

New Commission for Equality and Human Rights announced

Britain is to have a new Equality and Human Rights Commission to fight discrimination.

The commission will replace the existing Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. It will also have remit to fight discrimination on the grounds of sexual orientation, religion and belief, and age.

According to a written statement by Patricia Hewitt MP, Secretary of State for Trade and Industry, made on October 30, the new commission will play an important part in the promotion of human rights in addition to its equality responsibilities. The Minister said that this emphasis was the result of responses to the consultation document *Equality and Diversity: Making it happen* and to the sixth report of the Joint Committee on Human Rights, which called for integrated institutional support

for human rights and equality.

Ms Hewitt said: "The working title of the body will be the Commission for Equality and Human Rights. It will promote an inclusive agenda, underlining the importance of equality for all in society as well as working to combat discrimination affecting specific groups. It will promote equal opportunities for all and tackle barriers to participation.

"It will play a key role in building a new, inclusive sense of British citizenship and identity in which shared values of respect, fair treatment and equal dignity are recognised as underpinning a cohesive prosperous society. It will promote a culture of respect for human rights, especially in the delivery of public services."

Responding to the announcement Gordon Lishman, the Director-General of Age Concern England, said: "This will be a major step forward in fighting for equality

for all, but especially older people whose rights will be covered by such a body for the first time.

"However, the battle to make age discrimination a thing of the past is far from over. The commission will only be as strong as the powers and duties it is accorded by law and by the funding it gets from Government.

"At the moment age discrimination robs society and the economy of the valuable skills and experiences of older people. At the same time it denies older people the opportunities they deserve. The Equality and Human Rights Commission must break the age barrier, challenge attitudes and change hearts and minds so that older people can make a full contribution as workers, carers, consumers and citizens."

The Government plans to publish a White Paper next spring outlining detailed proposals for the body and seeking comments. The earliest



Hewitt: Equality commitment

date the new body is likely to be established is 2006. The new law to outlaw discrimination of the grounds of age in employment and training will be in force by October 2006.

No decisions have yet been taken on how the commission will be structured or run. A task force to provide advice will include representatives from the existing commissions and the new equality strands, including age.

See this month's Viewpoint on page four.



A degree of maturity...the All Party Parliamentary Group (APPG) on Ageing and Older People's response to *Age Matters* (see page 3) asked for legislation to take adult learning into account. The APPG was concerned that this was given only a passing mention in the document and wants to see joint working between the Department for Trade and Industry (DTI) and the Department for Education and Skills (DfES). A consultation paper on *Age Matters* from the DfES would be a "welcome signal" that the Government is taking the issue of accessibility to learning for adults seriously, it said.

Photo: With thanks to Open University

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Baird's Beckham Jnr prediction • Oxford hears Smith's pensions plans • APPG response to *Age Matters* Kennedy on baby boom generation

Oxford hears Smith's pension plans



Andrew Smith MP talks through pension plans for women

The Secretary of State for Work and Pensions, Andrew Smith MP, revealed that the Government is considering changes to legislation to require employers who do not currently offer pension schemes to employees to provide their workers with independent financial advice.

Mr Smith was answering delegates' questions on pension planning for women at Age Concern Oxfordshire City & County's national conference on pensions on November 7. He shared a platform with Katherine Rake, Director of the Fawcett Society, the leading

organisation campaigning for gender equality in the UK, and Gordon Lishman, Director-General of Age Concern England.

The Minister said: "There is a very important role for the voluntary sector in the pensions debate and this conference is a very timely one."

Mr Smith told a questioner that the Lower Earnings Limit (LEL) is under constant review. Changing LEL is a key component of the joint Age Concern England/Fawcett Society *Let's Make Pensions Work for Women* campaign. One in every four women

pensioners lives in poverty, and women form the majority of the two million pensioners who live in poverty.

Women find it particularly difficult to build up pension contributions, Mr Smith acknowledged, as they spend an average of 10 years less in the labour market, earn less, and are more likely to lose out on employer pension schemes because they work part-time. He said Government action to help women pensioners already included giving people the opportunity to build pension rights from each period of employment, maintaining

survivor's benefits for women, simplifying arrangements for sharing pensions on divorce, and a commitment to providing better access to financial information and advice.

Mr Smith said Age Concern played an important part in ensuring that pensioners got the benefits they were entitled to. When questioned about council tax, the Minister stressed the importance of partnership working between the Government, the Pensions Service and organisations including Age Concern England to improve the take up of council tax benefit.

Photo: Courtesy of the Oxford Mail and Oxford Times

Let's Make Pensions Work and LEL

- Around 1.4 million women currently earn less than the LEL of £77 a week
- People who earn less than LEL are not building up entitlement to the state pension
- People with lower earnings to be brought into the system
- The Government should reconsider the level of LEL, and make sure that lower earners are aware of its effects
- Anyone working 16 hours or more on the minimum wage should be able to build up pension and benefit entitlements
- Anyone earning a total of £77 per week or more should be able to build up entitlements, even if they have two or more jobs that individually pay less than £77.

Equal pay by the year 2083

Labour MP Vera Baird says that women will have to wait another eighty years, until 2083, to earn equal pay with men for the whole of their working lives – leaving women pensioners in poverty for the foreseeable future.

Ms Baird was congratulated by both Conservative and Liberal Democrat MPs for securing a women and pensions debate on October 28. She used figures provided by Fawcett Society, the leading organisation working for equality between the sexes, and Age Concern England to illustrate that the next three generations of women face poverty in retirement.

"We should tell our daughters who are coming up to working age that they are doomed to poverty in old age. It means also that we should tell them to tell their daughters, who will start work in about 2025 – the year that I predict Brooklyn Beckham will sign for Real Madrid – that they, too, will retire poor. Our great-granddaughters will start work in 2045, the year that we – or rather they, by then – celebrate the centenary of Paul McCartney's birth. We should tell them that in retirement that they, too, will be poorer than their brothers."

Ms Baird, who has taken up the cause of women's pensions,

is strongly supporting the joint Age Concern England/Fawcett Society *Let's Make Pensions Work for Women* campaign. She asked the Government how it responded to the campaign's proposals, particularly on the introduction of a "carer's credit", allowing carers to build up pension entitlement. She also suggested structural changes to allow lower earners to build up pension rights and increasing the impact of the second state pension by introducing greater rates of accrual for those currently contributing.

Reform was also needed to allow women to benefit more from occupational pension schemes, she said.



Baird: Brooklyn Beckham to sign for Real Madrid and a centenary celebration for Paul McCartney before women pensioners' incomes match those of men

- An Early Day Motion on women and pensions tabled by Ms Baird has already received cross-party support from more than one hundred MPs.

Photo: PA/Andrew Patsons

All-party concern over mandatory retirement plans

The All Party Parliamentary Group (APPG) on Ageing and Older People has raised concerns about proposals under consideration by the Government that may both allow employers to justify requiring their employees to retire and introduce a state default retirement age of 70 or above.

The group, chaired by Eddie O'Hara MP, has released a detailed response to the issues discussed at a meeting in October with Jacqui Smith MP, the Minister responsible for the *Equality and Diversity: Age Matters* consultation.

Mr O'Hara said that the APPG had welcomed assurances made in the pensions Green Paper that mandatory retirement ages were likely to be unlawful if employers could not objectively justify them. However, the APPG felt that

the subsequent consultation had opened up the option for employers to justify retirement ages, upper-age limits on recruitment and age-based pay and benefits in special circumstances.

Co-Chair Nigel Waterson MP said: "We believe people should be judged on their merits, rather than on the basis of uniform age-based policies. We have concerns that this proposal counters the principle of the EU Directive on equal treatment in employment and vocational training. Under the Directive it will be almost impossible for an employer to justify a mandatory retirement age. We are concerned that if the Government goes ahead with this proposal large numbers of employers may set compulsory retirement ages – defeating the object of the Directive."

The APPG is also strongly

urging the Government not to adopt a national "default" retirement age of 70 or above, at which employers would be able to retire workers without justification.

Mr O'Hara explained: "Pursuing this option is a retreat from the original position taken by the Government. We also have concerns about why the age 70 has been chosen and do not feel it is based on any evidence about the capacity of older people to work. We believe that if individual employers were permitted to set their own retirement ages where they can justify it, the default age would only be required by employers with no good case for setting a retirement age."

Co-Chair Paul Burstow MP added that a "default" retirement age had worrying implications for pensions policy because it suggests that



O'Hara: Detailed response

people would normally work up until age 70. "This will encourage employers to increase their occupational pension ages," said Mr Burstow.

The consultation had also created fears that this "default" age would eventually lead to a rise in state pension age, a move which has been ruled out for the time being by the Government. Any such rise would penalise older people with lower incomes, particularly those with a life of manual labour behind them, because of their lower-than-average life expectancy.

Wicks defends pension credit

Every pensioner household that has not been automatically transferred to the new pension credit will receive an information pack to find out if they are eligible by June next year, according to Malcolm Wicks MP, the Minister for Pensions, who is personally committed to a 100 per cent take up of the credit.

Mr Wicks was speaking in a cross-cutting debate on older people held in Westminster Hall on November 13. He defended the new credit, which was launched in October. Opposition parties and pressure groups have criticised the Government for setting low targets for the take-up of this credit, which should benefit five million pensioners. While the Government wants to see three million people take up the

credit by 2006, Age Concern England says it should be aiming for a 90 per cent take-up rate by that date.

The Minister said: "We are absolutely determined that those entitled to pension credit should receive it. It is terrible to think that someone who could be better off by £30 or £40 a week will not hear about pension credit."

He added that despite "irresponsible scaremongering" the pension credit had got off to a good start, with 1.4 million individuals already better off. He called on MPs to help find the best location for advice surgeries and said that home visits were also arranged to get the pension credit message across to the poorest and most vulnerable elderly people.

Questioned about council tax,

Phil Hope MP, Parliamentary Under-Secretary of State for the Office of the Deputy Prime Minister, said that the Government understood the pressures some pensioners faced with their council tax. However, it believed that the benefits system should be used to help those most in need: "Council tax benefit is paid to nearly 2.5 million pensioners. With the recent introduction of pension credit almost 1.9 million pensioners will qualify for more help, or qualify for help for the first time."

He added: "However, in some areas, particularly those where pensioners own their homes, take-up of council tax benefit is not as good as it should be – it can be as low as 40 per cent – and we could do considerably more."

Europe moves on unisex annuities

The European Commission adopted its Proposal for a Council Directive on equal treatment between men and women outside the workplace, which focuses on the access to and supply of goods and services, on November 5.

In a statement, the Directorate-General Employment at the European Commission said: "The use of sex as a factor in the calculation of premiums and benefits for insurance and related financial services would be prohibited."

This would benefit women in the UK, who currently have to pay more for pension annuities than men because their life expectancy is greater.

A new commission must have sharp teeth



Katie Ghose, Age Concern England's Campaigns and Parliamentary Unit Manager, warns that the new equality body will need real powers to make a difference.

After months of consultation and consideration the wait is over. Patricia Hewitt MP, the Secretary of State for Trade and Industry, has announced the creation of a new single equality body, with the working title "Commission for Equality and Human Rights". The new commission will take on the role of the existing commissions, which already protect against discrimination on the grounds of gender, race and disability. It will also be there to fight against discrimination on the grounds of sexual orientation, religion and belief, and age.

While we welcome the Government's commitment to introduce legislation to outlaw discrimination on the grounds of age in the field of employment and vocational training by 2006, further reform cannot come soon enough. We need more action to stamp out age discrimination

in other areas of life, and in particular a new law relating to the provision of goods, facilities and services. Despite the fact that by 2020 one third of the population will be over 50, we continue to live in a deeply ageist society, where one in six people over 65 report discrimination in healthcare.

Clearly, however, legislation is not the be all and end all of an equal society. The establishment of the new commission should be an opportunity for everyone to realise the potential of older people. We need a commission that will help to change people's attitudes and prevent discrimination from occurring in the first place. Specifically, we would like a duty on local authorities and other public bodies to promote age equality, as already exists for race. The commission would then insure that the duty was enforced. In Northern Ireland a public duty

to promote equality of opportunity across nine grounds, including age, has already been implemented. The result has been practical, positive change.

The new commission will only be as good as it is allowed to be: an effective commission must have the powers and duties to make it a force to be reckoned with. It will also need adequate funding to make sure that it can afford to help bring about real changes in attitude and action in our society.

The Government has established a task force to help it to design an effective and efficient commission. Age Concern England's representative on that task force will be arguing strongly that the commission must be given sharp teeth and tough powers to protect older people from discrimination as well as promote a fair deal for all older people.

Photo: Nick Hayes

Other organisations' viewpoints:

"The Government's stated commitment that the new commission should aim to achieve equality for all must imply dealing with the patchwork of equality legislation that provides comprehensive cover for some but scant protection to many. The argument for a single equality act to accompany the new commission is now compelling."

Bert Massie, Chairman, Disability Rights Commission

"Women in Britain need to know that the Government is prepared to act on its commitment to sex equality. It has said it is committed to introducing a duty on public bodies to promote sex equality, when parliamentary time allows. The Bill creating a single equality body will provide that opportunity and we expect to see them take it. A decision to set up this new body without bringing the sex equality laws in line with other areas of discrimination law would effectively downgrade the importance of sex equality in society today."

Jenny Watson, Deputy Chair of the Equal Opportunities Commission

"If the proposed CEHR has the power, the resources and the will to address [discrimination on the grounds of race] issues vigorously, then we welcome it. We will work with the government and other equality strands to ensure that this new body becomes a single champion for equality, effective on behalf of all parts of society.

"The CRE broadly welcomes [the] announcement, particularly the strategic approach to equalities and human rights which will place these critical issues at the heart of our national life and help to promote a culture of respect for the rights and dignity of everyone."

Statement for the Commission for Racial Equality

"We're delighted that the proposed commission will tackle discrimination on the grounds of sexual orientation together with other forms of prejudice. This is transparent and sensible. Someone discriminated against because they're black and a lesbian, for example, will be able to have both these issues dealt with under the same roof."

Ben Summerskill, Chief Executive of Stonewall

What's needed:

- Robust and clearly worded age discrimination legislation – to benefit both older people and business
- A separate public duty, introduced by the Government, to promote age equality, which should then be enforced by the commission
- A commission which, when established, will make a real difference to the lives of older people
- An inclusive commission, working for everyone, not just certain groups
- A commission with a new and fresh approach, rather than an amalgam of the existing commissions
- A commission that works for individual older people and involves older people

Kennedy sets election agenda for “active old”

Reformed employment and pension laws and improved education opportunities were among proposals put forward by Charles Kennedy MP, the leader of the Liberal Democrats, in a speech on active older people on November 4.

Speaking at the National Liberal Club, Mr Kennedy said it was time the country stopped thinking of life in terms of 20 years of education, 40 years of employment and 10 years of retirement. He said that the “active old” were vital members of society and their contribution should be recognised, nurtured and encouraged.

“These are a fast expanding section of the population who have been neglected by successive governments. There’s a new generation joining the ranks of the active old. These are the baby

boomers. People born in 1945 will be reaching their sixtieth birthday in two years’ time. All the indications are that their aspirations for retirement will be much greater than those of previous generations. Their rock and roll years may be some way in the past, but their rocking chair years are a long way in the future.”

Mr Kennedy cited *The New Old: Why the baby boomers won’t be pensioned off**, a recent report by the think-tank Demos and Age Concern England, which measured the way baby boomer attitudes differ from those of past pensioners. He noted: “They are substantially more anti-establishment, less conformist, less deferential and more suspicious of authority. They are not people who will sit back being grateful for what they have been given.”

“Grey power is already

becoming a force in British politics. This generation is likely to push the grey movement far more to the fore. We shall undoubtedly see redoubled effort by all political parties to attract its support. I cannot help noting that the Demos study identified the baby boomers as more liberal and more internationalist than previous generations. We’ll need to revise the tired assumption that people automatically become more conservative as they grow older.”

He announced the establishment of a campaign team, headed up by MEP Nick Clegg, to look at ways to increase opportunities for older people, and spelt out a number of issues that needed to be addressed. These included a more flexible pension system, allowing a decade-long period of flexible retirement, during

which people could continue to work while drawing part of their pensions, helping more people to fulfil their ambition to work for themselves. He said the Government needed to provide encouragement and suggested an initiative along the lines of PRIME, an independent body supported by Age Concern England and other organisations, which gives advice and support to those over 50 who want to start their own businesses:

“If this sort of help was more widely available, coupled with access to credit, it would do wonders for expanding opportunities to the over 50s.”

An Institute of Public Policy Research (ippr) proposal to give over-55s a specific learning entitlement, weighted particularly to those who had not been to university, would bring “enormous” benefits for learners in terms of well-being and independence. While learning on-line would play a large part in education, Mr Kennedy also welcomed the expansion of the expanded schools system, breaking down barriers between young and old and using school resources after hours.

“There should be a further entitlement to free tuition at university for anyone who does not already have a degree and who qualifies for admission. The challenge for politicians is to make these real choices and options for older people, not just those who are sufficiently wealthy and articulate to make their own dreams come true. It’s time that we as politicians stopped being ageist. We need to change our attitudes, to consider people’s abilities irrespective of age.”

* *The New Old; Why the baby boomers won’t be pensioned off* Demos/Age Concern England Available www.demos.co.uk



From flower-power to grey-power – baby boomers are a political force to be reckoned with

Photo: Forum Press/Rex Features

Information

Diary Dates

December

- 2 Joint meeting of the All Party Parliamentary Group on Ageing and Older People with the All Party Groups on Learning Disability, Autism and Disability to discuss the draft Mental Incapacity Bill, 5pm, Committee Room 8, House of Commons
- 3 European Parliament: AGE, the European Older People's Platform and the All Party Group on Ageing (Intergroup) to discuss "Why some EU member states are implementing the law against discrimination in employment on the grounds of age and not others?" AGE will present its statement on age equality in Europe. This will be available on its web-site at www.age-platform.org
- 10 Pre-Budget Statement to the House of Commons by the Chancellor of the Exchequer. Briefings will be available from Age Concern England.
- 16 All Party Parliamentary Group on Ageing to meet with Malcolm Wicks MP, Minister of State for Work and Pensions, 4-5pm, Committee Room 6, House of Commons
- 18 Christmas Recess, both Houses return January 5, 2004

Reports

Guidance on Unfair Terms in Care Home Contracts, Office of Fair Trading (OFT) guide aimed at trading standards officers and other professional advisers. It sets out the OFT's views and explains how enforcement action might be taken.
www.oft.gov.uk

All Our Tomorrows: Inverting the Triangle of Care, Joint discussion document on the future of services for older people from the Association of Directors of Social Services and the Local Government Association.
www.lga.gov.uk/documents/publication/allourtomorrows.pdf
and www.adss.org.uk/publications/other/other.shtml

Raising State Pension Age: an Update, Pensions Policy Institute report revisits the issues raised in an earlier PPI report and responds to the debate and research that has taken place since then.
www.pensionspolicyinstitute.org.uk

The New Old; Why the baby boomers won't be pensioned off Demos/Age Concern England.
www.demos.co.uk

Shadow Cabinet Re-shuffle

Tim Yeo MP is the new Shadow Secretary of State for Public Services, Health and Education. His position in the slimmed-down Shadow Cabinet was announced in the re-shuffle following the Rt Hon Michael Howard QC MP's election as the new leader of the Conservative party in November. The Rt Hon Oliver Letwin MP remains Shadow Chancellor of the Exchequer and also becomes Shadow Secretary of State for Economic Affairs. David Willets MP remains Shadow Secretary of State for Work and Pensions and takes on a new role as Head of Policy Co-ordination.



Photomontage: Nick Hayes

Reportage sends its readers very warm wishes for Christmas. Don't forget that winter fuel payments of £100 or £200 are available to people over the age of 60. Those on income support or pension credit may also be eligible for cold weather payments in certain circumstances. Both benefits are normally paid automatically. A Christmas Bonus of £10 will be paid to people who are receiving benefits including a State Pension; over 80s or Widow's Pension; Attendance Allowance; Disability Living Allowance; Carer's Allowance; Pension Credit; and War Widow's Pension. To receive the bonus they must be living in the UK or any European Union country during the week beginning December 1, 2003. (Only one bonus can be given to each person. The bonus is tax-free and has no effect on other benefits.)

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