



**Submission to the Department of Justice and Equality
Public Consultation on Flexible Working**

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Rialtas na hÉireann
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1. Introduction

Age Action is the leading advocacy organisation on ageing and older people in Ireland. Our mission is to achieve fundamental change in the lives of all older people by eliminating age discrimination, promoting positive ageing and securing their right to comprehensive and high-quality services.

We want to make Ireland the best country in the world in which to grow old and we work with older people to build a society free of ageism where their rights are secured. A central feature of our work is raising awareness about the lived experience of growing old in Ireland.

Age Action is calling on the Government to plan sufficiently for an ageing population to ensure that people remain active, engaged, and valued in their communities for as long as feasible, with choice and control over their lives, regardless of their age. By implementing progressive policies across all Government departments, including social protection, health and housing, the State can improve quality of life for older people ageing in their community while providing value for money for the Exchequer.

Equality for people who are older, and for each of us as we age, cannot be achieved without achieving equality for all of us throughout the life course.

In working for equality, it is critical that we focus on equality of outcomes not just equality of opportunity.

Crucial to this is ensuring we all have adequate income and supports as we age and that we are supported to realise our rights and to continue to make choices over our own lives. Identifying structural inequalities — such as the disproportionate burden of unpaid work that falls on women, gender inequality in the pension system, child poverty and homelessness — and building cross-society collaboration to address them — will benefit us all as we age. It is in this context that Age Action makes a submission to the public consultation on flexible working.

Any new measures to address flexible working must recognise that a more flexible approach to work practices and retirement is needed in the context of living longer and increasing pension ages.

Short-term thinking prevents us developing the solutions to support older people who want to continue working but fall victim to **ageism and discriminatory mandatory retirement clauses**.

Quite simply, many older workers would choose to continue working longer if they could. This desire and ability to continue working for longer will vary according to sector and an individual's circumstance.

2. Context

i) An Ageing Population

People in Ireland are living longer, healthier and more active lives. According to the most recent Census figures, the number of people aged over 65 saw the largest increase of population since 2011. This age group has increased since 2011 by 19.1% (to 637,567) and represents 13% of the total population. The number of people aged over 85 increased by 15.6% (to 67,555).

The number of people aged over 65 is projected to increase very significantly to close to 1.4 million by 2041,¹ representing 20-25% of the population. The number of people over 80 is set to rise even more dramatically, increasing by over 250% to between 470,000 and 484,000 in 2046.² Regional projections for 2016-2031 show the number of older persons (over 65) will almost double in every region over that time period.³

Increased longevity is cause for celebration. It presents all members of Irish society with an opportunity to enjoy these extra years. This success also means decision-makers need to face a range of challenges created by an ageing population.

ii) Pension Poverty

A substantial percentage of older people are reliant on the State Pension for the majority of their income. For those over 65 more than three-quarters of their income is made up of public transfers. To this end, the State Pension has provided a critical, and often sole, source of income for many older people. Latest pension figures show that 40% of workers do not have any additional pension cover outside of the State pension.⁴

Latest CSO SILC figures show that those aged over 65 in Ireland are not only living in increased poverty (20,000 increase year-on-year in 2018) but they were the only group to show yearly increases in the proportion of those living both in and at risk of poverty. In 2018, 11.4% of people aged 65 years and over were 'at risk' of poverty in 2018 – this is a sharp 2.8 percentage point year-on-year increase from 2017 and clearly shows that older people remain vulnerable and are not experiencing as quick a recovery post austerity.⁵

Many more older people are surviving on income just above the poverty line, with the top rate of the non-contributory state pension currently below the poverty rate, and as a result are unable to withstand any economic shocks however small.

¹ http://rebuildingireland.ie/Rebuilding%20Ireland_Action%20Plan.pdf

² Based on 2011 base figures.

<http://www.cso.ie/en/csolatestnews/pressreleases/2013pressreleases/pressreleasepopulationandlabourforceprojections2016-2046>

³ <http://www.cso.ie/en/releasesandpublications/er/rpp/regionalpopulationprojections2016-2031>

⁴ CSO (2019) *Pension Coverage 2019*. Available at www.cso.ie.

⁵ CSO (2019) *Survey in Income and Living Conditions 2018*. Available at www.cso.ie.

Continuing or returning to work may be a critical source of income for older people, increasing their pre-retirement income from social transfers to a level which meets their minimum essential standard of living.

iii) Working for Longer

Goal 1 of the *National Positive Ageing Strategy* aims to remove 'barriers to participation and provide more opportunities for the continued involvement of people as they age in all aspects of cultural, economic and social life in their communities according to their needs, preferences and capacities.'⁶

More people are choosing to work for longer whether for socialisation or economic necessity and often in the context of caring responsibilities and – in cases – health concerns. To support this, it is crucial that access is available to age friendly workplaces and to flexible working options. Government supports for these are crucial across the workforce.

A more flexible approach to retirement age is needed in the context of living longer and increasing pension ages.

The Labour Force Survey Quarter 2 2019 showed 78,000 of those aged over 65 in the labour force and a rate of 11.3%. The labour force participation rate for all over 55 has risen sharply in recent years, with 71.6% for those aged 55-59, 55.2% for those age 60-64 and 11.3% for those over 65.

To address an increasing old-age dependency ratio and a decreasing labour pool across the EU, countries have raised retirement ages and restricted access to early retirement. Progression to retirement may hide the real rate of unemployment among over 55s. Research shows that becoming unemployed over 55 is generally a 'one-way street'. Some older people may be long-term unemployed and at particular risk of becoming marginalised and permanently detached from the labour market.

Many economic and social benefits accrue from being employed, with adverse impacts on people who exit the workforce such as loss of self-worth, confidence, identity and access to network and contacts. Evidence clearly shows that being unemployed can lead to increased social isolation, poorer mental health, wellbeing and decreased levels of resilience.

In terms of *getting* jobs, high self-reported levels of ageism within the recruitment process have been reported by older people.

⁶ Government of Ireland (2013) *National Positive Ageing Strategy*. Available at www.gov.ie.

The demand for flexible work is likely there from older people. *The OECD Older Persons Scoreboard 2008-2018* showed that the incidence of those aged 55-64 working part time has decreased (by 4.1 percentage points) in Ireland, however, of those working part-time, we have seen a very significant rise of 22.2 percentage points in the proportion doing so involuntarily (from 9.9% to 32.1%). **This means that in the last ten years, the number of older people that are willing and able to work more than their current hours, has more than tripled.**⁷

Many older workers – including callers to Age Action’s Information Line - have indicated that flexibility would assist them in remaining in the work force, with flexible work arrangements (such as shorter hours and longer holidays) and other non-monetary characteristics of work in cases more important than wages to many. More than one-third of respondents in a recent survey identified reduced working hours as the most attractive feature of a phased retirement option.⁸

3. Recommendations

1. It is important that the infrastructure within the State drives equality and not inequality. **Targeted approaches are needed to support older workers to access the full benefits of flexible working, requiring a whole of Government approach** to the policy design and implementation.
2. Another key pillar is **designing pension policies to support longer working lives**, without which, flexible working policies may not have optimal impact. **Central to this is the introduction of a living wage.**
3. Employers must be supported in their consideration of requests, to design business and roles so that it enables flexible working. **Without government support for employers in considering options for business and role structure, employers may easily reject requests for flexible working**, undermining the intent of any new legislation.
4. It is crucial that **the right to request flexible work should apply to everyone** and as noted by the National Women’s Council of Ireland (NWCI) in their submission on this topic, **from the first day in the role**. Age Action notes that flexible working can meet a wide-reaching need. For example, in relation to women experiencing menopause, where women had taken time off work to deal with their symptoms only half of them disclosed the real reason for absence to their line managers, and over half of the sample reported they were not able to negotiate flexible working hours or working practices as much as they needed

⁷ OECD (2019) *Older Workers Scoreboard 2008 and 2018*. Available at <http://www.oecd.org/employment/ageingandemploymentpolicies.htm>

⁸ Georgetown Law (2010) *Older Workers and the Need for Workplace Flexibility*. Available at <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1037&context=cbh>

to in order to deal with their symptoms. Others considered working part-time, although they were concerned about the impact on their career if they did so or had even thought about leaving the labour force altogether.⁹

5. **State supports to ensure access to adequate, lifelong flexible measures** are needed for both the public and private sector, such as re-training, redesigning jobs to meet physical needs, job transition support, career path re-design, part-time and job-sharing opportunities. These meet already identified needs under Future Jobs Ireland 2019.¹⁰
6. **Flexibility should not be used as a cover for job insecurity** (e.g. insecure employment or employment conditions) **and it should not affect career progression or status**. While job insecurity issues may be amenable to being caught with legislation, career progression and status may be supported by approaches such as normalising flexible work at all levels of seniority. Reporting on company gender pay gap would support equality in this regard as it would highlight where demographics that are more likely to work part-time are not progressing to higher pay rates. Age Action supports the NWCI in their call for collective bargaining to be supported in the framework of flexible working measures.
7. For people to enjoy the full benefits of flexible working, **the Government needs to support age-friendly workplaces, eradicate discriminatory mandatory retirement clauses and offer targeted education and training supports to older members of the labour force**. Currently, Government education and skills policy does not support people who want to remain at work for longer, with most older people excluded from Government education and training policies such as the National Skills Strategy 2025. Those over 64 years of age are not explicitly included in the current Further Education and Training Strategy and yet plans are in place to promote longer working lives and raise the age at which a person accesses the State pension to 68 by 2027. Older learners are effectively prohibited from availing of many statutory learning supports.
8. Access to broadband particularly for people living in a rural location as according to Census 2016 statistics, the rural population of Ireland is, on average, older than the urban population, and this trend is increasing. **Good broadband access also facilitates remote working options, as set out in Future Jobs Ireland 2019**. Flexible working can help bring people back to living

⁹ INMO (2019)

https://inmo.ie/tempDocs/20190514091138_WebMenopause%20Position%20PaperSM.pdf. Available at www.inmo.org.

¹⁰ Future Jobs Ireland focuses on five pillars in the areas of: embracing innovation and technological change; improving SME productivity; enhancing skills and developing and attracting talent; increasing participation in the labour force; and transitioning to a low carbon economy. See Government of Ireland (2019) Future Jobs Ireland 2019. Available at www.dbei.gov.ie.

in rural areas and give people the choice to remain in rural areas. When people live close to where they work, they can become more involved in their local communities, therefore strengthening communities. Getting people back to work, especially those who lost their jobs during the recession and are now older can be more difficult, and the availability of flexible working helps expand the employment options of these people.

9. **An effective rural public transport system** is essential for people to access work and education – achieving a work life balance should be equitable regardless of where one lives in relation to their place of work and access to a public transport service that meets the needs of the community is important.
10. Finally, Age Action supports the NWCI ask for a **public conversation on reduced working hours** by establishing a Citizens' Assembly on the four-day week. It is crucial that **all Government consultation processes allow for meaningful participation by those offline.**

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