

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.

“We are extremely happy about this initiative – a model to be followed in this area of age discrimination old!”

Szabolcs Schmidt,
European Commission



Kate Russell @KateLRussell · Jun 27

Really enjoying being part of EU wide discussions on how we tackle ageism and age discrimination @equineteurope @AGE_PlatformEU - age discrimination often being portrayed as 'less severe' but there should be no expiry to fundamental rights #AgeingEqual



France Horizon - Ile de France @BENNANIDounia2 · Jun 28

🇩🇪 Fin séminaire contre la discrimination par l'âge à Berlin #AgeingEqual
2 journées riches d'échanges, partages de pratiques et perspectives avec dynamique commune 🇪🇺 Représentation 🇫🇷 @AssociationADPA
@EricFregona @Defenseurdroits
Merci @equineteurope @AGE_PlatformEU @EsHuchet

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 UN 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 European Council to adopt the Equal Treatment Directive through qualified majority voting, compared to unanimity which is currently the reason blocking the adoption of the Directive.³

¹ In July 2008, the European Commission proposed a new anti-discrimination Directive (Equal Treatment Directive 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. [AGE](#) and [Equinet](#) strongly support the adoption of this Directive.

² The Open-Ended Working Group 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 More efficient decision-making in social policy: Identification of areas for an enhanced move to qualified majority voting: [file:///C:/Users/tanjas/Downloads/COMM_Decision-making-social-policy_EN%20\(4\).pdf](file:///C:/Users/tanjas/Downloads/COMM_Decision-making-social-policy_EN%20(4).pdf).

- The High-Level Group on Non-Discrimination, Equality and Diversity⁴, 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 of discrimination;
- Ageism is present in courts where generalisation is applied rather than an individual approach⁶;
- Ageism appears in national public policies and laws (limitations by age, advantages given to over or under 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.).

“I was a mature student who wanted to do a PhD. So, I looked for grants: I encountered a first barrier at EU level where the age limit is 30 years old!”



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

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

⁶ On this see Equinet Discussion paper on [“Fighting discrimination on the ground of age”](#)

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.** To find sufficient evidence of age discrimination, 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 sufficient 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.
- **Combine the force of anti-discriminatory laws and 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.

- **Establish open dialogue between NEBs and Older persons' organisations with financial service providers** to identify problematic areas/products and alternatives to the use of age limits and discriminatory premiums.
- **Individual assessments.** Court decisions and service providers should rely as far as possible on individual assessments, instead of using biased criteria.
- **A change in the mindset.** 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.
- **Adopt an intersectional approach** will allow increased understanding of how ageism is experienced by different groups and will help tackle it 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

"What I take home is a sense of collaboration between civil society age sector and equality bodies at a strategic level"

- 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 topic to address both ageism and sexism
- Equinet will suggest addressing age-related concerns in the Council of Europe Platform on social and economic rights
- 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 their membership.

