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Blog article by Roisin Mallon, Senior Policy Manager

What is age but a number?

For many people age is just a number – though it is also an annual reminder of how far we have come in the last year and of how quickly our lives pass. In equality law there is another dimension to it - age is one of the grounds on which people are protected against discrimination in employment.

That means that your employer can't force you to retire just because you are 63, for example, this happened to Gloria Dunbar who, with the Commission's assistance, took a case and successfully settled it against her employer. And it means that a business which advertises to recruit someone with 'youthful enthusiasm' might end up in Tribunal losing an age discrimination case – as one company found in the case brought by Terry McCoy, also supported by the Commission, who was the first person to win an age discrimination case in the Northern Ireland Industrial Tribunal.



In the rest of the UK the law also covers age discrimination in the provision of goods, facilities and services, as well as in the workplace. Not in Northern Ireland, however, where age discrimination law applies only to employment. That means we do not have legal protection from age discrimination in a wide range of areas such as health and social care, accessing financial services or transport provision.

In Great Britain, age discrimination protection in relation to goods, facilities and service has applied to everyone over the age of 18 since 2010. In the Northern Ireland Executive's Programme for Government 2012-15, there was a commitment to deal with this issue and extend the scope of age discrimination law. Proposals for legislation went out to consultation in 2015, but no law has yet been introduced.

This has left people in Northern Ireland without legal protection in a number of areas where it has been shown that real difficulties exist. People, often older and more vulnerable, are being treated in a discriminatory way due to their age in areas such as health and social care, and there are concerns about restricted access due to age to some financial services, such as insurance.

Though the law in Great Britain applies only to those over 18, the Equality Commission NI, the Northern Ireland Commissioner for Children and Young People, The Commissioner for Older People for Northern Ireland and other groups have called for the law to protect everyone, without an age limit, as people of all ages can experience discrimination in accessing goods and services.

Such legislation would not supersede any pre-existing legislation so, for example, age restrictions on purchasing products and services like alcohol, tobacco and tattoos would still be lawful. The law could also allow more favourable terms in the provision of products or services for people of different ages where this is justified; for example, free bus passes for those aged over 60 or discounted rail travel for young people.

Our society is - and always will be - made up of a mix of people of all ages. The law should ensure that each one of us is treated fairly, regardless of our age, and not denied the opportunity to fulfil our potential, because of our age. Why should people in Northern Ireland have less protection against age discrimination than those in Great Britain?

It is the only one of the equality grounds which does not have protection against discrimination in the areas of goods, facilities and services. The Commission believes strongly that there should be similar protection on grounds of age as we already have on grounds of religion and political opinion, race, disability, sexual orientation and gender.