



Consultation – Legislation to Protect Against Age Discrimination

Submission by Prospect to the Committee for Employment &
Social Security

24 September 2024

<https://prospect.org.uk/>

Introduction and Summary

Prospect is an independent trade union representing over 155,000 members. Our members work in a range of jobs in both the public and private sectors in a variety of different areas including in aviation, agriculture, broadcasting, entertainment and media, defence, education, energy, environment, heritage, industry, scientific research and telecommunications.

Prospect welcomes the opportunity to respond to the consultation on the proposal to legislate to protect against age discrimination.

Before addressing the specific questions in the consultation document, we would like to make a number of general points in this introductory section of our response.

Prospect agrees with the proposal to implement legislation to protect against age discrimination in the field of employment. It is noted that the proposed legislation will also prohibit age discrimination in other areas, such as goods and services. In this response, we will only be focusing on the changes proposed in the employment field.

CONSULTATION QUESTIONS

Part A

- 1. Do you agree that it should be unlawful to dismiss an employee due to their age unless this can be objectively justified?**

Prospect agrees with this proposal.

- 2. Do you think that a time-limited exception should be introduced so that employers would be permitted to lawfully dismiss employees who reach pensionable age for a limited period of time (e.g. two years)?**

Prospect does not agree with this proposal. If laws are being implemented to protect against age discrimination and to make it unlawful to dismiss an employee due to their age, those rights should be applicable from the date the legislation takes effect.

- 3. Do you agree with the proposed list of exceptions?**

Prospect does not consider that age should be used to justify minimum wage rates. Workers should be paid the same for carrying out the same work. The only exception to this may be apprentices undertaking apprenticeships.

In respect of the other employment related exceptions, they are agreed.

- 4. Are there any exceptions which you would like to provide further comment on?**

No.

- 5. Do you think there are any additional exceptions in relation to age which should be included in the Discrimination Ordinance? If so, please provide details.**

No.

Part B

1. **Do you agree or disagree with the Committee's position that objective justification should be a permitted defence in relation to complaints concerning direct discrimination on the grounds of age?**

Prospect agrees with the position of the Committee.

2. **The Committee's agreed position is that the legislation would provide protection from age discrimination for individuals of all ages in the context of employment. Do you agree or disagree with this position?**

Prospect agrees with this position of the Committee.

3. **The Committee's agreed position is that the legislation would not provide protection from age discrimination for individuals in nursery, preschool, primary or secondary education. In these contexts, it is common for different ages to be educated separately and for provision to be targeted at specific age groups. Do you agree or disagree with this position?**

Prospect cannot comment on this.

4. **The Committee's agreed position is that the legislation would not provide protection from age discrimination for individuals under the age of 18 in the context of accommodation provision, the provision of goods and services, and membership of clubs and associations. Do you agree or disagree with this position?**

Prospect cannot comment on this.