voting, compared to unanimity\(^3\) which is currently the reason blocking its adoption.

\(^1\) In July 2008, the European Commission proposed a new anti-discrimination Directive (Equal Treatment or Horizontal Directive) that would expand the protection against discrimination on the grounds of age, disability, religion or belief and sexual orientation to the areas of social protection, health care, education, housing and access to goods and services. Both AGE and Equinet strongly support the adoption of this Directive.

\(^2\) The Open-Ended Working Group on Ageing was established by the General Assembly by resolution 65/182 on 21 December 2010. The working group will consider the existing international framework of the human rights of older persons and identify possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures: https://social.un.org/ageing-working-group/

\(^3\) European Economic and Social Committee (2019). “More efficient decision-making in social policy: Identification of areas for an enhanced move to qualified majority voting”, Opinion:
The High-Level Group on Non-Discrimination, Equality and Diversity,\(^4\) where among other things, a discussion on the legitimacy of the use of exceptions to age discrimination in the Employment Framework Directive could take place.

The upcoming German Presidency of the Council from July to December 2020, which plans to address the human rights of older persons.\(^5\)

### Legal challenges

The following aspects were identified as some of the main obstacles in dealing adequately with cases of age discrimination in view of the existing EU legal framework:

- Lack of comprehensive legal protection at EU level, namely beyond the field of employment;
- Age discrimination is seen as less severe compared to other grounds;
- Ageism is present in courts where generalisation is applied rather than an individual approach;\(^6\)
- Ageism appears in national public policies and laws (limitations by age, advantages given until/after a certain age);
- It is particularly difficult to address experiences of multiple discrimination and adopt an intersectional approach;
- Opportunities and threats of new technologies (participation in social and cultural life; risk of use of biased algorithms for giving loans etc.).

The full presentation provided by Equinet during the seminar is available [here].

---

\(^4\) European Commission, High Level Group on Non-Discrimination, Equality and Diversity: [https://ec.europa.eu/info/sites/info/files/hlg_mandate_en_0.pdf](https://ec.europa.eu/info/sites/info/files/hlg_mandate_en_0.pdf)

\(^5\) The German government is committed to promoting the rights of older persons during its presidency including by organising a high-level conference in July 2020.

The issue of the definition

The term ageism was coined by the American psychiatrist Dr. Robert Butler in 1969, however, many languages in Europe still do not have an official translation reflecting the concept of ageism. As a result the level of consciousness and awareness of ageism greatly varies among countries. Participants also highlighted that there may be narrow understandings of ageism that fail to encompass the full spectrum lived experiences of ageism. There was common agreement that a common working definition of ageism is crucial in order to continue work in this area.

“We must accept that we all are ageing from when we are born”

Age stereotypes

Participants acknowledged that public images, texts and advertisement often portray older people based on misconceptions and stereotypes about the capacity of older people, and their way of living. Images often reflect an idea that older people are passive and dependant on others. Or they show the opposite, reflecting the idea that life after retirement only entails happiness and activities together with others. The participants agreed that AGE Platform and Equinet members must actively challenge these misconceptions in their own work by displaying images that reflect the reality and diversity of old age from all backgrounds.
The way forward

The second day of the seminar focused on solutions; participatory workshops invited NEBs and Older persons’ organisations to discuss ways to prevent age discrimination and ageism in specific areas and identify concrete pathways for strengthening their cooperation.

The change we want to see: addressing ageism in key areas

Participants discussed the presence of ageism and age discrimination in four concrete contexts: (1) employment, (2) access to goods and services, especially financial and digital services, (3) poverty and social inclusion, and (4) health and long-term care. NEBs and Older persons’ organisations came up with some concrete ideas about what is needed to effectively prevent and address the experience of age discrimination and ageism in different areas of life.

- **Increased transparency in selection process of jobs.** Older persons’ organisations and NEBs can establish formal contracts/agreements with labour inspectors and employers to exchange information and knowledge about the selection process in different sectors.
- **Creation of incentives and awareness raising** among employers about the added value of hiring older people.
- **Data mining.** The participants of the seminar discussed the added value of data mining, which entails going through large data sets to identify patterns and establish relationships to find enough evidence of age discrimination.
- **Imposition of equality duties and standards on the minimum level of service.** This would entail the introduction of obligations for service providers both in the public and private sector to apply equality policies and have due regard to equality implications and impacts of their policies. In addition, the creation of internal policies in the public and private sector, obliging service providers to provide a minimum level of service to all customers. The role of NEBs and Older persons’ organisations in this context could be to regularly monitor the situation and the implementation of these duties.
- **Combination of anti-discriminatory laws and the General Data Protection Regulation (GDPR) to ensure that the digital services developed on the basis of new automated decision-making systems (enabled by artificial intelligence, for instance), are not discriminatory.** Ideally, the service provider should be held...
accountable both as data controller by the data protection authority for mishandling of data and as service provider by the NEB for discrimination.

- **Establishment of an open dialogue with financial service providers** to identify problematic areas/products and alternatives to the use of age limits and discriminatory premiums.
- **Individual assessments** as a reliable reference for court decisions and service providers to base their decisions, instead of using biased criteria.
- **Change of mindset** through trainings and other appropriate measures to fight ageist attitudes and build positive perceptions of older people by service providers in the health and long-term care sector.
- **Adoption of an intersectional approach** to increase the understanding of how ageism is experienced by different groups and tackle it more efficiently.

**A commitment to advance the fight against ageism**

This two-day seminar proved to be very useful and timely for the two organisers and their members. But it only marked the beginning of a shared journey to age equality. Based on the outcomes of the seminar AGE and Equinet will work both separately and jointly to advance this cause.

- Joining forces to deliver a strong message for EU non-discrimination legislation on age to extend beyond employment;
- Using the High-Level Group on non-discrimination to raise awareness of ageism and age discrimination;
- Exploring opportunities to invite each other to events or advocacy initiatives:
  - AGE is planning a workshop in 2020 to come up with a working definition of ageism that can be used for advocacy and campaigning purposes;
  - AGE will debrief Equinet regarding the developments on the OEWG, as well as other non-discrimination NGOs e.g. through a debriefing session;
  - AGE will involve Equinet in the discussions with the European Parliament Intergroup on Demographic Change and Solidarity Between Generations;
  - Equinet could work on the intersection of age with other grounds, e.g. next year Gender Equality Working Group will work on poverty: older women might be a group to consider in relation to poverty;

"What I take home is a sense of collaboration between civil society age sector and equality bodies at a strategic level"
- Equinet will suggest addressing age-related concerns in the Council of Europe Platform on social and economic rights.\(^7\)
  - Developing a checklist for NGOs and NEBs to collaborate at national level;
  - Sharing existing and upcoming capacity building and advocacy tools so we can build on each other’s expertise: e.g. AGE factsheet on ageism; AGE website section on how NGOs can participate in the UN-OEWG; Equinet tools to use casework and strategic litigation handbook. We could also organise webinars to present these tools to our members;
  - Using the momentum of the 1st of October, International Day of Older Persons to highlight the issue of ageism and age discrimination;
  - Identifying awareness-raising opportunities within AGE Platform Europe and Equinet respective membership.

ANNEX I – Exploring the scope of ageism: Report on the session intending to understand and define ageism

The capacity-building seminar started with a session aiming to come up with a common working definition of ‘ageism’ and ‘age discrimination’. The challenge was to anticipate and reconcile possibly divergent interpretation(s) of the concepts at the core of the seminar. Three sets of slides triggered discussions around the way older persons are usually portrayed and consequently treated in our societies. The debate revolved around three questions:

- Do you feel represented by these images? How do they make you feel? Do you feel other older people would be able to relate to these images?
- What do you think are the narratives around older age?
- What are the consequences of these narratives?

The discussion confirmed that ageing is still very often considered as something negative, and older persons as passive, incapable, vulnerable, etc. The example of an anti-ageing cream kicked off the discussion around the denial that we are all ageing from the day that we are born.

It defines ageing as bad and ugly and as if we should try to stay young; on the contrary, we should accept ageing. If you are against ageing, you are against living. It also portrays age as a women’s problem.

I interpret this one as all old people suffer from dementia and shouldn’t be in politics. It is the classic argument behind ”old people should die before we can feel the effect of who they voted for”; this person may say next time ”women shouldn’t vote”. It’s a sick idea of democracy.
The following comments were made on the lack of diversity in the way older persons are pictured: most of the pictures shown were judged stereotypical of older persons: inactive, disabled, and considered as “dwellings of the past”. Many participants underlined the absence of people of colour or older people taking care of younger generations. Several expressed feelings of puzzlement and anger.

The above picture led to divergent interpretations which raised questions around the difficulty to give an adequate representation of older age. For some, it was interpreted as very static, with little interaction between the two persons and with the rest of society. On the contrary, others saw an intimate moment where the two persons where holding hands, in peacefulness.

I miss the point of us bringing something to society; it made me feel sad as there seem to be no relationship; I look at this and think my parents are not like this, they are active!

I like the picture of the couple outside, made me think positively of how they walked there and enjoy the view now.

Participants stressed that narratives around ageing fuel the idea that older persons are frail and vulnerable, so they need to be looked after, supported, and protected, in a very unilateral relationship where one gives, and one receives. However, when alternative positive narratives picture older persons as active, fit and blooming, it was interpreted as commercial portraying, more joyful but showing older persons as draining and not contributing.
My first impression is that we have two opposite messages here: "older persons in need for support vs. older persons being active and joyful". There is more diversity, but both are still stereotypical.

The last part of the discussions covered the consequences of various misconceptions of older age. Participants acknowledged that they have long-term consequences both on individuals that internalise these stereotypes and for society. More specifically, participants identified:

- A non-acceptance of physical ageing and a fear to look old further resulting in actions to combat or hide these proofs of age;
- Prejudices against older people by young and older people themselves;
- A segregation of older people from younger age groups and absence of mutual support where different generations are helping each other;
- Risks of older people becoming invisible and not seen as a resource for society;
- A loss of meaning and loss of confidence.

The definition of ‘ageism’ by the World Health Organisation (WHO) did not quite encompass the various elements discussed by participants though. Defining ageism as “the stereotyping, prejudice, and discrimination against people on the basis of their age” was considered too simplistic, missing to reflect the negative impact and the dynamic process that is at stake when we talk about social constructions.

*Ageism is negative and the definition doesn’t seem negative; it lacks the preciseness and the negativity that is usually included in the definition of other grounds of discrimination.*

*I think the definition is too simplistic: if I will replace ‘older people’ or ‘older age’ by ‘LGBTI’ or ‘sexual orientation or gender identity’, it simply wouldn’t work.*

Participants also flagged the impossibility to translate ‘ageism’ into some languages i.e. literal translation of the narrower term of ‘age discrimination’ is usually used.

The session highlighted the need for a clear definition encompassing all the different dimensions of the phenomenon, including its harmful consequences and how stereotypes might change over time as society evolves.
The following checklist is the result of the joint capacity-building seminar organised by AGE Platform Europe and Equinet in June 2019. It provides ideas for cooperation and joint actions between older persons' organisations and equality bodies at national level.
Older persons organisations can bring cases to equality bodies. They can also inform and encourage their own (individual) members at local, regional and national levels to report instances of age discrimination directly to their equality bodies. This will increase the trust in equality bodies and contribute to a sustainable practice of reporting. Find your national equality body here!

Cooperation on strategic litigation. Older persons organisations can help equality bodies identify age discrimination cases of far reaching significance that are suitable for strategic litigation. The legal knowledge and power of equality bodies, in combination with the expertise of older persons organisations about the personal aspect of older people’s lives can strengthen the capacity of equality bodies to build a strong case, including during the investigation phase. Check Equinet’s Strategic Litigation Handbook!

Regular and open dialogue between equality bodies and older persons organisations for the purpose of exchanging insights about the situation of older people in different settings. Through consistent exchange of information, there is a chance that discriminatory practices can be detected, and that equality bodies can initiate investigations (if their mandate allows it).

Joint advocacy efforts to improve legal frameworks. The legal framework is the foundation of equality bodies case work. By joining forces and amplifying each other’s messages through their respective channels and advocacy tools, also under difficult circumstances, older persons organisations and equality bodies can have an effective impact on policy makers and legislators.
Joint applications for research grants. Equality bodies and older persons organisations could cooperate when searching and applying for suitable grants on topics related to ageism and age discrimination. Older people themselves should be involved as co-researchers.

Cooperating in disseminating research findings. Equality bodies and older persons organisations must support each other with financial and material means to make sure relevant findings do not get lost and are presented to relevant stakeholders.

Joint collection of data. The expertise and experience of equality bodies and older persons organisations are valuable in the process of identifying data gaps to be addressed to carry out proper assessment of the situation of older people, research and analysis.

Development of surveys. The insights that both equality bodies and older persons organisations hold respectively, i.e. the legal aspect of age discrimination and the existing prejudices and ageist attitudes among employers, service providers and more generally, in society, can bring valuable contribution when jointly shaping and sharing questionnaires.
Issuing policy recommendations based on research findings. Research carried out by equality bodies and/or older persons organisations should be translated into clearly formulated, concrete and achievable policy recommendations addressed to policy makers.

Collaboration during election periods. Equality bodies and older persons organisations can reinforce each other by pushing for joint recommendations and merging their contact lists and networks to increase their audiences.

Joint participation in strategic policy forums such as the UN Open-ended Working Group on Ageing. Equality bodies and older persons organisations should work together well ahead and in between the yearly sessions of the UN Open-Ended Working Group to:

- Identify common priorities, goals and messages;
- Submit joint oral statements and written contributions;
- Contact relevant ministers (e.g. minister of foreign affairs, minister of labour);
- Jointly contact media channels to increase your chances to get media coverage;
- Plan regular meetings in varied places (cities, rural areas, schools, etc.) to include older people from diverse backgrounds in a participatory approach;
- Assist each other in finding ways to finance the physical participation of older persons organisations and equality bodies in the plenary sessions in New York.
Campaigning and Awareness raising checklist

- **Share the research findings on which to base your awareness raising actions.** By using reliable facts and figures to campaign and communicate about a human rights issue, equality bodies and older persons organisations can raise awareness more effectively.

- **Regular exchange of good practices on awareness-raising and communication tools.** Because they have different organisational cultures and resources, equality bodies and older persons organisations can rely on different communication skills and tools. Successful practices should be shared; toolkits, trainings, and educational materials can also be developed jointly.

- **Calling for common pledges and public commitments.** During election periods, or on key international days, equality bodies and older persons organisations should jointly call for action and make sure that policy makers and relevant stakeholders commit to their cause.

- **Inform and train people about their rights.** By using each other’s knowledge and experience, equality bodies and older persons organisations have the potential of empowering older people as rights-holders and equipping them with the knowledge and tools necessary to act when their rights are violated in different areas of life.
Horizontal aspects to keep in mind when collaborating

- **Build and maintain long-lasting cooperations.** Equality bodies and older persons organisations can cooperate on many levels. The added-value of their cooperation depends on the efforts put into identifying complementarities and synergies to do more or better together.

- **Identify common goals in the different organisations’ strategic plans.** The cooperation between older persons’ organisations and equality bodies can be structured through mutual references and common priorities in the strategic plans and working programmes of the respective organisations.

- **Cooperation at all levels.** To have an impact and reach people from diverse backgrounds, equality bodies and older persons organisations can organise joint meetings and activities at local, regional and national levels, making an effort to reaching out to groups that are usually the least visible among older persons.

- **Build alliances with each other, and beyond.** Other organisations could be strategic allies in specific situations. Inviting other non-discrimination associations, trade unions, labour inspectorates, policy-makers, etc. can add value to the joint effort of older persons’ organisations and equality.
Please keep AGE and Equinet's secretariats informed of your cooperation and do not hesitate to ask for support!

Contacts
milla.vidina@equineteurope.org for Equinet
nena.georgantzi@age-platform.eu for AGE Platform Europe

CALL TO ACTION

Did you check at least three boxes? Write it down!

✓
✓
✓