

AGE DISCRIMINATION AND OLDER WORKERS: IS SELF-EMPLOYMENT A RESPONSE TO AGEISM?

DISCRIMINACIÓN POR EDAD Y TRABAJADORES MAYORES: ¿ES EL AUTOEMPLEO UNA RESPUESTA AL ENVEJECIMIENTO?

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Trabalho enviado em 12 de maio de 2022 e aceito em 09 de julho de 2022



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ABSTRACT

Objective

This paper explores the motivations of UK men moving to self-employment after age 50 and considers the role of ageism and age discrimination in this move.

Methods

Qualitative data from older self-employed adults in the IT industry in the UK's 'M4 corridor' area was analysed. It compares those moving in 2002/3 with 2015/6, ten years after the UK introduced EU Age Discrimination legislation in 2006.

Results

Counter-intuitively, ageism and age discrimination was noted far higher in the second time frame when there were legal constrictions than in the first time period, when there was no age-discrimination legislation.

Considerations

The paper concludes that age discrimination was present in both time periods, but that the legislation has raised workers consciousness rather than reduced the discrimination.

Key words: age discrimination; self-employment; UK; older workers

RESUMEN

Objetivo

Este artículo explora las motivaciones de los hombres del Reino Unido que pasan a trabajar por cuenta propia después de los 50 años y considera el papel de la discriminación por edad en este cambio.

Métodos

Se analizaron datos cualitativos de adultos mayores que trabajan por cuenta propia en el sector de las tecnologías de la información en la zona del "corredor M4" del Reino Unido. Se comparan los que se trasladaron en 2002/3 con los de 2015/6, diez años después de que el Reino Unido introdujera la legislación de la UE sobre discriminación por edad en 2006.

Resultados

De forma contraria a la intuición, la discriminación por edad se observó mucho más en el segundo periodo de tiempo, cuando había restricciones legales, que en el primero, cuando no había legislación sobre discriminación por edad.

Consideraciones

El documento concluye que la discriminación por edad estuvo presente en ambos periodos de tiempo, pero que la legislación ha concienciado a los trabajadores en lugar de reducir la discriminación.

Palabras clave: discriminación por edad; trabajo por cuenta propia; Reino Unido; trabajadores de edad avanzada



AGE DISCRIMINATION AND AGEISM

If I am told that I cannot work because I am not qualified, then I have the choice to get more qualifications or retrain or do nothing. If I am told I cannot work because I am too old, then there is nothing I can do about this. I am completely disempowered (Leeson, 2004).

Ageist prejudice is deeply entrenched and widely pervasive. ... It is treated as in some way 'natural', even by many older people. Whatever their political rhetoric, governments exploit ageism to subsidise the affluence of more favoured social classes. Ageism is, however, as great an affront to the supposed values of our society as is sexism or racism (Grimley-Evans, 2003).

Age discrimination results from ageism which is a form of prejudice (Roberts, 2000). Ageism pervades most society, and is found in the attitudes and behaviours of individuals and institutions. Age discrimination can be *direct* - when a person is treated less favourably because of their age – or *indirect* - when a particular age group is disproportionately affected and/or disadvantaged by a policy or practice. Overt, direct age discrimination is still present in many countries in the area of employment. Indeed, it is the very essence of age discrimination for an older employee to be fired because the employer believes that productivity and competence decline with old age. Employment discrimination on grounds of age is particularly disempowering as within modern society we are increasingly defined by our employment status. Of particular interest, therefore, is the impact of the 2000 EU directive on age discrimination and employment. At the time it was argued that if European countries accept anti-discriminatory legislation on work then this may give a strong signal that age-based discrimination is unacceptable is all other areas of life.

On 27 November 2000, the Council of the European Union adopted Council Directive 2000/78/EC, whose purpose:

is to lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment.

Stating that

Age discrimination is a relatively unfamiliar concept in many of these countries, and employment rates of older workers are generally low, around 30 per cent. Older workers often find it difficult to access training and new employment opportunities, and the new anti-discrimination practices should play an important role as part of a broader approach to raising labour participation rates of older workers (European Commission, 2004).



Article 18 contained an exception that allowed an additional period for implementation of three years from 2 December 2003, or until 2 December 2006. Of the then 15 EU member states, only Belgium, Sweden and the United Kingdom informed the European Commission, that they intended to take advantage of the extension.

In relation to age, the directive in principle establishes a general framework for equal treatment in employment and occupation, which applies to labour market activities and vocational training. It lays down minimum requirements of prohibiting discrimination by member states, without justifying any regression from current levels of protection. It applies to all persons in employment or seeking employment or training, private and public sector employers, providers of vocational guidance and training, workers' and employers' organisations, professional organisations and public bodies. The directive prohibits both direct and indirect discrimination, harassment, victimisation and instructions to discriminate. It has the potential to protect against age discrimination in access to employment, training, working conditions (including dismissal and pay), and membership of professional or worker organisations.

THE UK 2003

Twenty years ago, age discrimination was apparent across UK society – in financial services, in housing allocation, in education and training, in health and social care, and especially in the work-place (Help the Aged, 2002). While many forms of direct age discrimination impacting the work place such as mandatory age-based retirement and age limitations in hiring, were largely eliminated, more subtle forms of age discrimination have evolved and remain entrenched in the work place. This can be seen, for example, in the response by a large UK employers' federation to the DTI's consultation paper *Equality and Diversity: Age Matters* (Department of Trade and Industry, 2003). While overtly claiming to support in principle that individuals should be judged on the basis of their ability and skills, and not on stereotypes related to their age, the response is littered with ageist and unfounded stereotypical assumptions. They assume that from age 50 onwards competence declines, absences increase, and potential for development decreases, all stereotypical fallacies. The federation also stated that it was preferable to recruit and train younger workers who were more likely to stay long enough to get a decent return on training investment. In fact, older workers, if not made redundant or compulsorily retired, are a far more loyal and stable workforce. The response was also very paternalistic and ageist in its views of older workers, as if most adults

are not realistic about their capacity to continue. The federation argued for the DTI to introduce a

fixed default retirement age of 65 as part of the 2006 age discrimination legislation.

The comparison of the two time periods is of particular interest as the UK policy context

altered significantly with the introduction of age discrimination legislation and the rate of self-

employment had increased in the intervening period between data collection cycles.

GROWTH OF SELF-EMPLOYMENT IN UK

Self-employment has grown in many OECD countries ((Blanchflower, 2000; Bögenhold

& & Staber, 1991; Cahill K. E., 2014; Cahill, Giandrea, & Quinn, 2015; Cohen & & Mallon, 1999;

Luber & & Leicht, 2000). In the UK, analysis of ONS data revealed a steady growth in self-

employment (ONS, 2014c; BIS, 2016). In 1979, self-employment made up only 7.5 per cent of all

employment, increasing to 13.4 per cent in 1989 and after falling slightly in the 1990s, rising to an

all-time high of 14.9 per cent (4.6 million) in 2014 (ONS, 2014a). Of particular relevance is the

increasing numbers of people engaged in self-employment beyond the default pension age, with the

rate of the self-employment over the age of 65 doubling between 2009-2014, from 241,000 to

428,000 (ONS, 2014b). In 2009, 17 per cent of those aged 50-64 in some form of employment were

self-employed, rising to 34.1 per cent over the age of 65. By 2014, these proportions had risen to

19.4 per cent of 50-64 years olds and 40.8 per cent of those over 65 (ONS, 2014a). In particular,

these two older age groups saw the largest increases in self-employment at 2.4 per cent and 6.7 per

cent respectively, compared to a more modest rise of 1 per cent for those aged 25-49. Self-

employment is therefore particularly prevalent amongst older people with over 40 per cent of

workers aged over 55 being self-employed (ONS, 2014b).

THE RESEARCH

This paper looks at the move into self-employment, taking the UK new technology based

firms (NTBF) as its case study, comparing the situation in 2003 before the UK adopted EU Age

Discrimination Practice and 2016, ten years after it signed up to the Directive. During this time the

numbers of those aged over 65 in self-employment doubled, and various reasons have been

presented for this. Drawing on a longitudinal qualitative study of men over 50 in the UK who

moved to self-employment between 2003 and 2016 we here consider that hidden ageism and age

discrimination may be an important driver in this continued move. The paper explores older

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people's motivations towards and experiences of self-employment using qualitative data collected at two points in time 2002/3 (Harper & Vlachantoni, 2003) and 2015/16. This was a time of change in the UK policy context related to age discrimination. The sample comprised of older self-employed adults working in the 'M4 corridor' area of the UK in new technology based firms (NTBF).

The reasons for a move from full-time employment to full-time or part-time self-employed are still contested. Some research has suggested that self-employment's capacity to offer flexible, rewarding, autonomous employment (Dawson, Henley, & Latreille, 2009) both leading up to retirement and beyond. Older workers in particular who have had the opportunity to accrue experience and contacts over their working lives may also find self-employment to be a preferred form of work, offering greater degrees of fulfilment (Cory, 2012; Craig, Powell, & Cortis, 2012). This combined with the opportunity for employers to capitalise on the experiences of older people (van Solinge, 2014; Patel & Thatcher, 2014) is seen by some to be behind the increase in older self-employed workers. This literature sees self-employment as the "bridge to retirement". Others, however, have argued that older self-employed workers are a heterogeneous group, and that many who make the switch from employment to self-employment do not do so through a preference for this type of work, but rather are pushed by their economic circumstances (Fonseca, Lord, & Parker, 2020) and older self-employed people may be engaging in self-employment to add to their pension income (Hatfield, 2015).

If we look to the wider structural changes, then we can argue that organisational changes have also been significant, and have shifted the labour market to one where there is the division between a core of well-protected employees and a periphery of 'flexible' workers in insecure, temporary jobs (Galt & Moenning, 1996; Gallie, 1998; Hakim, 1988). This 'marginalization model' where large firms make redundancies and then subcontract work out acts as a 'push' into self-employment, with costs reduced by the lower rates of pay for external 'staff'. Evidence from the US has suggested that job loss is strongly associated with entry into self-employment at older ages (Moulton & Scott, 2016).

DATA AND METHODS

The focus of this paper is on older self-employed people within a particular type of industry – new technology based firms (NTBF) – which have been rising in number since the 1970s and are of interest to policymakers because of their ability to generate wealth and their faster than average



employment growth rates (Storey & Tether, 1998). These firms are concentrated along the "'sun-rise' belt running from Cambridge to Oxford and a long 'M4 corridor'" (ibid: 941) and are linked to growth in self-employment (Faggio & Silva, 2014). The south-west and south-east where the M4 corridor lies had the second and third highest levels of self-employment and both exhibited the highest level of growth between 2008-2013, as well as almost half of the growth in higher level occupations (Wilson & Homenidou, 2011). In addition, the London and the South East have the

highest percentage of people aged above state pension age in employment (ONS, 2013), which may reflect the higher cost of living and greater availability and variety of jobs.

The aim of the research project undertaken in 2002/3 with the follow-up study conducted in 2015/16 was to explore the changing experience of moving to self-employment in later life focusing on self-employed older workers in NTBFs. The study explored what affected older people's decisions to enter into self-employment, what was the experience of self-employment for older adults and were their broad differences in these between the two time periods 2002/3 and 2015/6.

Both phases of the qualitative field work was supplemented by short surveys to capture participants' demographic characteristics (age, gender, marital status, etc.) and information about the nature of their self-employment (number of employees, income, type of firm etc.). In both phases, in-depth interviews using the same topic guide were conducted. In this study, participants in the qualitative interviews 'self-defined' as self-employed to navigate these issues. (ii) aged 50, or would turn 50 in that calendar year; (iii) employed fewer than 50 employees; (iv) had been established their NTBFⁱ at least three years ago; and (v) were in one of the following counties of southern-central England: Wiltshire, Oxfordshire, Buckinghamshire, Bedfordshire and Cambridgeshire.

FINDINGS

The interviews explored the factors that prompted the move into self-employment. While initially counter-intuitive given the introduction of anti-ageism legislation in 2006 between data collection phases, age discrimination was cited more frequently by the 2015/2016 sample when explaining their decision to become self-employed. However, this is understandable as awareness of ageism and age discrimination had increased significantly over the two time periods due to the public discussions around the introduction of age discrimination legislation.

In 2002/3, age was only raised as an issue by two participants, one of whom agreed that age did present an issue in management structures

"I think it was forced on me because of age... and I think there is a point actuallyit wouldn't be easy to put someone of my age in a team, with a team manager who is 28 or 35, it's very difficult for lots of reasons"

A second participant discussed age in terms of the lack of training opportunities in his previous regular employment, but not as a 'push' into self-employment. Indeed, one participant in the 2002/3 sample argued that age was becoming less on an issue in the technology industry:

"twenty years, or some years ago, as you approached 60 you started to prepare for retirement... whereas there is now a growing trend to recognise that the people have experiences and there is a willingness to capitalise on those".

By 2015/6, ageism was being more widely referred to as a barrier they had faced, particularly some felt in the technology industry. This was particularly the case with recruitment, arguing that it was referred to euphemistically as issues related to 'too much experience', 'too expensive', 'too senior' or 'not aligned' to the profile of the companies. Four directly attributed their move to self-employment to ageism they experienced either in being made redundant or when looking for new employment, as one explained:

"Everyone's 27, and that's difficult... increasingly the options are closing down for me. So I don't have any option but to be an independent entity now".

This participant also felt under pressure to maintain his previous level of income in order to subsidise the living costs of his children and save for his retirement which made him feel "squashed". In terms of the finding a new job, there was a double-bind of being overly skilled but also out of the labour market, which was seen as undermining those skills:

"I can't get a junior job because they believe I'm overqualified and I can't get the job I'm qualified for because I'm not actually doing that job today".

Finding 'decent' work was cited by several participants as challenging, as

"it's very difficult to get any kind of meaningful employment. So I can go and get a job back at stacking at Sainsbury's but it's you know just not something I would go and do.... I had 50 job applications got zero responses. So I got I spent I probably spent nine months applying for jobs. I had a full-time job applying for jobs which was very frustrating...I decided I was wasting my time".

In addition, the opportunity to improve job quality was most frequently cited. 'Quality' employment comprised of a number of different facets, with greater control and autonomy at work



most often ranked the most important. The ability to take decisions for one's self and set priorities

and goals were highly valued, and participants felt a level of 'fatigue' with not being able to

accomplish these aspirations as employees, as one participant noted:

"Inevitably when you work for another company, there comes a point when you feel you've done as much as you can, either because financially you are under constraints, and the difference now is that because I run the company myself, I can take it in the direction I want to take it, so within reason we can do what we

like... we can take the customers we want to take on board, without having to be forced to sell to certain people if I was working for a larger corporation" (Phase

1 MR).

A small number of the participants in both phases also cited bad experiences as employees

as prompting their move to self-employment, typically in terms of 'bullying' or controlling line

managers; self-employment for these participants offered 'freedom'. Linked to control and

autonomy were how participants in both samples conceptualised meaningful work and 'job

satisfaction', including the ability to see projects through from start to finish, and liaise more closely

with clients.

DISCUSSION

An area of particular concern is the degree to which ageism was cited by participants. As

such, the distribution of the 'choice' to enter self-employment may be age-related. With the

introduction of age discrimination legislation in the interim between the two fieldwork phases, it

could be expected that the second sample would attribute their self-employment to ageism to a

lesser degree but this was not the case.

However, the introduction of ageism legislation could be argued to have raised awareness

of the issue, rather than there being an increase in the incidence of discrimination but nonetheless,

those who cited this as a reason for their self-employment tended to in turn to reflect more

negatively on the experience of self-employment. Those made redundant who did not see self-

employment as an opportunity to work autonomously in areas of interest reflected more negatively

on their subsequent experience of this type of work; they felt they had 'no choice' but to be self-

employed and found the experience insecure and as such, would prefer to become employees again

but argued this was unlikely.

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DOI: 10.12957/rqi.2022.67179

Wilson, R., & Homenidou, K. (2011). Working Futures 2010-2020: Evidence Report 41. UK Commission for Employment and Skills.

"(Question 108) 2001	2016:MSELFA(19)UK	N/A
1. to be independent /		1 Job after retirement
a change		2016
2. wanted more	3 To maintain or	
money	increase income	
3. for better	7 Better work	
conditions of work	conditions or job	
	satisfaction	
4. family		N/A
commitments /		
wanted to work at		
home		
5. opportunity arose –		N/A
capital, space,		
equipment available		
6. saw the demand /	4 Saw the demand or	
market	market	
7. joined the family	6 Started or joined a	
business	family business	
8. nature of the	8 Nature of job or	
occupation	chosen career	
9. no jobs available	5 Could not find other	
(locally)	employment	
10. made redundant	2 Redundancy	
11. other reasons	9 Other reasons	
12. no reason given		N/A

. in 1992-2002 data: "(Question 108) May I just check, why di d you become self-employed? Was it...

- 1. to be independent / a change
- 2. wanted more money
- 3. for better conditions of work
- 4. family commitments / wanted to work at home
- 5. opportunity arose capital, space, equipment available
- 6. saw the demand / market
- 7. joined the family business
- 8. nature of the occupation
- 9. no jobs available (locally)
- 10. made redundant
- 11. other reasons
- 12. no reason given"

2016: MSELFA(1-9) UK

We are interested in understanding why you became self-employed. Which of the OD



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following reasons describes why you became self employed? MAIN Code all that apply

- 1 Job after retirement
- 2 Redundancy
- 3 To maintain or increase income
- 4 Saw the demand or market
- 5 Could not find other employment
- 6 Started or joined a family business
- 7 Better work conditions or job satisfaction
- 8 Nature of job or chosen career
- 9 Other reasons

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¹ The types of business included in NTBF were taken from the UK Business Classifications Guide (TDB 1999/2000) and SIC UK 2007, selected in accordance both with the literature were as follows: Computer Software Development, Internet Services, Computer maintenance, Computer consultancy, Computer Software Sales, Computer systems, Computer Services, Internet Web design, Telecommunication consultants, Computer peripherals, Computer Consumables, Computer training, Telemarketing, Business Systems, Computer Aided Design Services, Word Processing Services, Internet Consultancy, Information Services, Internet Providers, Computer Processing, Data Information Services, Manufacture of computer, electronic and optical products, Manufacture of computers and peripheral equipment, Wholesale of computers, computer peripheral equipment and software, Retail sale of computers, peripheral units and software in specialised stores, Software publishing, Telecommunications, Wired telecommunications activities, Wireless telecommunications activities, Computer programming, consultancy and related activities, Computer programming activities, Ready-made interactive leisure and entertainment software development, Business and domestic software development, Computer consultancy activities, Computer facilities management activities, Other information technology and computer service activities, Information service activities, Data processing, hosting and related activities, Web portals, Renting and leasing of office machinery and equipment (including computers), Repair of computers and communication equipment.