

Ageism and discrimination – a perspective from equality bodies

Ageism: where are we, what is next?

Side event to the 10th session of the United Nations Open-Ended Working Group on Ageing, New York, 17.04.2019



Equinet and its members

- Network of national **equality bodies** promoting equality and combating discrimination (49 members from 36 European countries)
- Equality bodies set up as state institutions on the basis of EU Equal Treatment Directives (2000/43/EC; 2004/113/EC; 2006/54/EC; 2010/41/EU)



The potential of equality bodies









- ❖ Social organisational individual change and assistance
- Effective monitoring and enforcement of equality law and duties
- Prevention of discrimination
- Developing national and European jurisprudence
- Promotion of good equality practices
- Awareness-raising
- Research and knowledge creation
- Policy advice

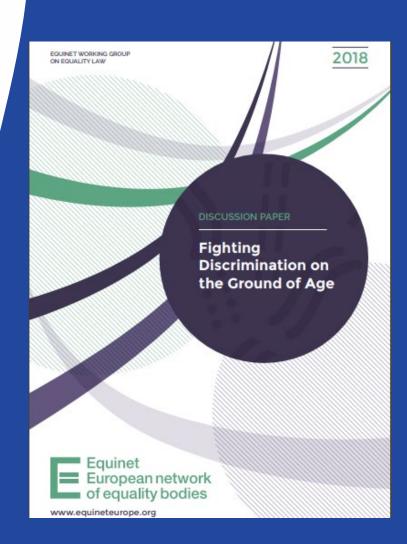
Equality and non-discrimination

- 2030 Agenda for Sustainable Development equality as key element
- International legal obligations (all UN Treaties, Council of Europe's ECHR, etc.)
- Fundamental values of the EU, protected by EU law (although gaps remain)
- Overwhelming majority of national laws and equality bodies already cover age discrimination in and beyond employment



Fighting discrimination on the ground of age

- An Equinet Discussion Paper, based on cases and analyses submitted by 22 equality bodies
- Published in March 2019: http://www.equineteurope.org/How-are-Equality-Bodies-Fighting-Discrimination-on-the-Ground-of-Age
- Legal framework and key issues
- Chapters on employment, goods and services, housing, and health and family issues



Key issues

- Lack of comprehensive legal protection
- Age discrimination is seen and portrayed as 'less severe'
- ❖ Ageism present in courts ready to accept generalisations instead of requiring an individualised approach
- Ageism often stipulated in legislation or public policies
- Prevalence of multiple discrimination can result in or exacerbate the experience of discrimination
- New technologies opportunities and threats

Employment



- Highest prevalence of discrimination
- Most common legal issues:
 - Maximum age limits
 - Dismissal or refusal to hire when reaching retirement age
- Example: vacancy notice for a position of administrator at a government agency for persons under 40

Goods and services



- Most common legal issues relate to financial and insurance products: denial of products, additional conditions or extra charge
- Significance of accurate and relevant data and proportionality
- Questionable use of algorithms
- Example: refusal to grant a loan due to the higher age of the applicant (older than 60)

Housing



- Most common legal issues:
 - Maximum age limits for residents
 - Reluctance to rent apartments to older persons
 - Indirectly discriminatory policies, e.g. reserving public housing for working households
- *Example: age limit of 31 for residents

Health and family issues



- Most common legal issues:
 - Maximum age limit for medical insurance
 - Maximum age limit for medical screening
 - Limitation of reproductive rights
 - Maximum age limit for adopting parents
- * Example: Free preventive annual breast cancer screening only available to women aged 40-69.

THANKS FOR YOUR ATTENTION!

ANY QUESTIONS?

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