

TheBusiness^{Opinion}

I'm not old – just full of wisdom

A diverse workforce that encompasses everyone, regardless of age, race, sex or disability, is one which is enriched and studies show outperform others in their sectors

Retirement 2017

SUSAN'S appraisal on 19 September went well. She was praised for her work ethic, her attention to detail, being a team player, her conscientiousness and her willingness to go the extra mile when there was a need to get a project finalised in tight time-frames. She was justifiably proud and loved the job she had done for 18 years.

It was a friend who had suggested that she would be good at sales and marketing, as she had great people skills and loved working with the public. The time had flown by and although she had started part-time and at the lowest level, she now managed a team and had undertaken all the necessary qualifications, in her own time.

It was only after Susan's family had grown up that she felt able to devote the time necessary to a career. Despite her partner being a wonderful father, there was no doubt who was expected to deal with the many and varied family situations and emergencies which seemed to be part and parcel of normal life.

On 7 October Susan received a letter from HR which reminded her that on 20 November, her birthday, she would have to leave the company. A job she loved, and was good at, would be at an end, all because she would be 65 years old.

Fast forward: Retirement 2018

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As part of the appraisal process, Susan's manager asked her to suggest areas of development and she said that she felt knowledge of the new head office initiative related to tele-marketing would be of benefit to drive greater productivity from her team. This was agreed to be of benefit to the company and a secondment to head office in March 2019 agreed.

The six-month delay was necessary as Susan had committed to completing the



June Summers Shaw,
managing director,
Clear Concepts

three-peaks hill climb in 36 hours, as part of a charity fundraising event. She was in training and it was taking up all her spare time. The company actively encouraged community and social involvement and were her main sponsor.

The legal position

On 1 September 2016 age discrimination joined the characteristics or attributes which are part of the discrimination legislation first enacted by the States of Jersey on the 1 September 2014. The law prohibits anyone being discriminated against because of their race, sex or age. In 2018 it is expected that disability will join the protected characteristics.

When age discrimination was enacted, a delay was provided in respect of retirement until 1 September 2018. Until that date, it is still lawful to dismiss someone who has reached the statutory age of retirement of 65 years. After that date it will be unlawful.

There have been many varied views given both for, and against, forced retirement.

There is no doubt that some employees have been kept on after their productivity has waned in the belief that it is kinder to simply wait until their retirement date than to exit them prematurely under capability procedures. In the future, one of the five fair reasons for dismissal will have to apply if the employer wants to avoid a tribunal claim for unfair dismissal.

So, what are the arguments for employing those with long working-life experience?

It is well recognised that older workers bring to the workplace stability, loyalty, experience and wisdom. The greatest reason, however, may be an economic one, as Andy Briggs, the UK government's business champion for older workers, has called for the employment rate for people aged 50-69 to rise from the current 59% to 66% by 2022. The reason for this is that Britain faces a shortfall of new workers

retain, retrain and recruit older workers, and give them the same opportunities that younger employees enjoy when it comes to training, development and career progression. By 2020, one in three workers will be over 50 in the UK. If more of us are needing to work for longer, we will need to change our attitudes and ways of working. How we work and retire will be very different from our parents and grandparents. Employers need to consider more flexible ways of working to support older workers.'

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By way of example, a large DIY firm has a policy of actively encouraging retirees to work for them as they were found to have greater customer care skills and DIY knowledge. They offer grandparent leave (flexible shifts to allow to care for grandchildren) and Benidorm leave (blocks of three months off over the winter months when they are less busy) as an incentive to stay in the workplace.

How old is old?

Take Reg Buttress, a Sainsbury's employee. He initially retired aged 65 but missed work. In September 2017, aged 95 years, he retired again but may return if he gets bored. One of the oldest workers is Loren Wade from Kansas, a Walmart employee since 1983, who is still working a 30-hour, five day week – at the age of 103!

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