

**Age discrimination and social partners:
a comparative study of France and the United Kingdom**

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WARWICK PAPERS IN INDUSTRIAL RELATIONS

NUMBER 75

February 2005

**Industrial Relations Research Unit
University of Warwick
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UK**

Editor's foreword

The Warwick Papers in Industrial Relations series publishes the work of members of the Industrial Relations Research Unit and people associated with it. The papers may be work of a topical interest or require presentation outside the normal conventions of a journal article. A formal editorial process ensures that standards of quality and objectivity are maintained.

This paper is by Aurélie Collin, a graduate of the MA in Industrial Relations and Personnel Management at Warwick, and formed the dissertation for her degree. In it she analyses the role of the social partners in policy and practice concerning age discrimination, in the context of the Equal Treatment Directive 2000/78/EC. The actors in both countries confront a similar set of problems, such as the ageing of the population; early exit of older workers; extensive, if differential, experience of age discrimination; and coping with new law in the light of the Directive. However the paper argues that there has been a marked difference in response in both countries. Indeed, differences between countries are shown to be greater than the differences in positions between the two sets of social partners. Though France introduced new laws against age discrimination well in advance of the UK, the impact of the Directive has been more limited there.

Collin accounts for this by reference to wider institutional differences in welfare systems and labour markets. The strong role of the social partners in French welfare provision has, in the context of higher (youth) unemployment, contributed to the maintenance of provisions for early exit and retarded the development of active labour market policies for the re-integration of older workers. The 'statist' traditions of the industrial relations system has also placed a greater burden on the government on negotiating change, thus slowing the process of reform, and encouraging a more formalistic legal response to the Directive.

In contrast, the 'voluntarist' system of the UK, in combination with more active supply-side interventions, stronger economic growth and, admittedly, lower pensions, has enabled more widespread awareness raising and an articulation of policy that places less emphasis than it did on early exit. British trade unions, which are stronger at workplace level than in France, have also begun to assert an agenda of equality and diversity in response to occupational and membership change, a discourse that many employers are recognising as more legitimate in the context of tighter labour markets. All of which provides a growing space for practical debate over how to extend choice and fairness in the employment of older workers.

In short, Collin demonstrates that employers and trade unions retain marked differences in terms of priorities and policy goals, though these are heavily influenced by the wider social and economic systems in which industrial relations is embedded. She thus makes an incisive contribution to the age discrimination debate and to comparative analysis more generally.

Jim Arrowsmith

Acknowledgements

I would like to thank my dissertation supervisor Prof. Paul Marginson for his invaluable support and suggestions, and all the trade unions officers and employers' organisations' officials in France and in the UK who gave me access to documents and granted me time for interviews. I also want to express my appreciation to the editor Jim Arrowsmith for his insightful comments during this revision of my dissertation.

ABSTRACT

In November 2000, the European council passed the Equal Treatment directive, which prohibits age discrimination and commits member states to pass age discrimination legislation. This research project, based on interviews and documentary data, explores the attitudes and policies of employer and employee bodies in the United Kingdom and in France on age discrimination towards older workers. Social partners in both countries face similar challenges as age discrimination is a long neglected and more complicated process compared to other areas of discrimination. The results show that differences between social partners are not as significant as those between countries and highlight the importance of the socio-economic context for attitude change and the elaboration of policies by social partners. Great Britain epitomizes an attempt at combating age discrimination through specific legislation laying down new obligations for social partners and rights for employees, while in France, in spite of formal prohibition, the issue has not yet been considered as prominent on the agenda of social partners where early exit patterns is the main issue. The impact of the EU regulation in France and the UK is thus mediated by the different situations of older workers, the provisions of the welfare systems as well as the tools available to the elaboration of a national set of policies.

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Chapter 1. Introduction

On 27 November 2000, the EU Council adopted the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. Amongst other matters, the directive commits member states to enact age discrimination regulation and protect the rights of older workers. Being a directive, it gives governments discretion over the implementation of the dispositions and the United Kingdom (UK) government obtained that the deadline for legislation to be passed should be postponed to 2006.

Why focus particularly on the issue of age discrimination against older workers? The issue of 'Age and employment' has previously been placed on the EU agenda in a comprehensive way through the EU employment strategy, which encourages a rise in the activity rates of ageing workers and other improvements in social protection and welfare. However, more emphasis is needed as most European countries have been affected by the contradictory combination of an ageing labour force with widespread trends towards early exit of older workers, in the face of economic difficulties and restructuring. Traditionally employment policies have tended to focus on the mass unemployment of young workers, thus displaying an apparent consensus between governments, employers' associations and trade unions to soften the impact of the economic crisis and restructuring by evicting older workers. The issue of age discrimination and the employment of older workers have thus long been neglected, and their situation uncontested at national level. Consequently, older workers have faced reduced opportunities for extending their working lives and develop their careers till the age at which full pension rights are obtainable or after (Glover & Branine 2001: 241).

However, the apparent consensus on employment policy in the 1970s and 1980s, and early exit patterns of older workers, has lost force in the light of new concerns over ageing of the population and the cost of social security and retirement systems. Demographic, economic and social developments are calling for broad changes with regards to employment policies and practices especially towards older workers. Some developments have occurred in particular with regards to the implementation of the Equal Treatment Directive 2000.

The directive's article 13 stresses the need to promote dialogue between the 'social partners' in order to foster equal treatment and spread good practices (Baker 2004:15). "*Social partners*" is a widely used term designating employer's organizations on the one hand and union bodies on the other. It suggests that beyond their different interests and objectives they also have shared interests (EMIRE EIRO 2004). The term is particularly used on the continent to designate bipartite or tripartite social dialogue but it will here be understood more generally as the participants to discussions and/or negotiations between employer and union bodies and the government.

Since the problem of age discrimination concerns all EU countries, it calls for a cross-national explanation. Age discrimination in employment is particularly widespread in France and the UK (Ilmarinen 2002). Hence, a comparison between them would prove a "strong test" for the implementation of the directive. They also

present strong differences in their industrial relations and welfare systems, thus allowing for an evaluation of the context of attitude change and policymaking.

The objective of this research project is to take a reflective approach and consider the attitudes and policies of social partners in the UK and in France on the issue of age discrimination towards older workers and to analyse the underlying dynamics and difficulties they encounter. Therefore the project is structured around the following question:

Based on a cross-national analysis, how committed are social partners in France and the UK to tackling age discrimination against older workers at national level?

Specifically, three main themes emerge as central to understanding and comparing social partners' standpoints regarding age discrimination in both countries.

- First it is appropriate to investigate the perception of age discrimination against older workers and in particular, how and to which extent it is identified and treated as a policy issue by social partners in France and the UK.
- Second, the emphasis is put on analysing the convergent and divergent trends that emerge between the trade unions and employers' organisations in both countries.
- Lastly, social partners' policy and attitudes developments need to be put into the context of the economy, the labour market and the welfare system so as to analyse the sources of variations between their standpoints and actions.

Two caveats should be entered at this point. The research's strict time constraints account for the lack of focus on small and medium enterprises and their employers' organizations in France and the UK. The researcher acknowledges however that the size of companies and their occupational field have a potential influence on the issue of age discrimination and its management. Investigating the positions and policies of SME employers' organizations' regarding age discrimination against older workers could therefore be an interesting line of inquiry for future research. Due to similar time constraints and potential divergence with agenda priorities, it was not possible for the researcher to secure direct cooperation with the three main French trade union confederations. However, we did get access to various documentary sources. It will be shown that despite common challenges of ageing and widespread age discrimination in the labour market, the issue of age discrimination has gained more momentum in the UK compared to France. Beyond common sources of pressures emanating from the EU regulations, national welfare systems, labour market and social configurations play a crucial role in the perceptions and policies of social partners.

In chapter 2, a literature review explores the limited studies on social partners' role and attitudes regarding age discrimination and social partners in academic research. Chapter 3 provides a statement and justification of the methodology adopted in the present research project. Chapter 4 details the empirical investigation's findings and draws comparisons between French and British social partners. Chapter 5 provides with further analysis on the findings and investigates the sources of

variations. Lastly, chapter 6 concludes on the comparison by stressing the persistence of cross-national diversity in the face of common challenges.

Chapter 2. Literature review. Older workers, age discrimination and social partners: facing the challenge of a greying workforce?

The literature on age discrimination covers diverse interconnected issues, such as the processes of ageing and ageism, as well as age discrimination in employment (and more specifically retirement), management practices and attitudes towards ageing workers. A number of national and comparative studies have addressed the issue of retirement and population ageing. Nevertheless, few studies focus particularly on social partners' attitudes and policies concerning ageing workers and age discrimination.

1. The concept of age discrimination: ageism

1.1. The concept of ageing: "Ageing affects each individual at the personal, organizational and societal level" (Sterns & Miklos 1995:248).

Different aspects of ageing can be considered, namely that of biological age, e.g. "*the individual's position relative to his/her potential life span*" (Sterns & Miklos 1995:248), psychological age, e.g. "*the individual's capacity to adapt behavior to the demands of the environment*" and social age, which "*refers to social norms and roles applied to an individual with respect to a culture or society*" (ibid. 249). Hence, internal barriers such as performance, adaptation, energy level and productivity can be combined with external barriers, e.g. reduced access to promotion or jobs and/or stereotypes associated to them (Sterns & Miklos 2001:261; Brosi & Kleiner 1999). However, due to environmental and individual factors of ageing and work, ageing workers represent a highly heterogeneous category. Hence, experiments in laboratory on age and performance have been criticised for not taking into account the diversity of ageing processes (Spencer & Fredman 2003).

"One of the goals gerontology has been ascribed is assuring that older people who need work, want work and who are fitted for work are given an equal opportunity with others to obtain work" (Abrams 1955).

As opposed to the claims of some social gerontologists, it is not possible to assume that all individuals will want or be able to continue working as they age. Furthermore, it seems difficult to identify 'older workers' or any age category as such due to i.) the risk to reproduce discriminatory age categorization, ii.) the diversity of individual and environmental situations, iii.) the cultural and institutional processes and dispositions which tend to create differences in perceptions of age between countries (Duncan et al. 2001:28, Quintreau 2001). This criticism underlines the need for a comprehensive approach to age equality. Yet, it does not preclude focusing on the differential needs

and situations of ageing workers. For the purpose of clarity, the most commonly adopted ageing category of workers appears to be between 50 and 65 year olds¹. The relation between age and employment has been explored extensively following the identification and conceptualisation of “ageism” or age discrimination in the 1960s.

1.2. Age discrimination: definition and critical limitations to the concept.

“Age discrimination can be defined as prejudicial employment decisions which are based on age rather than on individual skills or abilities. Workers of any age can be exposed to age discrimination if they do not match a desired age profile for recruitment to jobs, or when it comes to training or promotion” (Arrowsmith 2003:1).

The term ‘ageism’ is attributed to Butler (1969 in Snape & Redman 2003:79) who described the stereotyping and prejudices undergone by older people because of their age. Ageism, which is also called age discrimination, is thus not a new issue although the debates have focused mainly on older workers (Snape & Redman 2003:79). However, “*Ageism is multigenerational and intergenerational and it transcends generations*” (Glover and Branine 2001:367), it can thus affect individuals at different times of their life, and requires consideration of the entire working-life cycle of individuals. There is no doubt that it is a very complex issue, which requires identification of its scope and coverage before considering relevant ways to combat or reduce it (Fredman & Spencer 2003).

The issue of age discrimination progressively gained momentum in the 1990s with growing awareness of the potential consequences on the size of the labour force of what was commonly called the “demographic timebomb”, and in relation to the developments of social gerontology. Age discrimination has also been addressed in equal opportunity literature (Brosi & Kleiner 1999), which calls on organizations to rethink and change their attitudes towards older workers. These streams of academic literature lead to questioning the widespread early exit patterns existing in all modern economies and the work patterns and opportunities available for ageing workers (Kohli and Rein 1991).

2. Age discrimination in Employment

2.1. Theorizing age discrimination in employment.

Age discrimination is a phenomenon, which is rooted both in the workplace and in the labour market (Laczko & Phillipson 1991). It has thus been addressed in political economy as well as industrial relations and management studies. It has sparked interest in a range of disciplines, from lifecycle developmental psychology (Clausen 1972 in Arrowsmith 2003) and career theory, which present age as related to attitudes, performance and motivation, to labour economics and the theories of human capital which focus on the demand side and the education and training potential of older workers (Arrowsmith 2003:12).

¹ It seems that 50-64 is the common category used in France to designate older workers (“seniors”) while in England it is often those from age 55 to age 65.

Additionally labour market segmentation theories recognize that “*the labour market can be divided around a series of non-competing groups of workers*” (Kerr 1954 in Arrowsmith 2003:14). The existence of internal labour market (ILM) (Lazear 1979) contrasts the institutionalisation of recognised age profiles in the workforce with, internally, seniority based related-pay and promotion for older employees, while externally, recruitment and selection are restricted to low ports of entry associated to young workers so that it becomes more difficult for ageing workers to re-enter employment (Arrowsmith 2003:15, Branine & Glover 2001:7).

Furthermore, the theory of labour market flexibility presents unemployed and underemployed people as part of a reserve army of labour to be employed only following the fluctuations of demand on the market (Glover & Branine 2001:7). Other researchers such as Taylor and Walker (1994; 2003) and Guillemard (2003b) have emphasised the relationships between age discrimination in employment and other issues of social welfare, education, training and generational relationships for example (Branine & Glover 2001:8). This tends to emphasize the idea of age as a social construction (Phillipson 1998).

Lastly, the “*commodification theory*” suggests that:

“an employee is a commodity that can be bought and consumed only before its so-called sell by or use by date”, hence “it argues that in the context of a widely prevalent and amoral cult of youth, older people are discarded for being relatively expensive to employ and ostensibly unable to learn and produce as efficiently as younger ones” (Branine & Glover 2001:9, Taylor 2001).

The opposed notion of “greening” suggests on the contrary that older workers demand job-sharing, flexible working time so as to engage into a less tiring end of career and pass on their knowledge (ibid:10, Laczko & Phillipson 1991).

Hence, “*age stereotypes may have their origins in a society’s culture, but are reinforced by the allocation of roles and opportunities within organisations*”(Arrowsmith 2003:16). Age discrimination theory thus corresponds to a complex set of interconnected processes and requires a pluridisciplinary approach, based on the interests of the different parties to the employment relationship, the individual, the enterprise and the society.

2.2. HR strategies and employers’ discriminatory practices and policies

Numerous studies focus on the business case for the employment and retention of older workers by unfolding discriminatory practices and policies. Some practices are based on ageist attitudes and prejudices as regards older workers’ motivation, abilities, skills and adaptability, while others derive directly from HR policy and company culture (Worman 2004). Research on the topic has been based mostly on surveys and interviews at company level (Kodz et al. 1999, Arrowsmith & McGoldrick 1996, Arrowsmith 2001, Hutchens 1988, Hassell & Perrew 1995) or at national level (Minni & Topiol 2002), although the latter is based on a national data set of statistics, which is difficult to compare with other countries’.

“Ageism is present at all stages of employment, not just in advertisements for posts, but also in organizational restructuring, selection, deployment, task allocation, appraisal of performance and career planning, and in remuneration and employee benefits. It is present, too, in the selection or non-selection of individuals for particular kinds of training and development and in decisions about redeployment, promotion, demotion, termination and pension rights” (Glover & Branine 2001:4).

Several studies have also drawn international comparisons on corporate practices, for example by exploiting results of the Cranfield Survey in 15 EU countries (Brewster & Hegewisch 1994, Parsons & Mayne 2001), showing that France and the UK are two countries where decisions based on age in employment are particularly widespread. However, comparative studies suggest that age discrimination policies at international or national level have yet to be translated into action at the organizational level, and are still restricted to a handful of companies (Parsons & Mayne 2001:251).

Several studies have questioned the allegations that performance declines with age (Economist June 26 2004) and demonstrated the lack or ambiguity of empirical evidence for ageist beliefs concerning the productivity, health and skills of older workers (Phillipson 1998, Kodz et al. 1999). Beyond the process of subjective discriminatory practices and prejudices there are some objective processes of organisational changes that have contributed to age discrimination phenomena (Arrowsmith 2003: 3). Hence there is a distinction between irrational age discrimination, and that based on “commercial criteria” (Duncan et al. 2001:31; Fredman & Spencer 2003). For example, it has been argued that pressures to replace older workers by younger ones on cost grounds was linked to competitive pressures and demands for greater flexibility in labour markets, and to the skill obsolescence of older workers in the face of technological progress (Duncan 2003:38).

2.3. Ageing has emerged as an issue for public policy.

Similar trends of ageing have occurred in the EU member states and other developed countries. In the light of growing concerns over national welfare expenses and public pension spending, interest in age discrimination and older workers in employment has emerged as a prominent policy issue at EU and national level. These concerns have gathered greater momentum in Europe, thanks to the efforts of the European Union institutions. European countries share some common characteristics that make them particularly prone to comparisons (Ebbinghaus 1999).

A number of studies have been conducted under the aegis of the European Commission, or within EU expert groups such as the European Foundation for the Improvement of Living and Working conditions and the European Industrial Relations Observatory (EIRO), which review measures to combat age discrimination in employment in the EU countries (Arrowsmith & Hall EIRO 2000) or by national institutions (Guégano 2002). Events such as the EU-Japan Symposium Improving Employment Opportunities for Older Workers have also generated experts’ articles and viewpoints (Taylor 2002). Other studies have been led in cooperation with lobby groups such as Eurolink Age created at the EU level. Drury (1992) sets a portrait of the ageing workforce in the EU and its employment patterns as regards older workers

and emphasizes the calls for a “right to work” for older workers, contrasting with the entrenched focus in employment policies of the last two decades on younger workers (Drury 1992:102, Taylor 2003). However, the standpoints on age discrimination legislation addressed in those studies made before the 2000 Framework Employment directive appear outdated to a certain extent.

A comparative approach is also adopted in pieces of work from the International Labour Organisation (Spiezia 2002) and in a series of articles stemming from “The Geneva Papers on Risk and Insurance (October 2003), which focus on company practices and Public Policies regarding age and draw lessons from comparisons between developed countries. They draw patterns and differentiate between different welfare state regimes and policies adopted by the different actors at company and national public levels (Guillemard 2003b).

As regards France and the United Kingdom, there are also articles from national experts and academics dealing with the issue of population ageing and retirement. Taylor and Guillemard are two well-known experts in the field of public policy and ageing and their respective work on the UK and France will be a landmark for the present research project. The bulk of policy research has focused on retirement patterns (Phillipson 1998, Taylor & Walker 1997), and in particular on early exit (Kohli et al. 1991; Guillemard 2001, Duncan 2003; Conseil d’Orientation des retraites 2001), which is often thought to be a “*prima facie evidence for increasing ageism in employment*” (Duncan 2001: 31)². Competing explanations are those referring to an individual choice based on “*pull*” (social policies creating attractive exit options) and “*push*” (evolutions of the labour market related to employers’ policies and economic conditions mainly) factors as opposed to those based on social dynamics, which have generated existing welfare systems (Kohli et al. 1991, Guillemard & Rein 1993: 479). The latter research study objects that early exit patterns are imposed rather than chosen by the individual, even though the welfare system has the potential to lessen the negative effects of such a decision. Hence, labour management and control matters as much as social stratification processes (Guillemard & Rein 1993:479, Duncan 2003).

The British government has launched ageism information and awareness campaigns for some years already, though Taylor & Walker (1997) and Duncan (2003) remain critical of these developments. They stress the limited impact of voluntarist campaigns and call for a combination of legislation and education. Similar calls have emphasized the rationality of a three-pronged strategy encompassing business case, equal opportunity route and anti-age legislation (Dickens 1998, Duncan 2003). A series of recent studies focus more particularly on the perspective of adopting and implementing age discrimination legislation, providing insights of foreign experiences and technical details and considerations (Neumark & Stock 1999; Fredman & Spencer 2003).

In France, few articles can be found on equal employment policy concerning age. Employment and discrimination of ageing workers appear as relatively recent policy issues, focusing on reforms of the retirement system in particular, and have hence generated articles which question the consequences of the reform on retirement and

² “The term refers to the trend towards withdrawal of older workers from employment during the years preceding pensionable age” (Duncan 2001:31).

early exit patterns on work and activity for older workers (Conseil d'Orientation des Retraites 2001, Santelmann 2002, Quintreau 2001, Guillemard 2003a, Jolivet 2003), and companies' strategies as regards their ageing workforce (Thierry 2002, Gautié 2003).

2.4. Social partners' policies and attitudes towards older workers

Beyond studies dealing specifically with the experience of ageism in the workplace, age discrimination policies and attitudes in companies, and those dealing with the broader issues of public policies on ageing and retirement trends, little attention has been given to the way social partners perceive and address the issue of age discrimination in terms of strategy, policies and attitudes of their members.

The literature drawing specifically on trade unions' attitudes and practices towards age discrimination is rather limited. Duncan et al. (2001) examine British unions' response to ageism and the early exit phenomenon. It shows that age discrimination is now a prominent concern with the focus being on older workers. Furthermore, individual preferences are deemed crucial, all the more as trade unions seem to have little control over early exit processes. Convergence of the agendas of social partners appears necessary to initiate broad change. Boeri et al. (2001) give a more general approach to trade unions' policies and attitudes. They describe unions' traditional lobbying activities for early exit as an "acceptable way" to cope with restructuring and emphasize the difficulty to reverse trends in the light of entrenched rights and practices defended by unions and employers alike. Likewise, Guillemard and Van Gunsteren (1991) argued that, until recently, there had been an implicit agreement between trade unions, employers and the state, each of them finding justifications in favouring younger workers in employment policies while encouraging early exit for the older ones. In 1993 it was thought to be "*difficult to foresee how these forces will re-align and what fate will be meted out to aging workers*" (Guillemard & Rein 1993: 485).

Other studies have developed reflection on social partners' role, as for example the articles from J. Ilmarinen presented at the 9th EU-Japan Symposium 'Improving Employment Opportunities for Older Workers, (2002), which draws on Finnish policies to provide propositions for transfer of national best practices. In particular this study reflects on the notions of complementarities between social partners and government, and between different levels of interventions. Besides the society and individual level, the workplace level is thought to be very important (Ilmarinen 2002:2). Additionally, the author advocates a global approach based on the concepts of workability and employability. Studies conducted for the EIRO have investigated the issue of age discrimination in terms of the implementation of the 2000 Framework Directive on Equal Treatment in Employment (<http://www.eiro.eurofound.eu.int/thematicfeature3.html>). However, no study has been found that investigates employers' organizations' policies and attitudes on age discrimination or more specifically the policies and practices of both social partners in France and the UK with regards to the issue of age discrimination. The literature thus shows a lack for a specific study that tackles the attitudes and roles of social partners in the UK and France. And that is where the present research starts.

Chapter 3: Methodology.

The present project is a cross-national analysis of UK and French social partners' responses to age discrimination, and relies essentially on qualitative research, based on interviews and documentary data.

1. Justification for cross-national analysis

According to the 1995/1996 European Survey on working conditions (Ilmarinen 2002:6), Austria, France and the UK reported the highest incidence of age discrimination at work. They can thus represent a strong "test" for the implementation of EU regulation. Additionally, differences in industrial relations systems, variations in the role and nature of social partner organizations (Ferner & Hyman 1998) as well as different welfare systems (Esping-Andersen 1996) are particularly interesting features in order to identify the influence of the context and nature of social partners' relations on the content and orientations of their agendas.

Additionally, *"by looking at differences, we seek uniformities, universal rules that explain these differences"* (Strauss 1999:175). Thus, comparing France and UK social actors' responses to the challenge of ageing is likely to deepen the understanding of these actors, their roles, and agendas (Hantrais & Mangen 1996:1). *"Further, comparative studies place our own country in perspective and so help us understand our own system better"* (Strauss 1999:175), it allows for contrasting and learning from another country's experience, success and/or difficulties (Kochan 1999). Familiarity with the two countries and their languages also accounts for the choice of a comparison between France and the UK.

Lastly, it is the aim of this research to see how European regulation relates to both countries' social partners attitudes and policies. An inspiration can be found in the theory of *"contextualized comparison"* whereby,

"we demonstrate how various international trends are not in fact translated into common pressures in all national economies but rather are mediated by national institutional arrangements and refracted into divergent struggles over particular national practices" (Locke & Thelen 1995:336).

Hence, with different starting points, the anti-ageist policies may have a different importance and subsequently a different impact. The difficulty of finding comparable data can be answered by approaching similar organisations in size and using the datasets of international organisations (Hantrais & Mangen 1996, Strauss 1999).

2. Essentially qualitative research

The methodological approach adopted is qualitative. Hence,

"the employment relationship involves a rich set of researchable issues [...] centered on the processes by which employers and the employed adjust to each other [...]."

Such complex processes are especially suited to the range and techniques encompassed by the umbrella qualitative” (Van Maanen 1979:20 in Strauss & Whitfield 1999:51).

The research is exploratory as *“the aim is to determine and explain the degree of variability observed from one national sample to another”* (Hantrais & Mangan 1996:4) and thus inductive, as it aims at understanding and explaining how and why labour institutions react to specific challenges, here the ageing of the workforce (Strauss & Whitfield 1999:9).

The theoretical perspective adopted is interpretivist. *“The interpretivist approach [...] looks for culturally derived and historically situated interpretations of the social like world”* (Crotty 1998: 67). Hence, this research project on ageing and employment aims at interpreting a phenomenon situated in a specific national, cultural and social context.

The epistemological perspective adopted is realist, e.g. ageing and its attributes are acknowledged as a social product that evolves with time. However people construe them in common ways, which allows for a certain consistency (Robson 2002; Guillemard 1986). Furthermore, it allows a relative openness to diverse data and interpretations and it can help unfold the dynamics of the employment and social processes (Whipp 1999).

The potential weaknesses of qualitative research, however, reside in the difficulty to generalize from the findings and ensure their transparency. Hence,

“it is essential to be explicit about the nature of the data and their limitations to guard against taking an artefact of the research design to explain similarities or differences” (Hantrais & Mangan 1996:12).

Qualitative data is also more difficult to analyse and the conclusion drawn from it more open to criticism (Arksey & Knight 1999:8). The researcher is aware of those limitations in the process of interpretation.

3. Conducting the research.

The choice of interviews and primary documents rather than questionnaires, relies on the limited number of organizations concerned, namely the 5-7 biggest national trade union confederations and the 2-3 main employers’ associations in France and the UK. Letters were sent to research or policy officers followed by emails and/or phone calls. Interviews were requested as well as diverse documents, such as consultation papers, advice to negotiators, internal information or leaflets, motions that relate to age discrimination. Of the 7 British trade unions (including TUC) contacted, five answered. All five of them (CWU, Unifi, Unison, T&G and TUC) sent their responses to the “Equality and diversity: age matters” consultation paper issued by the Department and Trade of Industry as part of the process towards legislative implementation of the EU directive in the UK. Some of them additionally joined trade union research papers (Unifi, Unison), letters to branches (CWU), or model agreements on age discrimination (T&G). Two in-depths face-to-face interviews were

conducted with senior officers at Unifi and Unison. As for employers' associations (BCC, EEF and CBI), EEF answered by giving access to its DTI consultation document and agreeing to an in-depth interview with a senior official. The CBI also sent documents concerning the new pension debate and its response to DTI consultation.

The approach for France was similar. Out of the five main trade union confederations, two (CFTC and CFE-CGC) gave access to internal documents and guidelines to negotiators and agreed to an interview. However, the fact that the three main trade union confederations in France did not cooperate does bring limitations to the research findings. One of them mentioned focusing on younger workers' employment and it could be assumed that age discrimination has not yet reached these unions' agendas. On the employers' association side, three main organizations were approached, the MEDEF, UIMM which is the French counterpart to EEF and the CGPME, which is an approximate equivalent to the BCC. Contact approaches by phone or email did not succeed directly. Research documents were supplied by the MEDEF and a phone conversation was undertaken with the UIMM, however no contact could be made with the CGPME.

Additionally, individual, social and occupational diversity needs to be recognized when addressing the issue of age discrimination (Taylor & Walker 2003, Guillemard 2003a). The non-access to employers' organizations representing small and medium enterprises in France and the UK leads to restricting the field of the investigation to major companies. Nonetheless, it is acknowledged that the size of the companies and their occupational field have an influence on age management and age discrimination practices (COR 2001: 120).

The interviews were face-to-face and semi-structured thus combining the advantages of a structured interview in terms of transparency, minimizing efforts, and better comparisons (Fontana and Fiery 2003, Arksey & Knight 1999), with a degree of flexibility as interviewees present their priorities and inform the interviewer with new perspectives (Whipp 1999:54).

“The interview is the primary means of accessing the experiences and subjective views of actors [...] Interviews enable individuals to reveal the personal framework of their beliefs and the rationales that inform their actions” (Whipp 1999:54).

Interviews contribute to further understanding the potentialities and practicalities related to the EU directive. In face-to-face interviews, it was indeed possible to ask detailed questions about social partners' attitudes and policies towards age discrimination legislation. These interviews also provided important information on the perceptions that social partners have on age discrimination and regulatory issues, and gave insights of their concerns and the problems they see or foresee as attached to age discrimination legislation.

Tacit knowledge barriers are a potential problem when accessing trade unions and employers' organisations. Nevertheless, the presence of research officers/directors helped to bridge the gap and provide the researcher with extensive and adequate information (Whipp 1999:54).

Lastly, “*the study of material culture is thus of importance for qualitative researchers who wish to explore multiple and conflicting voices, differing and interacting interpretations*” (Hodder 2003:114). Trade unions and employers’ organisations were thus asked for relevant internal documentation such as details of motions in national conferences on the issue of ageing, discussion documents, advice and guidelines to negotiators (Duncan et al. 2000). Additionally, information was available on social partners’ websites.

According to Hantrais & Mangen (1996: 29), three technical limitations can be associated with secondary analysis i.) the possible lack of familiarity with the data ii.) institutional problems in gaining access to the data, and iii) epistemological limitation as primary data is produced with a particular view as starting point. The first two problems were addressed by interviewing head research officers/directors who provided specific information and explanations. As for access facilities, as previously described, the limited pool of respondents meant reduced access, and added difficulties arose from operating in two countries.

Assessing documents can be done along the 3 validity criteria put forward by Scott (1990:6). First authenticity needs to be verified, which should be done through addressing organisations directly and using documentation from international organisations. The credibility also has to be accurately assessed. Documents thus need to be representative of a bigger population of documents existing on the topics, and carefully chosen so as to encapsulate an accurate image of the organisation’s policies and standing. Lastly the interpretation of documents has to analyse the relevant aims pursued by the organisation. Hence official documents and statistics need to be analysed with a degree of scepticism (Pole & Lampard 2000) and the context is paramount to their understanding (Hodder 2003, Hakim 1982).

Summing up, interviews provide and inform policy standings described in primary or secondary documentary data and account for the attitudes of those in the organisations towards the issue of ageing and employment. They also reveal similarities and inconsistencies in attitudes and policies and provide a more balanced view of the social phenomenon of ageing in employment relations (Pole & Lampard 2002, Strauss & Whitfield 1999). Furthermore, the combination substantiates validity-testing by triangulation as it compares the coherence and consistency of the data obtained from two different methods, interviewing and documentary analysis, and combines the use of documents from both social partners (Strauss & Whitfield 1999, Arksey & Knight 1999, Bloor 1997). Hence, one method can be used to inform and improve the other.

Chapter 4. Drawing comparisons based on empirical investigation

The study of the material given by social partners along with the data elicited by interviews constitutes the substance from which the following findings are drawn. The research attempts to find patterns of resemblance and discrepancies both between social partners and between countries. The main purpose is however to identify to which extent the context and nature of their relations has an impact on the content and orientations of their agendas.

1. Social partners' responses to ageing and age discrimination in the UK.

1.1. British social partners' role in the national context.

There is presently no legislation on age discrimination in the UK. However, the UK government is to pass age discrimination legislation by 2006, which will give new rights to workers and prohibit direct and indirect age discrimination as well as place new obligations on employer and employee representative bodies. A voluntary code of practice for age diversity in employment initiated by the Department of Trade and Industry has been in place since 1999, along with public campaigns of information. The Employers Forum on Age, an independent network of leading employers created in 1996, has also promoted the business case for age diversity. Additionally, a phase of public information, consultation and dialogue³ with interest groups and the social partners was organized so as to channel proposals and concerns as regards government's proposal and ended in October 2003 (EIRO 2003a; 2003b)

1.2. The issue of age discrimination: order of priority on the agenda.

From the responses to the government's consultation paper and the various documents provided, British social partners appear to favour the principle of banning age discrimination from employment and vocational training and recognize the prominence of the issue on their current agenda. However, in comparison with other equal opportunities issues, employers' associations do consider the issue of age discrimination legislation as a priority on their agenda as it has potentially far reaching consequences for businesses, both large and small (BCC, EEF and CBI). For EEF, in the shorter or longer terms, it seems like an inevitable issue with regards to three dimensions,

“Employers’ attitudes are in my view changing about the employment of older workers. First society is changing, we are becoming less discriminatory [...] Secondly, because the labour market is becoming tighter [...] and the third thing is, the market that companies serve [...] It makes business sense, for you (as an employer) to have a wider diversity of people working in your organization”.

³ The Department of Trade and Industry consultation paper “Equality and Diversity: age matters”.

On the unions' side, although the issue of age discrimination is considered important, other issues were priorities on the agenda, such as gender discrimination in Unison and non-EO issues such as relocations and redundancies in Unifi. It was recognized that there are cross-discrimination issues and that age discrimination had long been neglected. According to a senior officer from Unison:

“Ageism is the last ‘ism’ we all confront. I think we are aware it has been neglected. I think all the unions are aware of it now”.

Both sets of social partners attribute the late or lack of awareness for age discrimination to its complexity and potentially wide-reaching effects. According to a Unison official

“At the moment, I would say that it is individually recognized rather than generally recognized among the general membership [...] And I think every union would have to say the same thing, we haven't got a natural constituency”.

Difficulties were thought to arise from the diversity of needs and situations of members, as Unison officers said. The EEF respondent also recognized that:

“The whole question of age discrimination is high profile within the agenda, the problem with age is that it is less perceptible”.

Furthermore, the EEF and Unifi respondents stressed that many companies were still not aware of the age discrimination debate, an observation that tends to confirm the relatively limited impact of the voluntary code of practice launched in 1999.

Lastly, within age discrimination, concern is focused mainly on 'older age' discrimination for both employer and union bodies, and largely influenced by the concerns voiced by a powerful old age lobby group (EEF, Unifi). Although it was acknowledged that discrimination against younger workers is also a problem, the priority for unions remains old age discrimination, the main rationale being the age structure of the union as in Unifi, where members are thought to be older rather than younger. In Unison the younger age structure of the membership prompted particular concerns regarding minimum wages for younger workers, whereas their retired members, as those in Unifi, are said to be particularly concerned of the provision of goods and services, not addressed by the directive, and pensions and retirement.

1.3. Policy content and level of action.

1.3.1. Timid policy content: the difficult equation of fairness and flexibility.

Three major policy issues emerge from discussions and documents provided by trade unions and can be developed (CWU, Unifi, Unison, T&G, TUC). First, the government's proposal that mandatory retirement should be suppressed is supported by most unions though not all (like T&G), on grounds of fairness and choice, whereas employers' associations oppose it mainly on grounds that it would bring a

considerable and costly amount of litigation along with complicating their human resource planning (CBI, EEF). The second issue is that of pay and non-pay benefits. Thirdly employment opportunities for ageing workers and in particular lifelong learning and flexible retirement possibilities are being discussed by both social partners.

First, social partners' standpoints on mandatory retirement contrast strongly. On the one hand, trade unions expressed a preference for a dynamic of choice and flexibility for employees, as their preferences and circumstances of work might vary. As a Unison official said,

“It is a big issue for the unions because we are quite clear that ideally our policy is retirement at 60. We don't want a society where people are working and working and working from the cradle to the grave. It is the opposite of what we thought was going to be in the 21st century, there would be more leisure time, people could enjoy their retirement”

On the other hand, union research officers all emphasized that not everybody would want to work longer, depending on individual characteristics and on the nature and conditions of work (CWU, Unifi, Unison, T&G). Trade unions expressed particular concerns regarding the need to preserve early exit opportunities for people in physically demanding jobs and for women, who may have caring responsibilities for older or younger persons. Although, there is widespread recognition that age discrimination against older workers does happen, the unions seem undecided as regards the best arrangement to protect both the possibilities of early or phased retirement and the right and/or need to work longer.

Employers' associations also support the principle of choice but wish to maintain the existence of normal retirement ages or at least a default retirement age at 65 or 70 for practical reasons, such as planning, and reasons relating to their fears that they will have to dismiss older workers on grounds of performance or not be able to dismiss them at all when their capacities are declining (BCC, EEF, CBI). As an EEF senior official stated,

“It is about striking the right balance, balancing flexibility with a degree of certainty”.

In particular concerns arose regarding the ability of small and medium companies which often lack performance management systems to justify their existing policies and practices without having to face costly litigation (CBI). Moreover, the employers' association EEF stressed that in contrast to continental Europe, British ageing workers often demand and have to work longer in order to get a decent pension, while on the continent where pensions in terms of average earnings are deemed higher, concern is about saving the existing generous state pension system:

“So there is a different problem in France, Italy, Germany, the problem is, is your state pension system affordable? In the UK it is more a question of pensioner poverty

[...] and the government motto is, you are actually going to have to save more or work longer”

As regards pay and non-pay benefits, trade unions’ support maintaining in particular a link to length of service or rewarding loyalty. Unions like Unison support the equalization of conditions, but are eager to preserve the established benefits and level them up for everyone alike. Another problem is the popularity of those benefits, according to an EEF senior official,

“ It is only when you talk to companies that you realize that you’ve got a whole range of practices that, whilst they have been in place for many years, and are seen as perfectly acceptable by everybody, are seen as age discriminatory”

Thus it is difficult to make a clear statement about pay and non-pay benefits, as generalizing it would prove costly for companies and withdrawing it upsetting for former recipients.

Lastly there seems to be converging attitudes of union and employer bodies over lifelong learning and flexible retirement as all respondents and policy papers expressed their interest in those issues in very positive terms. According to an EEF senior official,

“Everybody, whether it be employees, employers, trade unions have to recognize that we all have to be revising and updating our skills [...] we’ve been pushing for providing the facility for employers and employees voluntarily to agree arrangements that best suit both peered parties to have flexible retirement in ages”

Both union and employer bodies mentioned that they were eagerly awaiting for pending discrimination legislation draft, currently delayed by the government, in order to adjust their standpoints and policies. They also stated that so far, it was difficult to get their members involved in the topic without being able to provide them with clear responses. [Note also that the TUC has further called on the government to include a positive duty on employers to not only avoid age discrimination but also promote age diversity (TUC)].

1.3.2. Discussions, meetings and consultation: preparing the ground for the legislation.

As regards employers, EEF made it clear that internally, there was no real action to promote the diffusion of good practices as yet,

“I don’t think we have done a great deal about diffusing good practices. But we certainly have been advocating through speeches, presentations to member companies that they have to be thinking more imaginatively about these things [...] and...] put it over in the way which implies that (they) are going to get some business benefit out of it”,

Through meeting with member companies, in conferences and seminars, employer bodies thus encourage companies to audit and review their HR practices and procedures, to identify those that are potentially age discriminatory, and consider the wide-ranging implications of the upcoming legislation. They also channel companies' concerns, in particular as regards retirement age, in their response to the government's consultation. However, one of EEF's action so far has been linked to reducing the early exit of older workers, through invalidity in particular, and work towards bringing people back to work according to one of EEF's senior officials.

Unions are also mainly participating in government's consultation, attending seminars, workshops, and in Unison and Unifi not yet producing leaflets or guidelines to negotiators, but waiting for the draft legislation details before doing so. However, other unions seem to have already taken the step further such as T&G, which is diffusing a model agreement on age discrimination policies in the workplace.

1.4. Obstacles and reservations at the upcoming changes.

British social partners do have a number of reservations as regards combating age discrimination and the implementation of the upcoming legislation.

The possibilities for flexible working time and retirement have been so far constrained by other dispositions, for example a Unison official recognized that,

“We have introduced legislation in this country for flexible working mainly for families [...] so we are getting something good but it is not applying across the board so you will find that older workers just don't get any or much benefits from that”.

Tax conditions and existing retiring schemes were also mentioned by both social partners as disincentives to engage into forms of flexible retirement. Furthermore, all trade unions called for limiting exceptions (GOR)⁴ (TUC), whereas employers were on the contrary stressing cost-related problems and the need to preserve a margin of manoeuvre (CBI). Another problem, stressed by both Unifi and EEF respondents, is that employers did not seem to have anticipated the legislation and in particular the fact that they would have to renegotiate a number of agreements with trade unions, such as those regarding redundancy payments. Union officers also had concerns as regards sectors in which employees are not very well covered by collective agreements (Unifi, Unison). The public sector union expressed concerns about the difficulty to organize and formulate issues in the context of privatisation and outsourcing, which institutionalise differential treatments.

As for employers, according to the CBI, the UK already has a good record on participation of older workers in the labour market⁵. They fear that strict requirements under the age discrimination legislation would undermine British competitiveness and place an unnecessary burden on British businesses.

⁴ Genuine Occupational Requirements as stated in the Directive.

⁵ Which is above the European average of 38,5 with 53% for the 55-64 year olds as opposed to only 31 % in France (Eurostat, European Commission 2002 in Guégano 2002).

1.5. General observations

Interview responses and documents emphasize the interest of British social partners in the issue of age discrimination. With the ageing of the workforce, concerns over financing pensions, and pressures arising from the old-age interest groups and the upcoming legislation, age discrimination has gained a prominent place on the agenda. However, difficulties in defining and formulating age discrimination issues in terms of constituency and contrasting dimensions of choice and constraints further explain why employers' and employees' representatives have long been uncomfortable dealing with the issue.

There is still limited information available on the impact of the forthcoming legal changes. Both employer and employee bodies agreed that the legislation will foster awareness but will not solve the issue. On the one hand the EEF senior official emphasized the need for a general change in attitudes, which will be accelerated as market conditions evolve. On the other hand Unifi and Unison officers, stressed that companies' own will to comply and employees' actions will make the difference: *"It is the same with any piece of employment legislation that we have in this country, it is affected by its voluntary nature"* (Unison).

2. Social partners' responses to ageing and age discrimination in France.

2.1. Social partners' role in the national context.

France does not have specific age discrimination legislation. However, in order to comply with the Equal Treatment Directive, a 2001 law (loi du 16 novembre 2001) introduced new dispositions in the labour code (article L 122.45) regarding age discrimination and broadened protection against discrimination to the whole career of an employee, so as to encompass not just recruitment, discipline and redundancy but also access to internship, training, promotion or outplacement for example. Yet, there are exceptions attached to age discrimination⁶. Trade unions also have a role in bringing lawsuits on behalf of an employee and the burden of proof was shifted from the employee to the employer.

Additionally, France possesses some specific dispositions such as the "*Delalande Tax*" (Contribution Delalande)⁷, which aims at protecting employees over 50 from redundancies by making the employer pay a variable tax to the ASSEDIC⁸ for dismissing its older workers. A list of exemptions accompanies the rule.

⁶ In particular "differences of treatment based on age do not constitute a form of discrimination as long as they are objectively and reasonably justified by an employment policy objective and when the means to realize this objective are appropriate and necessary" (art L 122.45 labour code)

⁷ Law of 10th of July 1987 concerning long-term unemployment.

⁸ Assedic is "the abbreviation denoting the Associations for Employment in Industry and Commerce (Associations pour l'emploi dans l'industrie et le commerce), bodies which are responsible for managing the local unemployment insurance funds. The fact that unemployment insurance is based on collective agreement means that they are administered in accordance with the principle of joint management. Enterprises are members of the ASSEDICs, which collect contributions and pay out benefits" (EMIRE lexicon of Industrial Relations EIRO 2004).

Social partners have an obligation under the law to negotiate over equal opportunities as regards gender discrimination (law of the 9th of May 2001). Although no such obligation exists for other forms of discrimination, the law of the 17th of January 2002 reinforced the content of collective bargaining by including in the obligations that of dealing with training, validation of competencies acquired through experience and also management by objective as regards employment in the enterprises at branch level.

Moreover, the law of the 23rd of August 2003, initiating a reform on retirement, raised the age at which an employer can impose retirement to its employees from age 60 to age 65.

2.2. The issue of age discrimination: order of priority on the agenda

Despite the legislation, age discrimination does not seem to have gained in France the same public attention as in Great Britain.

All French trade union confederations recognize and assert that skills, experience and competence should be valued and remain the sole determining factors in the employment decisions. However, they stress their deep attachment to the idea of retirement at 60 and back the choice of employees whose majority remains in favour of early exit (CFTC, CFDT, CGT, CFE-CGC). Nevertheless, for the CFE-CGC, repeated demands and concerns from older members means that the issue has become an important one,

“What preoccupies us before all, is the employment of older workers (seniors), they do not have perspectives anymore [...] that is a very worrying element, age management in companies cannot only work through the early exit of the eldest”.

Hence, although they recognize that they, as the other representative confederations, were once in favour of the early retirement processes, the potentially abusive and generalized use of these dispositions by employers have made them shift attitudes in favour of a more restricted use of those early exit solutions. For most other trade union confederations, major concerns persist about the employment of younger workers, as in the CFTC, though their approach is also taking a more global stance,

“In any case, the policies of the last two decades, with early retirement, have given priority to the employment of younger workers. That is fine if older workers can leave in good conditions [...] nowadays the priority is people in difficulty”

As for employer bodies, they acknowledge that awareness of ageism remains rather low among employers and it is consequently also low down in terms of priority. In recent speeches, Medef senior officials have agreed to discuss and negotiate on the issue of employment of older workers or their engagement in harsh conditions at work (MEDEF website 15/07/04). The UIMM official emphasized that so far, age discrimination has not been a major issue as employees when offered early exit solutions accept or even claim it. However, employer bodies do recognize that demographic evolution will probably force changes and increase awareness, thereby

putting the issue of ageing and age discrimination higher in the medium or longer term.

French trade unions also stressed that age discrimination is less well-perceived than other forms of discrimination and has consequently benefited from less coverage in the media not helped by the fact that the government, has not yet made it a priority in employment policies (CFTC, CGC).

2.3. Policy content and level of action

Although unions have particular claims and employers' organisations put forward propositions, in particular through negotiations regarding training and lifelong learning, most do not have an agenda on age discrimination.

Trade unions' policy proposals focus on career and competency management by objectives, the removal of the Delalande tax, as well as lifelong learning and training possibilities and the limitation on early exit routes as the sole way of managing the ageing workforce (CFE-CGC, CFDT). Following specific demands and concerns of its membership, mainly management staff:

“The CGC demands the organization of negotiations so that eventually, and clearly, at national inter-professional level, a real age management policy can be implemented in companies”

The CGC also presents the role of employers as a crucial one in retaining and creating incentives for older workers to stay in employment, in particular through management of career by objective⁹, which was created by a 1989 law, and has not really been taken up by companies. Likewise, in the CFDT it was emphasized that following the reform on retirement, there was a need to promote the “*right to work*” for older workers as an alternative to the “*right to retire*”, there again emphasizing the importance of lifelong learning and adequate training (CFDT).

There is a certain convergence between employers and employee bodies in favour of limitations to early retirement opportunities, and in particular restraining them to the categories of workers with particular conditions of work, while working out alternatives, such as progressive retirement or flexible time schedules, for all employees (Medef, CFTC, CFDT, CGC). The dynamic of choice and fairness for older workers is also particularly important for French unions.

The CFE-CGC's policy recommendations rely on five pillars: make sure that human resource planning is based on competencies and not age and remove references to age; foster management of jobs and competencies by objective; encourage maintaining employees in work; organize and value a progressive withdrawal from the labour market; and lastly improve working conditions and adaptation to jobs. Another interesting recommendation dealt with favouring job sharing for older workers, which has already, according to the confederation earned

⁹ The GPEC (*gestion prévisionnelle des carrières*) allows companies to adapt the competencies of its employees to its own needs and to the expectations of workers, as well as its relation to training and the payment of competencies.

some success¹⁰. They also planned setting up a commission to investigate age discrimination in recruitment which will start in September 2004.

The CFTC respondent indicated however a different and more general orientation for policies. Hence,

“What we can do is combat all forms of discrimination and of exclusion. The role of employment policies is to create employment”

As for employers, according to a senior official from the UIMM, companies have not yet taken particular dispositions to tackle age discrimination but they will certainly have to address demographic changes and labour shortages in the near future. The Medef has thus elaborated a set of propositions as regards employment of older workers which encompasses limiting the recourse to early retirement in companies, promoting innovative practices, transforming the production, and publicly rejecting prejudices linked to age.

Divergences occur on the idea of job protection. Trade unions reject increased precariousness and Medef proposals promoting a reduction of the link between wages and seniority (thought to be particularly strong in France) and an increased flexibility of work contracts themselves, for example with short-term missions. The CFTC emphasized that the EU employment objectives as regards employment rates and age discrimination should not prevail over the objective of improving the “quality” of jobs.

2.4. Obstacles and reservations at the upcoming changes.

Both social partner groups stressed that the lack of constituency for actions against age discrimination, as most employees and employers still favour early exit solutions, is one of the main difficulties for them to engage into age management.

“There is a culture of early exit that has been established in France [...] it is almost a right for employees [...] and it is often because this need has been engrained in them, it is a conditioning” (CFE-CGC officer)

According to the CGC officer, this difficulty is inherent to trade unionism, as it is dependent on demands from their members. However, this is also largely connected to the lack of work perspective engrained in older workers environments due to a lack of training and career progression past a certain age,

“The phenomenon of withdrawal for employees of 55 and more is also due to the fact they are made to feel that there won’t be possibilities for promotion, it is not just the attraction of retirement” (CFTC officer)

¹⁰ CFE-CGC Encadrement magazine avril 2004.

Hence a major challenge is to initiate a change of attitudes of both employers and employees. For the CFTC, there is an essential role to be played by the government in fostering the creation of more jobs, which would eventually be of benefit to young and old alike. Interestingly, the CFTC senior officer suggested that given the lack of public information and awareness in France, the French could take as a model institution bodies like the Employers Forum on Age in England to diffuse best practice examples and promote the assets of an age diverse workforce.

As regards recruitment of older workers, both unions (CFTC, CGC) and the Medef stressed the need to scrap the Delalande Tax which, while protecting older workers in work, has a negative effect on recruitment by companies as they want to avoid paying the tax.

2.5. General observations

Although age discrimination has been added to the list of prohibited discrimination in labour law, compliance with EU legislation is rather formal (EIRO 2003c) and there has been little progress in terms of recognition and actions by social partners. Age discrimination against older workers has gained recognition, more prominent for some social partners such as CGC than for others, but has not yet been made a priority for a conjunction of factors: the lack of awareness of behalf of companies; early exit popularity amongst employees; and the reluctance of public authorities to put positive duties on employers according to trade unions (CFE-CGC; CFTC). Remarkably a national collective agreement on lifelong learning signed by the social partners formally introduced specific dispositions fostering career management and training for older workers but also recognition of the competencies gained with the experience¹¹. Negotiations starting in September as regards the “*project on social cohesion*”¹², between social partners and the government, will include discussions on restructuring and older workers employment.

¹¹ Accord National Interprofessionnel du 20 septembre 2003, sur la formation continue (lifelong learning/training)

¹² (Plan de Cohésion sociale)

Chapter 5: Accounting for the findings.

Besides common concerns and propositions as regards ageing workers, the French social partners have not yet engaged in such debates as those currently occurring in the UK, around the upcoming age discrimination legislation.

1. Converging pressures, diverging responses

The responses obtained in both countries display a degree of recognition of age discrimination and the issue of ageing workers' employment.

1.1. Growing support to the principle of age diversity

Literature from the early 1990s (Kohli & Rein 1991, Guillemard & Rein 1993) highlighted the implicit consensus between the government, the employers, and the trade unions, establishing a sort of generational agreement and thus encouraging early exit of older workers so as to favour younger workers' own employment. In both countries social partners thus seem to be acknowledging the need to break with this implicit consensus.

There is growing agreement on the principle that age should not be considered a valuable proxy for employment decisions. Trade unions support the idea of choice and fairness for their members, both in France and the UK, and encourage flexibility and choices on work and time patterns, and retirement timing. UK employers, who are subject to information campaigns, promote a business case in favour of age diversity, and reflect on predicted labour and skill shortages and the need to develop performance management to cater for the needs of an ageing workforce. However, trade unions favour a more comprehensive and binding legislation than the employers' associations, which emphasize the need for flexibility to preserve their competitiveness.

In both countries, social partners seem to have converging positive views on issues deriving from age management such as lifelong learning and flexible retirement patterns.

1.2. From management by age to management of age: a persistent gap between attitudes, policy and practices.

In the UK, the upcoming age discrimination legislation, the government's public campaigns of information and EFA campaigns have raised awareness but the effects remain limited (Walker 1997). Responses and documents from employers' associations both in France and the UK suggest that most companies, apart from a few high profile cases, have not yet taken on age management and performance practices to tackle age discrimination. This is consistent with the findings of previous research on employers in the UK (Kodz et al. 1999, Arrowsmith & McGoldrick 1996, Taylor 2003) and in France (Minni & Topiol 2002, Gautié 2003). As for trade unions, the general lack of clear policies, even if some unions have started to introduce

guidelines for collective bargaining, reflects the difficulty of dismissing age discrimination practices, such as seniority rights, and the ambiguous attitudes and expectations of their members. The dilemma consists in balancing current and future interest of their members, both young and older (Taylor 1997:29, Drury 1992), and hence preserving choices without curtailing acquired benefits.

Social partners in France and the UK have mentioned two main difficulties. They recognize that the issue has long and still is to some extent neglected due to former policies in favour of younger workers' employment and persistent ageist prejudices regarding older workers. Additionally, difficulties in addressing age discrimination stem from its general and far-reaching nature. The Equal Treatment directive concerns not just older workers like in the USA (Friedman 2003) but the whole workforce. Consequently the lack of clear-cut constituency makes it difficult to elaborate a clear and consistent strategy to combat this form of discrimination. The concerns and difficulties expressed are consistent with previous research, which defines the multiple dimensions of age discrimination (Fredman & Spencer 2003) and highlights the social, occupational and individual diversity attached to the concept of age discrimination (Taylor & Walker 2003, Guillemard 2003).

According to Walker (1997:30),

“there is an important role for national organizations of employers and trade unions in highlighting the relationship between age and employment examples of good practice to their members through education and information campaigns”.

Hence, in both countries, much relies on the way actors interpret and use the existing legal dispositions. Yet, British and French social partners emphasized that there is a prominent role to be played at company level by management, which so far has been more reactive than proactive. The comparative data elicited in this research thus supports the conclusion from previous research (Duncan et al. 2001, EIRO 2004) as age discrimination has still not been translated into large-scale policy making at the organizational level and amongst social partners.

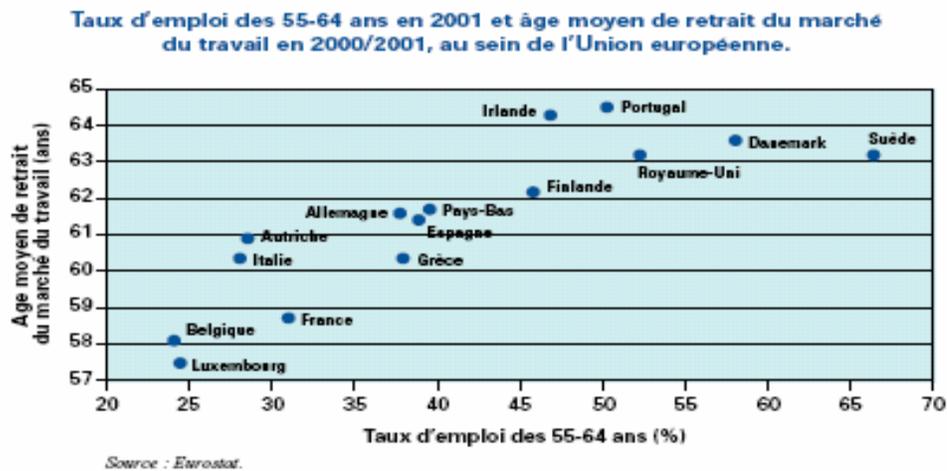
Through discussions with employers' associations and with the government on the content of the upcoming legislation, British social partners seem to have taken age discrimination issues a step forward compared to their French counterparts. For French social partners, there does not seem yet to be a feeling of urgency about the need to tackle the issue. In France, the focus is still on youth unemployment and the popularity of early exit schemes, the quality of work and seniority rights offered to older workers, and preserving the rights to gain access to pension at 60. For French trade unions and employers' associations, a majority of workers hope to and do retire at a relatively early age (Guillemard 2003, Gautié 2002) and companies still make it their policy to manage their workforce by its age and get rid of their workers when they are in their fifties. Although British unions favour the maintenance of early exit pathways for certain categories of workers, they do not encourage such practices on the same scale than their French counterparts, neither do companies, which have been less reluctant than their French counterparts to keep their older workers (Guégano 2002).

2. Accounting for national differences in social partners' responses.

The results drawn from the empirical investigation appear consistent with the theory developed by Laufer (2002), that differences in reactions and attitudes about Equal Opportunities (EO) issues in France and the UK can be attributed to the variations in the situations of older workers in the labour market, different ways unions and employers respond to equal opportunity initiatives and also variations in national provision of welfare.

2.1. Different situations of older workers on the labour market

In France, the percentage of older workers (above 55) in activity is one of the lowest in the European Union and lags behind that of the UK (Guégano 2002, Guillemard 2003b). Figure 1 shows employment rates of 55-64 year olds in 2001 (horizontal axis) and average age of withdrawal from the labour market in 2000/2001 in the European Union (vertical axis). (From Guégano 2002).



Although activity rates have increased since the end of the 1990s, there has not been a shift in attitudes in France as regards older workers' situation. The diverse measures existing tend to protect them by allowing for compensation for lost work and the maintenance of schemes allowing older unemployed people to stop looking for jobs, or compensation for dismissal on grounds of old age with the Delalande tax. However, these measures also seem to produce negative externalities in the sense that they feed existing prejudices about older workers. Furthermore, French social partners still consider the employment of younger workers to be of particular importance due to the persistent high levels of unemployment in France and that is translated in such schemes as the ARPE¹³, which allows early exit schemes for older workers provided somebody else, often younger, is hired afterwards. Older workers,

¹³ Allocation de Remplacement Pour l'Emploi.

who benefit from seniority rights, are less likely to be unemployed although once out of work they are less likely to re-enter the labour market (Gautié 2003).

The configuration in the British Labour market is one of lower general unemployment and higher activity rates for older workers, thus feeding concerns as regards skills/manpower shortages and fostering changes in the labour market in favour of age diversity (Guégano 2002).

2.2. National level political tools vary between the UK and France

The French model of Industrial Relations is usually described as “statist”, whereby issues that are elsewhere set in collective bargaining are in France decided by the law (Goetschy 1998). French social partners have a permanent role to play in “paritarisme”, e.g. the co-management of unemployment and social security funds. The persistent opening of alternative pathways for compensating older workers out of the labour market, while the government attempts to restrict entry or close down early retirement schemes, has thus contributed to maintaining a culture of “early exit” (Guillemard 2003a). Hence,

“the power of the law over collective bargaining has always been important and unions have a relatively weak negotiating power, which did not facilitate their ability to take charge of equal opportunity issues” (Laufer 2002:434).

The government plays a leading role in setting up the agenda of negotiations, as is shown with the upcoming negotiations around the “*plan de cohésion sociale*”, which will encompass the issues of restructuring and employment of older workers. The French government has attempted to shift its attitudes and policies towards ageing much earlier than social partners. Thereby, the prominent role of the law in the regulation of industrial relations reflects the lack of initiative of French social partners and in particular trade unions (Goetschy 1998, Laufer 2002).

In the UK, the near disappearance of multi-employer bargaining and extension procedures (Edwards et al. 1998) mean that compliance with the legislation will be largely voluntary as stated by both employee and employer bodies, and based on the company level. Although the UK government has organized tripartite discussions in the run to draft the legislation, it seems less likely that such social dialogue will intervene for the implementation, especially as the UK system is one based on decentralized, single employer collective bargaining or unilateral management decision in the absence of such bargaining (Edwards et al. 1998).

2.3. Age discrimination in the context of the welfare state: continental versus Anglo-Saxon approaches?

The interviews and documents reveal that, in comparison to their British counterparts, French social partners are much more attached to the idea of “early exit”, which has become so firmly entrenched in the labour market as to be perceived as a “right” or “acquired benefit” for older workers and a consistent management tool for companies (Guillemard 2003a:674, Kohli & Rein 1991, Minni & Topiol 2003).

France is identified with a continental welfare state, also called “*welfare without work countries*” (Guillemard 2003a, Guégano 2002). The combination of generous compensation (for unemployment and early retirement schemes) with limited efforts to keep older wage-earners, gave rise to an ever-popular early exit culture among all parties involved, which makes it all the more difficult to reverse the trend and initiate a shift from “*management by age to management of age*” (Taylor 2003). Hence in France the configuration of the welfare state has focused debates on the issue of early exit, although no active labour market policies for older workers yet exist.

By contrast, the UK is presented as a “*liberal welfare state*” (Esping-Andersen, 1990; Guillemard 2003b: 675), whereby,

“In welfare as well as employment, public authorities limit interventions and, in the main, let the contractual relations of the market place have free play. Under these conditions, the changing requirements of their workforces are the major factor guiding firms’ strategies”.

Consequently and following the American developments, the main issue at stake is related to labour market supply and focuses on age discrimination (Guégano 2002). The anti-age discrimination information campaigns are now being supplemented by the framing of legislation, which will formally prohibit age discrimination in employment and vocational training thus prompting changes in the attitudes and policies of social partners. However, it is also encouraged by the fact that the level of public pensions is lower and that many people need to pursue an activity to increase or maintain their revenues (COR 2004:319). The economic effects of age discrimination for British workers are indeed deemed more important than in other European countries (Walker 1990:63). The data elicited in this research thus confirms previous research findings, in that:

“A configuration of welfare and employment institutions provides each country with a network of motives, justifications and references that shape alternatives for wage earners and influence the expectations and anticipations of all parties in the labour market [...] (and) configures an “age culture” there” (Guillemard 2003a:673).

This supports the theory of contextualized comparison (Locke & Thelen 1995) in that the trend towards ageing choice has not translated into the same pressures in France and the UK due to different configurations of the welfare state and varying institutional arrangements. The heavy reliance on the government in France to initiate change contrasts with the combination of regulation and voluntarism in the UK. The data also emphasizes the ambiguous concerns and claims of social partners, around a two-pronged dynamic of flexibility and choice.

Chapter 6. Conclusion - cross-national diversity persists but common challenges call on diversified and comprehensive approaches.

The EU Framework employment Directive 2000/78/EC has initiated an effort to foster anti-age discrimination policies across Europe. This study provides a cross-section of current attitudes and policies of social partners in the UK and France and reveals both similarities and persistent divergences.

Overall, British and French social partners support the principle of age diversity. In both countries the situation of older workers is particularly problematic due to rising costs of pension systems mainly but also possible skills and manpower shortages. Issues of choice and fairness prove to be the catchwords adopted for unions, while the employers' associations are eager to preserve their margin of manoeuvre in human resource management and stress the need for flexibility. Thereby, the dilemma for British and French social partners consists in balancing the necessary flexibility in work and retirement patterns while carving out possibilities for employees to pursue their choices and preserve acquired benefits and rights.

Despite agreement in principle, two main types of obstacles persist. On the one hand "objective" barriers such as organizational or financial factors linked to employment and welfare policies hinder the activity of older workers. Financial concerns may particularly arise for small and medium companies, which do not have the means to develop comprehensive performance management systems. As for trade unions, the broad age-range to be considered makes it difficult to identify a constituency with specific demands over age discrimination, in particular as older workers are often more concerned with preserving their rights to retirement. On the other hand "subjective" obstacles are linked to the persistence of prejudices towards older workers in the society and in the labour market. Age discrimination is indeed profoundly entrenched in the work culture and mentalities in both countries and some of its manifestations, such as seniority rights, perceived as positive by workers themselves.

Divergences appear between unions in particular based on their memberships characteristics. However, the most illuminating differences do not arise between unions and employers organizations or within themselves, but between countries. The national labour market conditions and welfare state institutions and benefits still heavily influence social partners' reactions and attitudes. Hence, the focus remains on early exit in France, a specific feature deeply entrenched in the labour market and still largely uncontested by social partners. In France, there is no specific age discrimination legislation nor is there yet any broad-scale voluntary policy to alter the attitudes and practices of companies and the expectations of their employees.

By contrast, the focus in the UK is on age discrimination so as to allow those who wish and/or need to work longer. Supplementing voluntary processes, the upcoming British age discrimination legislation will require non-discriminatory policies and practices and foster changes but the effectiveness of changes ultimately relies on voluntary behaviour and practices of social partners at organizational level, and on individual cases.

While the prospect of reversing age-based exit routes and management discriminatory practices appears most difficult in France, ultimately, French and British social partners face a common challenge. The two-pronged equation involving flexibility and fairness requires consideration of workers and their careers in a broader life-span, based on skills and competencies. British national awareness-raising campaigns initiated by the government or groups of employers appear as a source of inspiration for France. Although attitude change is to be promoted by the national governments, in particular through age discrimination legislation, social partners in both countries also have a crucial role to play in fostering a broad change in mentalities and perceptions of older workers at national and organizational level.

ABBREVIATIONS

France :

CFDT : Confédération française démocratique du travail (French Democratic Confederation of Labour)

CFTC : Confédération française des travailleurs chrétiens (French Christian Workers' Confederation).

CFE-CGC : Confédération générale des cadres-Confédération française de l'encadrement (General Confederation of Professional and Managerial Staff-French Confederation of Professional and Managerial Staff).

CGPME : Confédération Générale des Petites et Moyennes Entreprises (the General Confederation of Small and Medium-sized Enterprises)

CGT : Confédération générale du travail (General Confederation of Labour).

CGT-FO : Confédération générale du travail-Force ouvrière (General Confederation of Labour), it is also known simply as FO.

MEDEF : Mouvement des Entreprises de France (Movement of French Enterprises)

UIMM : Union des industries métallurgiques et minières (the Union of Metallurgy and Mining Industries)

United Kingdom:

CBI: Confederation of British industry

CWU: Communication Workers Union

DTI: Department of Trade and Industry

EEF: Engineering Employers' Federation

TGWU: Trade and General Workers Union

TUC: Trades Union Congress

Unifi: The Finance and Banking Services Union

Unison: the Public Service Union

BIBLIOGRAPHY

Methodology:

Arksey, H. & Knight, P. (eds.)(1999): *Interviewing for social scientists: an introductory resource with examples*, Sage Publications, London.

Bloor, M. (1997): Chap. 3: Techniques of validation in qualitative research: a critical commentary, in Miller, G & Dingwall, R. (eds): *context and method in qualitative research*, Sage, London.

Crotty, M. (1998): *The foundations of social research: meaning and perspective in the research process*, Sage Publications, London.

Ferner, A. & Hyman, R. (1998): *Changing industrial relations in Europe*, Blackwell, Oxford.

Fontana, A. & Fiery, J.H. (2003): Chap.2: Interviewing, the art of science, in Denzin, N.K. & Lincoln, Y. (eds.) (2003): *Collecting and interpreting qualitative materials*, Thousand Oaks Calif., Sage Publications.

Hakim, C. (1982): *Secondary analysis in social research, a guide to data sources and methods with examples*, Allen & Unwin, London.

- Hantrais, L. & LeTablier, M-T. (1998) :** La démarche comparative et les comparaisons franco-britanniques, in *Revue de l'IRES, N°28, Automne 1998*.
- Hodder, I. (2003):** Chap 4: The interpretation of documents and material culture, in Denzin, N.K. & Lincoln, Y. (eds.) (2003): *Collecting and interpreting qualitative materials*, Thousand Oaks Calif., Sage Publications.
- Kochan, T. A. (1999):** Chap. 2: what is distinctive about Industrial Relations Research?, in Whitfield, K. & Strauss, G. (eds.) (1999): *Researching the world of work: strategies and methods in studying industrial relations*, Cornell University Press, USA.
- Locke, R. M. & Thelen, K. (1995):** Apples and Oranges revisited: Contextualized comparisons and the study of comparative labor politics, in *Politics and Society*, Vol. 23, No.3, September, pp 337-367.
- Pole, C. & Lampard, R. (2002):** *Practical social investigation: qualitative and quantitative methods in social research*, Pearson education limited, Edinburgh Gate, Harlow, Essex.
- Robson, C. (2002):** *Real World Research*, 2nd edition, Blackwell, Oxford.
- Scott, J (1990):** A Matter of record: documentary sources in social research in Pole, C. & Lampard, R. (2002): *Practical social investigation: qualitative and quantitative methods in social research*, Pearson education limited, Edinburgh Gate, Harlow, Essex.
- Strauss, G. (1999):** Chap.11: Comparative international Industrial Relations, in Whitfield, K. & Strauss, G. (eds.) (1999): *Researching the world of work: strategies and methods in studying industrial relations*, Cornell University Press, USA.
- Van Maanen, J. (1979):** Reclaiming qualitative methods for organizational research: a preface, in Whitfield, K. & Strauss, G. (eds.): *Researching the world of work: strategies and methods in studying industrial relations*, Cornell University Press, USA.
- Whipp, R. (1999):** Chap.3: qualitative methods: techniques or size? In Whitfield, K. & Strauss, G. (eds.): *Researching the world of work: strategies and methods in studying industrial relations*, Cornell University Press, USA.
- Whitfield, K. & Strauss, G. (1999):** Chap. 1. Research methods in Industrial Relations in Whitfield, K. & Strauss, G. (eds.): *Researching the world of work: strategies and methods in studying industrial relations*, Cornell University Press, USA.

Text:

Books and articles

- Abrams, A. J. (1955):** discrimination against older workers in various countries, in Report of the third Congress of the International Association of Gerontology, London 1954 in Parker, S. (1982): *Work and Retirement*, Allen & Unwin, London.
- Arrowsmith, J. (2004).** Overview of the Implementation of the Framework Equal Treatment Directive, EIRO, April.
- Arrowsmith, J. (2003).** 'Theories and the practice of age discrimination: Evidence from personnel managers', *Review of Employment Topics*, 6:1. 1-54.

- Arrowsmith, J. and Hall, M. (2000).** Industrial relations and the ageing workforce. A review of measures to combat age discrimination in employment, EIRO, September (also published in *EIRO Observer*, no. 6/00).
- Arrowsmith J. & McGoldrick, A. (1996):** *Breaking the barriers: a survey of managers' attitudes to Age and Employment*, London, Institute of Management.
- Baker, Richard (2004):** Age discrimination implementing the directive in Europe in *Equal Opportunity Review*, No 125, Jan (2004): Pp 14-16.
- Bertherat, J. (2001):** *La question de l'emploi et des âges, in 1981-2001 : 20 ans d'un cheminement collectif*, Paris, Association Développement et Emploi, pp 255-257.
- Boeri, T, Brugiavini, A. & Calmfors, L. with Booth, A. et al. (2001):** *The role of unions in the 21st century: a report for the Fondazione Rodolfo De Benedetti*, Oxford: Oxford University Press, 2001.
- Brewster, C. & Hegewisch, A. (eds.)(1994):** *Policy and practice in European HRM: the pricewaterhouse Cranfield Survey*, Routledge, London.
- Brosi, G. & Kleiner, B. (1999):** Is age a handicap in finding employment?, in *Equal Opportunities International*, Vol. 18, No. 5/6, pp 100-104.
- Clegg, A. (2004) :** Age discrimination, in *Marketing week*, March 4th, 2004, p 37.
- Commission des communautés européennes (1999):** *Communication de la commission: vers une Europe de tous les âges : promouvoir la prospérité et la solidarité entre les générations*, Bruxelles, le 21.05.1999, COM (1999) 221 final.
- Conseil National d'orientation des retraites (COR) (2004):** *Deuxième rapport du Conseil d'orientation des retraites : les retraites en France et à l'étranger : le droit à l'information. 3^e partie : les réformes à l'étranger.* www.cor-retraites.fr/IMG/pdf/doc-33.pdf
- Conseil National d'orientation des retraites (2001):** *Age et travail: un axe de réflexion essentiel pour l'avenir des retraites*, La Documentation française, Paris.
- Dickens, L. (1998):** Beyond the Business Case: a three-pronged approach to Equality Action, in *Human Resource Management Journal*, 9 (1): pp 9-19.
- Drury, E. (1992):** Employment and retirement in Europe, in Davies, L. (ed.) *the coming of age in Europe: older people in the European community*, Age concern England, London.
- Duncan, C. (2003):** Assessing anti-ageism routes to older worker re-engagement, in *Work, Employment and Society*, Vol. 17(1), pp 101-120.
- Duncan, C. (2001):** Ageism, early exit, and the rationality of age-based discrimination, in Glover, I. & Branine, M. (eds.) *Ageism in work and employment*, Ashgate, Aldershot
- Duncan, C.; Loretto, W. & White, P. (2000):** Ageism, early exit and British Trade Unions, in *Industrial Relations Journal*, 31:3, pp 220-234.
- Ebbinghaus, B. (1999):** Does a European Social model exist and can it survive? In Huemer, G., Mesch, M. & Traxler, F. (eds.): *the role of employer associations and labour unions in the EMU: institutional requirements for European economic policies*. Ashgate, Aldershot.
- The Economist (2004):** June 26th, *Age discrimination: Hands up those who want to go back to work (p 41) & "Age and productivity: over 30 and over the hill"*, p 42.
- EIRO 2004:** Arrowsmith, J. Overview of the implementation of the framework equal treatment directive, *EIRO Website* 2004/02.

EIRO (2003a): Kirton, G.: Thematic feature: implementation of the EU framework equal treatment directive, UK, *EIRO website* 2003/08.

EIRO (2003b): Hall, M. :Draft information and consultation legislation published, UK. *EIRO website* 2003/07.

EIRO (2003c): Meilland, C. (2003) : Thematic feature: implementation of the EU framework equal employment directive, France. *EIRO website* 2003/08

EMIRE (2003): Lexicon of Industrial Relations in *EIRO website* 2003.

Esping-Andersen, G. (1996): Welfare States in transition in global economies. in Guillemard, A-M. (2003b) : Concluding remarks, company practices and public policies regarding age : lessons drawn from comparison, in *The Geneva Papers on risk and Insurance*, Vol. 28, No.4 (October), pp 673-676.

Esping-Andersen, G. (1990): The Three Worlds of Welfare Capitalism. Cambridge: Polity Press.

Fredman, S. (2003): Chap. 3 The age of equality in Fredman, S. & Spencer, S. : *Age as an equality issue, legal and policy perspectives*. Hart Publishing. Oxford and Portland Oregon.

Fredman, S. & Spencer, S. (eds.) (2003): *Age as an equality issue, legal and policy perspectives*. Hart Publishing. Oxford and Portland Oregon.

Friedman, L. M. (2003): Chap. 8 Age discrimination law: some remarks on the American Experience in Fredman, S. & Spencer, S. : *Age as an equality issue, legal and policy perspectives*. Hart Publishing. Oxford and Portland Oregon.

Glover, I, & Branine, M. (2001): Chap 1: introduction to the challenge of longer and healthier lives, in Glover, I, & Branine, M. (eds.) *Ageism in work and employment*, Stirling management series, Ashgate, Aldershot. England. Publishing Ltd.

Gautié, J. (2003): Les travailleurs âgés face à l'emploi, in *Economie et Statistiques*, N° 368, pp 33-41.

Guégano, Y. (2002): Rapports de stratégie nationale sur les pensions des pays membres de l'union européenne: examen des réponses à l'objectif de soutien à l'activité des plus âgés, in *Questions retraites*, N°2002. 55. Décembre 2002. Publication du Service des Etudes de la Branche Retraites de la Caisse des dépôts.

Guillemard, A-M. (1991) :France massive exit through unemployment compensation in Kohli, M.; Rein, M.; Guillemard, A-M. & Van Gunsteren (1991) : *Time for retirement : comparative studies of early exit from the labor force*, Cambridge University Press, Cambridge.

Guillemard A-M.(2001): Les enseignements des comparaisons internationales, in Conseil National d'orientation des retraites (2001): *Age et travail: un axe de réflexion essentiel pour l'avenir des retraites*, La Documentation française, Paris.

Guillemard, A-M. (2003a) : France : struggling to find a way out of the early exit culture, in *The Geneva Papers on risk and Insurance*, 28, No.4 (October), p 558-574.

Guillemard, A-M. (2003b) : Concluding remarks, company practices and public policies regarding age : lessons drawn from comparison, in *The Geneva Papers on risk and Insurance*, Vol. 28, No.4 (October), pp 673-676.

Guillemard, A-M & Van Gunsteren, H. (1991): Pathways and prospects: a comparative interpretation of the meaning of early exit, in Kohli, M.; Rein, M.; Guillemard, A-M. & Van Gunsteren (1991), *Time for retirement : comparative studies of early exit from the labor force*, Cambridge University Press, Cambridge.

- Hassel, B.L. & Perrewe, P.L. (1995):** An examination of beliefs about older workers: do stereotypes still exist?, in *Journal of organizational behaviour*, Vol. 16, No 5, September, pp 457-468.
- Hutchens, R.M. (1988):** Do job opportunities decline with age?, in *Industrial and labor relations review*, Vol. 42, No. 1, October, pp 89-99.
- Johnson, R.W. & Neumark, D. (1997):** Age discrimination, job separation and employment status of older workers: evidence from self-reports, in *Journal of Human Resources*, 32, pp 779:811.
- King, G.B. & Stearns, P. (1981):** the retirement experience as a policy factor in Laczko, F. & Phillipson, C.(1991b): *Changing work and retirement, social policy and the older worker*, Open University Press, Buckingham
- Kodz, J.; Kersley, B. & Bates, P. (1999):** *The fifties revival*, Report 359, published by the Institute for Employment Studies, Brighton.
- Kohli, M.; Rein, M.; Guillemard, A-M. & Van Gunsteren (1991) :** *Time for retirement : comparative studies of early exit from the labor force*, Cambridge University Press, Cambridge.
- Laczko, F. & Phillipson, C. (1991a):** Great Britain: the contradictions of early exit in Kohli, M.; Rein, M.; Guillemard, A-M. & Van Gunsteren (1991) : *Time for retirement : comparative studies of early exit from the labor force*, Cambridge University Press, Cambridge.
- Laczko, F. & Phillipson, C.(1991b):** *Changing work and retirement, social policy and the older worker*, Open University Press, Buckingham.
- Laufer, J. (2003):** Equal Employment Policy in France: symbolic support for a mixed record, in *Review of Policy Research*, Vol. 20, N°3, pp 423-442.
- Lazear, P. (1979):** Why is there mandatory retirement? *Journal of Political Economy*, Vol.87, No 61.
- Minni, C & Topiol, A. (2002):** Les entreprises se préoccupent peu du vieillissement démographique, *Premières Informations et Synthèses, DARES*, 2002.04. N°15.1. 1-8.
- Neumark, D. and Stock, W. A. (1999):** Age discrimination laws and labor market efficiency, in *Journal of Political Economy*, Oct. 1999, Vol. 107, Issue 5.
- O’Cinneide, C. (2003):** Chap. 9: Comparative European perspectives on Age discrimination legislation in Fredman, S. & Spencer, S. : *Age as an equality issue, legal and policy perspectives*. Hart Publishing. Oxford and Portland Oregon.
- Parsons, D. & Mayne, L. (2001):** Chap. 13 Ageism and work in the EU: a comparative review of corporate innovation and practice, in Glover, I, & Branine, M. (eds.) *Ageism in work and employment*, Stirling management series, Ashgate, Aldershot. England. Publishing Ltd.
- Phillipson, C. (1998):** *Reconstructing old age: new agendas in social theory and practice*, Sage, London.
- Phillipson, C. & Walker, A. (eds.) (1986):** *Ageing and social policy: a critical assessment*, Gower Publishing Company limited, Aldershot, England.
- Quintreau, B. (2001):** *Âges et emploi à l’horizon 2010*, Paris, Journal Officiel, Collection “avis, rapports et études du Conseil économique et social”, II-81 to II-83.
- Reday-Mulvay, G. (2003):** Editorial in *The Geneva Papers on risk and Insurance*, Vol. 28, No.4 (October), pp 551-552.
- Retraites et Société (2002), 29 octobre,** « *gestion des âges et fin d’activité* », 2-16.

- Smethurst, S. (2004):** Ageism rife in UK workplace, *People Management*, 15th Jan.
- Snape, E. & Redman, T. (2003):** Too old or too young? The impact of perceived age discrimination, in *Human Resource Management Journal*, 13, 1, pp 78-89.
- Spieza, V. (2002):** The greying population: a wasted human capital or just a social liability?, in *International Labour Review*, 141, ½, pp 71-113.
- Sterns, H. & Miklos, S. (1995):** The aging worker in a changing environment: organizational and individual issues, in *Journal of Vocational Behavior*, 47, 248-268
- Taylor, P. (2003):** Older workers, Employer Behaviour and Public policy, in *The Geneva Papers on risk and Insurance*, Vol. 28, No.4 (October), pp 553-557.
- Taylor, P. (2001):** Older workers and the cult of youth: ageism in public policy, in Glover, I. & Branine, M. (eds.) *Ageism in work and employment*, sterling management series, Ashgate, Aldershot, Publishing Ltd.
- Taylor, P. & Walker, A. (2003):** Age discrimination in the Labour Market and Policy responses: the situation in the United Kingdom, in *The Geneva Papers on risk and Insurance*, Vol. 28, No.4 (October), pp 612-624.
- Taylor, P. & Walker, A. (1997):** Age discrimination and public policy, in *Personnel Review*, Vol. 26, No. 4, pp 307-318.
- Thierry, D. (2002):** La déplorable pratique de la gestion des âges dans les entreprises, in Thierry, D (dir.) *20-40-60 ans. Dessinons le travail de demain*, Les éditions de l'organisation, Paris, pp 77-81.
- Walker, A. (1997):** *Combating age barriers in employment. Research summary* (the European Foundation for the improvement of living and working conditions). Luxembourg: Office for Official Publications of the European Communities, 40p.
- Walker, A. (1990):** Chap. 4 The benefits of old age? Age discrimination and social security, in McEwen, E. (ed.) *Age the unrecognized discrimination: views to provoke a debate*, Age Concern England, London.
- Wicks, M. (2004):** interview by Ross, W.: Government boost for older workers in *Personnel Today*, 1/6/2004, p 4.
- Worman, D. (2004):** CIPD Report, in *People Management* 26th February 2004.
- Worsley, R. (1996):** Only prejudices are old and tired, in *People Management*, Jan., 11; 1996, 2. 1. pp 18-23.
- Yeandle, D. (2004):** Retirement age delays will hinder employers, in *Personnel Today*, 6/15/2004, p 15.

Websites consulted

Europe

www.eurofound.eu
www.europa.eu.int
www.economist.com

France

www.ladocumentationfrancaise.fr
www.cor-retraites.fr
www.anact.fr/dossiers/gestion-des-ages/som.html
www.ces.fr

www.seniorplanet.fr
www.medef.fr
www.cfecgc.org
www.cfdt.fr
www.cftc.fr
www.uimm.fr
[www.force-ouvrière.fr](http://www.force-ouvriere.fr)
www.cgt.fr
www.cgpme.org

UK

www.agepositive.gov.uk
www.ageconcern.org.uk
www.dwp.gov.uk
www.efa-agediversity.org.uk
www.dti.gov.uk
www.cwu.org
www.tuc.org
www.tgwu.org.uk
www.unifi.org.uk
www.unison.org.uk
www.tuc.org.uk
www.cbi.org.uk
www.eef.co.uk
www.chamberonline.co.uk