

***‘View from the Chair’ article published in the Business Newsletter, 28 July 2015
by Dr Michael Wardlow, Chief Commissioner, Equality Commission NI***

Extending age discrimination law for all

Most issues surrounding equality of opportunity are self evident, but, perhaps, none more so than the need to end age discrimination in terms of Goods Facilities and Services. Simply stated, there is no reason that age should be excluded from such fundamental protection. At a purely personal level, all of us are growing older and logically, if older people face discrimination and inequality, it will eventually affect each one of us. At the other end of the spectrum, we have all once been young people and so we should empathise with unnecessary restrictions and discriminatory attitudes against younger age groups. Above all else, as our society will always be made up of people of all ages, we all have a duty to ensure that each citizen is treated fairly and given every opportunity to fulfil their potential – regardless of their age.

In Northern Ireland, there remains an incongruity in legal protection for age as, although age discrimination in employment has been unlawful for over ten years, it is still not unlawful in relation to the provision of goods facilities and services. Thankfully, a consultation on the extension of age discrimination legislation to cover this omission is now under way, running from July until 8 October. Although the Commission has welcomed the move to extend the law, we are disappointed that the current proposals only afford protection against discrimination to people aged 16 and upwards, particularly as we have consistently urged Ministers to extend the law to cover all ages. We will of course continue to press for this.

Making discrimination on grounds of age unlawful in the sale of goods, access to premises, and provision of services generally, could have a significant impact for many businesses; though the underlying principles and practical steps which have to be taken to comply with the new law will already be familiar to most of them.

The basic requirement is to ensure that people do not receive an inferior service, or have their access to a product restricted, simply on the basis of their age. In most cases that will be straightforward; but more care will be needed in some sectors where age has sometimes been used as a deciding factor. These could include health and social care, financial services, such as loans, credit or finance or insurance, or transport provision and access to facilities for entertainment.

There are areas in which age may be legitimately considered as a factor, where this can be clearly shown to be justifiable. These can include access to age based concessions or prohibitions for such items as alcohol or cigarettes. Any such exceptions, however, should always be founded on evidence based on relevant information from a reliable source - and transparency and accountability about the basis for any decisions made is essential.

The Equality Commission will be making a detailed submission to the OFMDFM consultation. The Commission is holding a conference on 27 August in the Titanic, Belfast which will provide an opportunity to learn more about the Executive's proposals and to participate in an informed debate on the issue.

Read more about the [Equality Commission's Age Law Reform recommendations](#)