Why Not Let Old People Work for Nothing?

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Alison Hall’s article explaining the University’s policy on age discrimination and retirement took my breath away. Everyone should be shocked by it, because age discrimination, unlike sex or race discrimination, is something most of us experience at some stage in our lives, unless we die young.

The Employment Equality (Age) Regulations 2006 outlaw age discrimination, defined as treating someone less favourably than others on grounds of age or putting someone in a particular age group at a disadvantage compared with others. Both direct and indirect age discrimination are now unlawful and, according to the European Council directive that mandated the regulations, should be treated just like sex discrimination.

Let’s be quite clear about Alison Hall’s argument. The gist of it is as follows:

1. The University does not practise age discrimination: “The University aims to ensure that students and staff are treated solely on the basis of their merits, abilities and potential, regardless of . . . age . . . .”

2. We’re normally forced to retire at 65, although we may occasionally be allowed to work beyond 65 when it suits the University: “For a number of years, it has been the University’s practice to extend employment contracts beyond the normal retirement age where this is consistent with achieving the institution’s objectives.”

3. We may request contract extensions, but a request can be submitted no earlier than 6 months before “normal” retirement date: “This practice has been formalised by way of a retirement procedure in accordance with which requests to continue working beyond normal retirement age are considered within the 12 months [sic] preceding the scheduled retirement date. The University believes that this timeframe provides an appropriate planning horizon.”

Comment: I wonder why Alison says “12 months”? The official University of Leicester Retirement Procedure states quite clearly: “A staff member who wishes to work longer must make their request to Personnel, at least 3 months and no more than 6 months before their scheduled NRA.” And how soon after that will the staff member be notified of the decision? “It is anticipated that this will normally be in advance of the employee’s normal retirement date. However, in exceptional cases a decision may not be reached until after the date of the NRA.” Big Brother, or even Capita (now working for the University), would blush to call this “an appropriate planning horizon.”

4. During the last few years leading up to 65, we suffer no handicap in applying for grants, because if a grant extends beyond normal retirement age, the University may graciously allow us to continue working without pay! “It is usually sufficient simply to confirm that there would be some form of continuing active involvement with the institution (for example, by way of an Emeritus Professorship or similar) . . . . Retirement age therefore poses no hindrance to obtaining research grants.”

Brilliant! There’s no age discrimination, because once we’re over 65 we can simply continue working for nothing. If we were a little younger, then we would be getting paid for the work. The only tiny problem is that this is obviously “treating someone less favourably than others on grounds of age, or putting someone in a particular age group at a disadvantage compared with others”. You don’t have to be a lawyer to spot it.

It would do the University credit to embrace a more enlightened approach, before they are forced to do so by the law.

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