



Smart choices: supporting older workers

A guide for reps

Contents

Introduction	02
Section 1: Supporting information	03
› Older workers in the workplace – some facts and figures	03
› Why is age a trade union issue?	04
› Did you know? Some myths and facts about older workers	06
› Legal rights for workers related to age	07
› Age and the impact of Covid-19	11
› Top tips: How to make a business case for older workers in the workplace	13
› Find out more: Signposting to sources of further information	14
Section 2: Tools and support	15
› The role of union reps	15
› Support for employees thinking about change	17
› Options for change:	18
› working patterns	18
› redundancy	18
› retirement	18
› pensions and benefits	18
› other changes	19
› Top tips: How to work with employers on their workplace policies and practices	20
› Find out more: Advice and guidance for union reps and employees	21
Section 3: Skills and career development	22
› The importance of skills and careers development	22
› How to access skills development opportunities	23
› The careers landscape and job search techniques	24
› Top tips: Talking to employees and employers about skills development and career planning	25
› Find out more: Resources for talking about skills and careers development	26
Section 4: Jargon-buster	27
References	28

Introduction

This guide has been designed to help union officers and reps in England raise awareness of how workplaces can provide better support and opportunities for older workers. It includes ideas and resources to help trade union reps work with employers to create more age-friendly workplaces, tackle discrimination against older workers and create more inclusive, healthy and sustainable workplaces for everyone as they grow older.

The guide provides information about the issues older workers face as well as practical tools to support them in the workplace. The definition of 'older worker' used in this guide is anyone aged 50 and over.

There are also sections on skills development and careers planning to ensure that all workers get access to the very best support and encouragement, whatever their circumstances and future plans.

At the end of the guide is a jargon buster to explain some of the vocabulary and terms used in the text.

The advice in this guide can help any age group but the topics focus on the issues that workers may face at 50+. The information, advice and resources draw on the experience acquired by union learning projects and on the many resources available on the 'skills and recovery' pages of the unionlearn website.



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Section 1

Supporting information

Older workers in the workplace – some facts and figures

Over the past decade there has been a lot of progress in the equal treatment and employment of older workers. This partly reflects an ageing population and a rising state pension age, but it is also due to a growing awareness among employers of the value that older workers can bring to a workplace. In fact, over 75 per cent of the increase in the number of people in work across the UK since 2004 came from adults aged 50 and over.¹

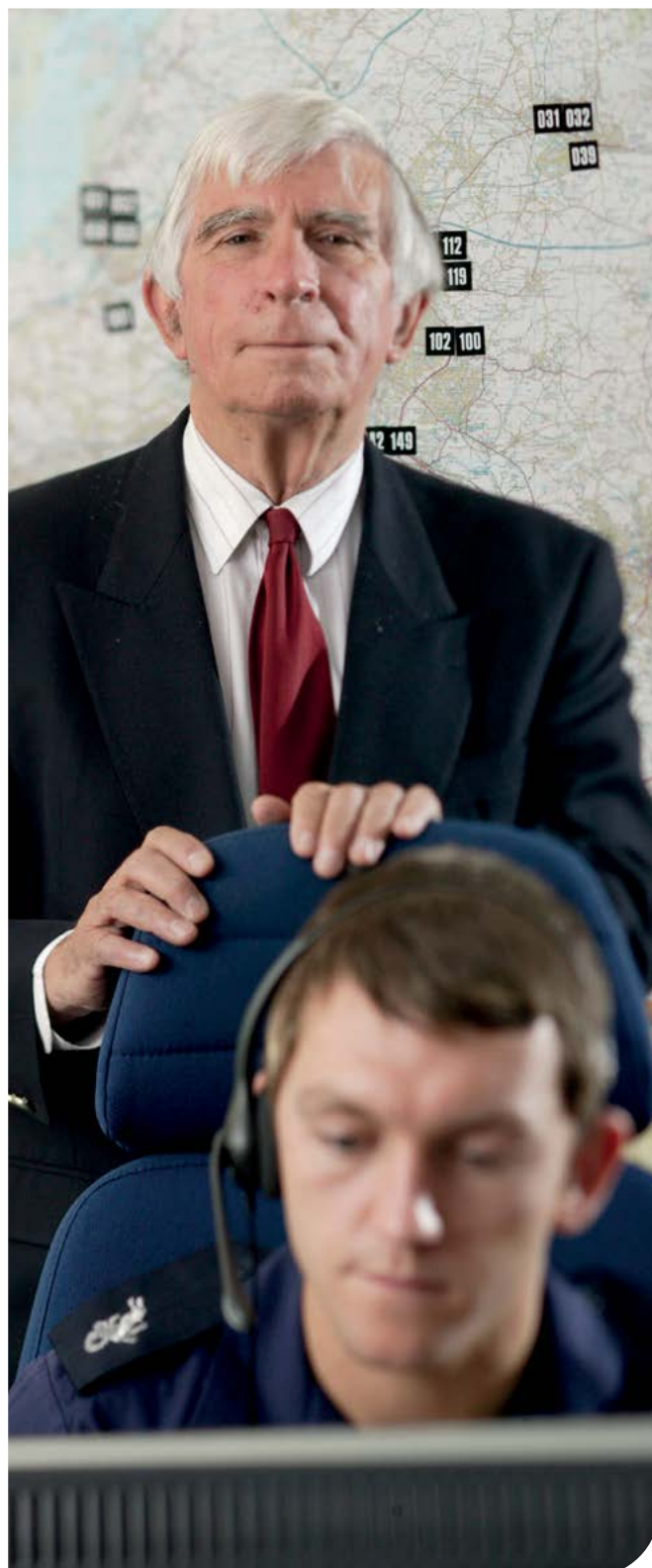


Since 2010, the pensionable age had risen for women from 60 to 65 years old to match that of men. Since October 2020, pension age for both men and women has increased to 66 and this will rise further to 67 years by 2028.

The proportion of the working age population aged between 50 and the state pension age is predicted to increase from 26 per cent in 2012 to 34 per cent in 2050 (over 5.5 million people).² This means that within the next 10 years one in three people of working age will be over 50, so the future economic success of the UK will depend more and more on an older workforce. The current figures for older workers are shown here:³

What percentage of older workers are there in the UK?

	Aged 50–64	Aged over 65
1984	55.8%	4.9%
2020	72%	10.4%



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Within the English regions, the south-east has the highest employment rate for 50- to 64-year-olds at 75.8 per cent, while the north-east has the lowest at 67.7 per cent.⁴



Within the next 10 years, one in three people of working age will be over 50.

Why are older people staying in work longer?

The average age of men leaving the workforce has increased by 2.1 years in the decade since 1999 (to 65.3 years old), and by 3.5 years for women over the same period (to 64.3).⁵

There are a number of reasons for people to stay in the workforce. The main ones are:

Insecurity: Changes in the state pension age, weaker occupational pensions and low wage growth mean that many people are working longer simply because they must.

Choice: Following the removal of the mandatory retirement age some people are choosing to work longer.

Demand: With fewer younger workers entering the workforce, there is an increased demand for the skills of many older workers.

These reasons can change according to factors such as type of job, health and caring responsibilities and financial security. Older workers with high-status, physically undemanding jobs and high-level qualifications are more likely to delay retirement by choice. In contrast, those without qualifications and who are doing manual jobs are less likely to have control over when they stop working. They are also more likely to be forced out of work by health-related issues or forced to continue working for financial reasons.

Everyone deserves dignity, safety and security at work, but this is sometimes not the reality for older workers. Some suffer from out-dated employment practices that don't take account of the fact that the workforce has changed, whereas others suffer discrimination based on myths and beliefs about what an older worker can and cannot do.

Unions have a key role to encourage approaches that prioritise worker health and wellbeing, flexibility, lifelong learning and inclusivity. They also need to support workers

to plan properly for their future. A union rep has a vital role in helping employers to understand the value of older workers and how to keep them in worthwhile work.

This guide provides the information and guidance union reps need to help meet those challenges.

Why is age a trade union issue?

Supporting older workers has always been an issue for trade unions, but the need is growing as numbers increase. Union reps can both protect opportunities for older people to access good-quality, decent jobs and defend the right to retirement and the rights of those too ill to continue working.

As the population ages so will the UK workforce, and the economic success of the UK will be increasingly tied to that of older workers. To maintain and improve their workforce, employers will need to make better use of the skills and experiences of older workers and to develop more sustainable approaches to work in later life. This means removing barriers to remaining in work and helping workers to adapt to new technologies and other fundamental changes to the world of work.



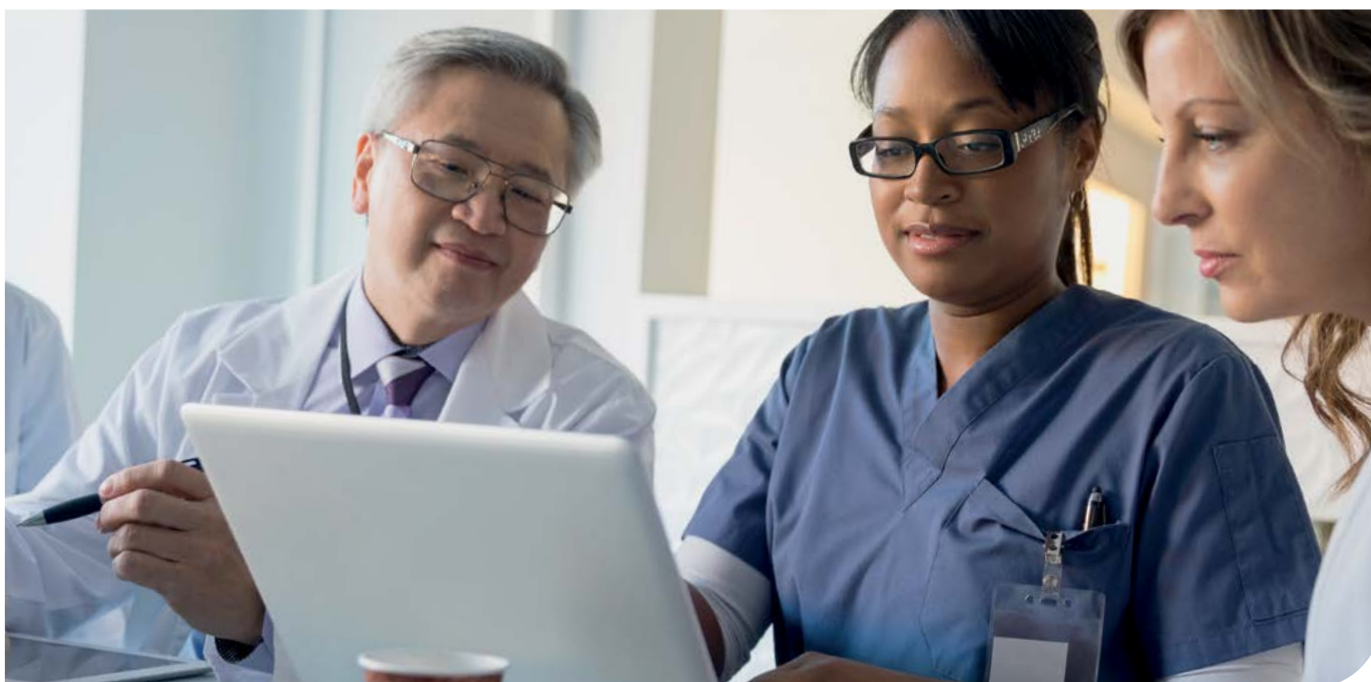
Benefits of helping people to work longer:

- › allows the economy to grow with the skills and experience needed
- › allows individuals to support themselves and their dependants, in both work and retirement

Learning and training will become even more important as the population ages. Learning throughout life helps workers to participate for longer in the labour market, build personal and mental resilience and enjoy health and wellbeing benefits.

Unions are in a key position to promote age-inclusive approaches to recruitment, career development and job and workplace design. There is much that can be done to make workplace policies and practices more age friendly. Age-friendly workplaces are a key equality issue as well as a health and safety issue for unions.

As the boundaries between working life and retirement become more fluid, union reps also have much to gain from using the skills and experience of older



members and retired activists to support employers and older workers.

The older workforce is already a reality and the trend will only increase.

Successful employers adapt to changing circumstances, and there is a strong business case for becoming an age-friendly employer. Unions have an important role in promoting this business case to retain and retrain older workers. Older workers are essential to meeting skills shortages as well as providing the experience and continuity that every workplace needs. Brexit is likely to result in lower levels of immigration to the UK and this will further restrict the size of the new workforce.

There are some top tips on how to make the business case in the workplace later in this section.

Union reps also have a key role in ensuring that employers understand the rights that older workers have. Age is a protected characteristic in the Equality Act 2010 but it is not as well understood as some of the other protections. There is more information later in this section.

Supporting older workers is vital to keep them in employment

The DWP and Centre for Ageing Better found that over-fifties were less likely to bounce back from unemployment than any other age group,⁶ with 29 per cent of the over-fifties who lose their job remaining unemployed for more than 12 months.

How many workers who lose their job return to work 'quickly'?

Age 25-34

63%

Age 35-49

54%

Age 50+

35%

Part of the reason for this is that government-provided employment support is traditionally focused on younger people. It is also often the case that older workers are less likely to understand the job market and how to apply for new work, particularly if they have not changed jobs or employers for many years. Section 3 in this guide provides an overview of jobs, careers and training support to help older workers understand this more.

These figures show the importance of supporting older workers to stay in work, as once they lose their jobs, they are much less likely to find new work quickly.



Did you know?

Some myths and facts about older workers

Older workers make a massive – and often undervalued – contribution to the economy.

The facts below tackle some of the common misconceptions about older workers and can help union reps challenge unfair treatment in the workplace.

MYTH: Older workers cost more

FACT: Older workers are five times less likely to change jobs compared with workers aged 20–24. This lower staff turnover reduces training and recruitment costs. Older workers are sometimes paid more than younger workers but this reflects levels of knowledge and experience and may be more cost-effective overall.

MYTH: Older workers are set in their ways and inflexible

FACT: This is an outdated assumption. Many older workers experience considerable change throughout their working and personal lives, improving their resilience and adaptability. There is no evidence to suggest that older workers are less adaptable or flexible in comparison with younger workers.

MYTH: Older workers miss too much work due to illness or disability

FACT: There are many different factors that can contribute to sickness absence rates including the type of work someone does, how good workplace health and safety is, and problems such as stress in the workplace. Age is just one factor in a bigger picture and by no means the most significant. Even though some older people may have a long-term illness or disability, most can continue in work with effective support and adjustments. Whether this requires small physical adjustments, flexible working arrangements or changes to job content, ensuring supportive adjustments are in place for those who have health concerns or an impairment is a legal requirement. It can also ensure lower staff turnover and result in fewer sick days for workers of any age. More older workers in the workplace raises wellbeing for all, and this links to improved workplace performance. This is because wellbeing generally rises when people are in their fifties.⁷

MYTH: Older workers do not understand new technology

FACT: Research shows that older workers keep up with changing technologies. There may also be aspects of work that younger people are less familiar with, such as legacy IT systems or dealing with older customers. Employers should identify and address gaps in skills and knowledge of staff of all ages, and ensure that development opportunities are offered to older workers.

MYTH: Older workers are slower, less productive and have poorer attention to detail

FACT: The ability of someone to do their job is rarely age-dependent. It shouldn't be assumed that an older worker is less effective or less motivated than a younger colleague. In fact, many older employees grow and develop in the workplace as a result of training and experience. Research shows that there is no overall difference between the job performance of older and younger workers. Knowledge and expertise (the main influence on job performance) increases even beyond the age of eighty.

MYTH: Older workers are out of touch and won't be as innovative or creative as young people

FACT: An efficient and productive mixed-age workforce makes sense for many organisations. Studies show that age diversity in the workplace enhances innovation, creativity and productivity as different generations bring different perspectives, knowledge and ideas and improved problem solving.

MYTH: Older workers are mentally and physically weaker

FACT: Age does not directly relate to a person's ability to do a job. Muscle strength decline is unlikely to be noticeable until after the age of 65.

And mental performance does not usually show any marked decrease until after the age of 70. Rather than age, good workplace health and safety, exercise, nutrition and other lifestyle factors are bigger influences on the relative strength of workers. If strength or stamina does become an issue, an employer must consider how adjustments or retraining can support staff.

Legal rights for workers related to age

It is illegal to treat someone differently because of their age. More information about these rights can be found on the TUC website at bit.ly/2YVEQYJ

Equality Act 2010

Older workers are not a single group with only one set of issues, but people who have many different identities or what's legally known as 'protected characteristics'.

The Equality Act 2010 protects workers from workplace discrimination based on nine protected characteristics: age, sex, disability, race, religion or belief, sexual orientation, marriage or civil partnership status, pregnancy or maternity, or gender reassignment.

The Equality Act 2010 prohibits discrimination on grounds of age unless it can be objectively justified. For example, it is direct discrimination for an employer to use someone's age as grounds for not employing them.

Indirect discrimination

The Act also protects workers from indirect discrimination, for example if training is only offered to recent graduates (as this could exclude older employees) or if a job requires qualifications that an older person is less likely to have because they completed an equivalent qualification or have learned the skill in other ways. This type of discrimination is often a result of 'unconscious bias', which can be addressed through equality and diversity training.

Equally, harassment on the grounds of age (for example if a colleague makes a joke about someone's age which they find offensive) and victimisation (for example if someone does not receive a promotion because they supported a colleague's complaint of age discrimination) are prohibited under the Act.

Employers cannot force anyone to retire at a specific age unless there is a contractual retirement age in place that can be objectively justified by the employer.

Many people have more than one protected characteristic and may therefore experience multiple levels of discrimination. Each person's needs should be addressed sensitively on an individual basis. Employers



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should ensure that workplace policies, practices and environments are flexible, supportive and inclusive to accommodate any additional needs, and that any reasonable adjustments are regularly reviewed.

Disability

There is no single definition of disability, but the Equality Act 2010 defines it as having *“a physical or mental impairment that has a substantial and long-term negative effect on your ability to do normal daily activities”*.

The ageing process increases the likelihood of acquiring a disability. However, if an older disabled worker does not recognise their disability or inform their employer, they will not be able to access reasonable adjustments or support at work.

Invisible disability

Older workers are far less likely to be diagnosed with some invisible disabilities such as dyslexia and dyspraxia as these were less widely recognised or screened for when many of this age group were in full-time education. This may mean that older workers have developed alternative ways of coping instead of accessing adjustments that could support them.

More intensive work and ill health are key reasons why people in their fifties leave employment and unions can help by engaging with employers to address the problem of work intensification and the impact it has on workers. This is particularly important for older workers and those with a protected characteristic who may be more impacted by this than other workers.

Unions use the social model of disability (see bit.ly/3jxVdnN) when engaging with employers. This is a way of viewing the world that has been developed by disabled people and that considers impairment and disability separately.

Impairment: This is a characteristic or long-term trait that may, or may not, result from an injury, disease or condition.

Disability: This is the attitudinal or physical barriers that make life harder for disabled people. These can be people’s attitudes to difference such as assuming that disabled people aren’t able to do certain things, or physical barriers like inaccessible buildings.

The social model aims to remove any unnecessary barriers that stop people living and working in the way they want to. In doing so, it creates equality that allows people to live, work and access services in the way they choose.

This gives people independence, choices and control over their own lives.

Where older workers have health or disability issues, employers have a duty under the Equality Act 2010 to make ‘reasonable adjustments’. These might include how someone works, physical adjustments in the workplace and using auxiliary aids or services.

Adjustments need to be ‘reasonable’, which means that an employer can consider their practicality and cost, the organisation’s resources and size, and the availability of financial support.

Sex

Older women workers may find themselves discriminated against because of their sex as well as their age. Women often work in lower-paying occupations or in roles that pay less for the same work (the gender pay gap remains at 15.5 per cent in 2020).⁸ The gender pay gap is 10 per cent higher for older age groups, and it is also higher in every English region than in the other three nations.

This pay disparity over many decades can have an enormous impact on the pension status of older women as they often have lower pay and less time in the labour market to build up contributions. They have also been negatively affected by recent changes to the state retirement age.

Women often bear the brunt of caring responsibilities for both older relatives and grandchildren. Finding flexible or part-time work can be extremely difficult, especially for higher-salaried jobs. This means women may have little option but to try to negotiate with their current employer or leave their employment.

In addition, around one in every three women has either experienced or is currently going through the menopause. A significant number of these will have debilitating symptoms that can last up to 15 years and may impact on workplace performance. A Chartered Institute of Personnel and Development (CIPD) survey reported that three out of five working women aged 45–55 say the menopause has a negative impact on them at work, with up to 30 per cent taking sick leave because of it.⁹



Menopausal women are the fastest growing demographic in the workforce, with almost eight out of ten menopausal women in work.

The menopause has traditionally been seen as a private matter or a ‘women’s issue’ and is often not a topic that is discussed openly or taken into account in working practices. Employers, even in workplaces dominated by women workers, have been slow to recognise the menopause as an issue that may require additional consideration or adjustments.

Consequently, women may feel they must hide their symptoms or talk about them only in a humorous way. This means many are unable to access the adjustments they need. In some cases, women report feeling forced to leave the workforce altogether due to a lack of support.¹⁰ However, there have been several cases brought under the Equality Act 2010 where women have successfully claimed that the effects of the symptoms experienced can be disabling. This means that employers who fail to properly support such women could be found to be discriminatory under the protected characteristics of age, sex and disability.

Black and minority ethnic (BME)

The UK’s population is changing significantly in age and diversity and will continue to do so in the coming decades. The proportion of BME people aged 50–70 has doubled from 4 per cent to 8 per cent since 2008¹¹ and research suggests that black men and women in their fifties and sixties are far more likely to be in paid work than the white population (74 per cent compared to 60 per cent).¹² The white community is also nearly three times more likely to retire than the black community (28 per cent compared to 11 per cent).



BME older workers will make up 22 per cent of the total 50+ population in the UK by 2051.

Older BME workers are more likely to have experienced racism, discrimination and unfair treatment throughout their working life and will now be at further risk from additional discrimination because of their age.

The BME community faces multiple inequalities when it comes to work and retirement. Overall BME workers (especially women) are over a third more likely than white workers to be stuck in temporary or zero-hours work, which typically pays over a third less than permanent contracts.¹³ BME groups are more likely to be in the poorest fifth when compared to the white population, especially those aged 50–69.¹⁴



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1 in 8 BME workers is on a zero-hours contract compared to 1 in 20 white workers.

Among people aged 50–69 with a limiting longstanding illness or disability, over half of Asian women report that their mental or physical health has limited the amount or type of work they can do. This compares to around a third of white (34 per cent) and black (37 per cent) people.¹⁵

A further issue since the Covid-19 pandemic is the disproportionate impact that the disease has on BME communities. It is unclear if this is due to overcrowded homes, deprivation, barriers to accessing services, certain health conditions or the fact that BME workers are more likely to be in some frontline and healthcare jobs.

Lesbian Gay Bisexual Transgender+ (LGBT+)

The legal context has changed in recent years in relation to lesbian, gay, bisexual and transgender people, mainly in a positive way. However, older LGBT+ workers may have grown up during a time where it was not as socially acceptable to be ‘out’, particularly in a work environment, and may therefore feel vulnerable or uncomfortable.

Despite the advancement of equality legislation, LGBT+ people still face discrimination when accessing some services, which can result in a mistrust of monitoring systems or in taking an active decision to not declare

LGBT+ status. The post-Brexit rise in hate crime has also affected LGBT+ people, which leads to more caution when disclosing personal information. As a result, it becomes more difficult for LGBT+ people to discuss any issues relating to their status (e.g. a trans man suffering menopause symptoms).

Employers can take active steps towards establishing inclusive work policies and increasing disclosures through inclusive visual cues such as rainbow lanyards, inclusive web materials and kite marks as well as regular training and awareness raising.

Family, community and caring

With people both working and living longer, it is becoming more common for workers to have caring responsibilities for older family members, friends or neighbours. Many older workers are in the 'sandwich generation', caring for parents while also helping care for children or grandchildren.

Carers UK estimates that in 2018/19 around 5 million working people in the UK were providing informal care (around one in seven workers).¹⁶ This has jumped significantly during the Covid-19 pandemic.



Over 2 million adults aged 50–64 care for others, more than any other age group.

Caring responsibilities often go unrecognised and unreported as people may not identify themselves as informal carers. By not recognising themselves as carers, many people miss out on important practical, financial and emotional support that would help them to better manage caring responsibilities and work. The unionlearn mini guide to supporting carers in the workplace can help union reps discuss this issue.

Carer's Allowance is the main benefit provided by the government to support those unable to work full time. Some part-time work is allowed but there is a maximum income threshold, which can make it difficult for carers to combine paid work with their caring responsibilities.

Carers for adults have the right to request flexible working from their employers under the Children and Families Act 2014, along with reasonable time off if a dependant is ill, injured or their care arrangements are disrupted. Employers are able to refuse a flexible working request only on limited grounds.¹⁷

Caring for others can detrimentally affect the health and wellbeing of the carer, and even result in a worker retiring if they are unable to access flexible working or reduced hours to help them to manage their caring responsibilities. Time off or a change in working patterns can really help individuals to carry out their roles both at work and at home.



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Age and the impact of Covid-19

The Covid-19 outbreak triggered a labour market crisis, with large sections of the economy essentially being shut down and huge numbers of workers being put on furlough. Many others lost their jobs permanently.

Covid-19 saw 9.4 million jobs being furloughed through the Coronavirus Job Retention Scheme,¹⁸ a significant percentage of which were older workers. Over a quarter of those aged 50–64 were furloughed, which was more than any other age band except 16- to 19- year-olds. Older workers also saw the greatest percentage increase in unemployment.¹⁹



The number of unemployed over-fifties increased by 33 per cent during the pandemic in 2020 compared to the national average increase of 24 per cent.

The impact of Covid-19 and how it has fundamentally shifted the way we work is still being studied but is clear that older people have faced some specific challenges:

- › Older people can be more vulnerable to Covid-19. Self-isolation can increase loneliness and other mental health problems, particularly where lack of digital skills or equipment is also a factor.

- › Digital exclusion impacts on the ability of people to take advantage of opportunities to work at home. This is likely to be a long-term issue as home working may become more widespread in the future.
- › Many workers financially depend on work and can feel pressured to stay in the workplace even if they do not feel safe. This is particularly the case where workplace benefits such as sickness pay, holiday pay, redundancy payments or access to other government support is limited or difficult to access.
- › Older workers will often have additional caring responsibilities that increase risk when continuing to work. This is often not taken into account by employers in the support offered to employees who need to shield for the benefit of others.

According to the Learning and Work Institute, older workers who lost their jobs or are furloughed have five key challenges to returning to work:²⁰

- › skills gaps in applying for jobs and securing work, along with a lack of suitable training and support for older workers. This is particularly important for those workers in vulnerable sectors such as travel and hospitality.
- › lack of understanding of how the job search market works
- › finding flexible work that enables a balance between work and other responsibilities

- › stereotypes of older workers among employers. Some of these have become worse during the pandemic, for example employers seeing older workers as more of a health risk
- › confidence among older workers that ageism and the virus will combine to make it much more difficult to find new work.

Covid-19 has also forced many workers to consider how their employer values their health and safety at work. As with other groups, older workers need help to allow them to work from home where possible to reduce the risk of transmission and infection. However, due to digital exclusion and variations in the safety measures put in place by employers, many consider taking early retirement or leaving the workplace. Among those who have lost their jobs, the data suggests that, rather than becoming unemployed, the majority of older workers became economically inactive or ‘out of work and not actively seeking employment’.²¹ This means that the impact of unemployment on workers aged over 50 may be underestimated as they are not all showing in unemployment figures.



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What employers should do: the health, safety and wellbeing of older workers

Section 2 of the Health and Safety at Work Act 1974 requires employers to take practical steps to ensure the health, safety and welfare at work of their employees. Covid-19 makes no difference to these rights and responsibilities. Although separate risk assessments are not required specifically for older workers, the Health and Safety Executive (HSE) has general advice for employers:

- › Do not assume that certain jobs are too physically demanding for older workers as technology can absorb the physical strain of many jobs.
- › Think about the activities older workers do and consider whether any changes are needed, including considering how manual handling risk can be managed.
- › Base decisions on capability and objective risk – not age.
- › Encourage or provide regular health checks for all workers.
- › Encourage staff to take an interest in their health and fitness.
- › Consider legal responsibilities to support employees with a health issue such as flexible working, workplace adjustments and management of risk. Employers cannot simply use ‘health and safety’ as an excuse for not continuing to employ an older worker, or for not providing training.

Since the emergence of Covid-19, additional workplace guidance has been provided. If workers have been asked to work from home, the guidance applies there too. This means that:

- › Risk assessments have to take account of Covid-19 including keeping a record of infections, identifying vulnerable individuals, providing suitable PPE, assessing and managing workloads where there are staff off sick or self-isolating and ensuring the health and safety of home workers.
- › Risk assessments should include questions on a worker’s home environment such as who they live with, whether anyone in the household is vulnerable, and how they intend to get to work if they are unable to work from home.
- › Home working needs to be specifically considered, including the dangers of accidents, injuries, workers’

Top tips

How to make a business case for older workers in the workplace



An ageing workforce is a fact and employers need to ensure that the workplace is both suitable and encouraging for those of all ages. Encouraging a workforce that values older workers begins with leadership and engagement, and union reps have a valuable role in helping employers understand that an age-diverse workforce brings active benefits to a business, all its employees and its customers.²³

However, it is also useful for older workers themselves to understand that they are crucial to the workforce and that they bring considerable advantages. With this knowledge comes an understanding of their worth and a greater chance that employers will ensure this worth is recognised and respected.

When building a business case, it is important to highlight some of the reasons that employers should be actively encouraging older workers:

Older workers have valuable skills and experience. Workers aged 50+ have experience, knowledge and skills along with an understanding of what is expected and how their work affects others. Their judgment, built over decades, often leads to better outcomes. They are also better educated and more computer savvy than in the past.

Older workers add diversity to a team. Age diversity means that companies have different perspectives, knowledge and ideas and improved problem solving. This would be missed if only one generation dominated a workplace.

Older workers can support younger ones. Skills and experience gained over the years can really help younger colleagues. Older workers can be excellent mentors for new staff and provide good role models for time management, patience and calmness under pressure. The maturity and

knowledge of older workers enables them to make critical and innovative decisions, considering factors that younger workers simply haven't yet experienced. A mentor/mentee relationship can be beneficial to both parties and can represent a good opportunity for the growth and transfer of skills between different generations.

Older workers improve wellbeing in the workplace. More older workers in the workplace raises wellbeing for all, and this links to improved workplace performance. This is because wellbeing generally rises when people are in their fifties.²⁴

Older workers can reflect customers better. The UK's population is getting older and it is always good for an organisation to reflect the people it serves. Workers aged 50+ are more likely to understand and relate to these older customers. Having an age-diverse workforce that understands a wide cross-section of the population improves customer service.

Supporting older workers is cost effective. Workers over the age of 50 tend to be more loyal than younger workers and are less likely to leave.²⁵ This is even more the case as the retirement age rises. Taking steps to retain staff avoids the costs of recruiting and training a new member of staff, which is estimated by the Chartered Institute of Personnel and Development to average £8,000 per person.

Older workers are adaptable. Older workers have seen unprecedented change in their lives, particularly in the workplace. As a demographic, they have experience of accepting new circumstances and quickly and successfully adapting. During the working lives of today's older workers, markets and jobs have expanded globally, automation and new technology has transformed the workplace, and some jobs have moved from the physical towards the virtual. This ability to adapt to change is very valuable in the workplace.

mental health and stress levels and the risk of violence. The HSE has produced guidance²² for employers on making workplaces Covid-secure and supporting workers who need to work from home (including access to equipment, reasonable adjustments and supporting mental wellbeing). This includes specific plans for supporting and protecting vulnerable workers.

- › The childcare or other caring responsibilities of workers need to be discussed with the employer, which should consider needs and make reasonable adjustments.

Right to refuse to return to work

Workers always have the right to be safe at work (including at home, if that is where they work), but the Covid-19 crisis has highlighted the importance of this right more than ever. However, it is important to follow the correct procedure and take legal advice from the union before refusing to work.

Any employee who has concerns about safety in the workplace (including if that workplace is their home) should talk to colleagues and their union rep first, alongside asking their employer to rectify the issues they are worried about. If problems remain, they can make a report to the HSE. Trade union reps can also report concerns of breaches to the HSE via union.covidconcerns@hse.gov.uk

The actions the HSE can take against employers refusing to follow guidance range from issuing advice to closing workplaces and prosecuting managers. If, after raising concerns, there is still a serious or imminent danger, employees may have the right to leave work. Section 44 of the Employment Rights Act 1996 provides workers with the right to withdraw from and refuse to return to a workplace that is unsafe.

There is more information on worker rights in this TUC blog bit.ly/3cOXFfe

The role of the union rep

Union representatives have a key role to play in:

- › promoting equal rights for all members. Reps can negotiate with employers for policies and procedures that advance equality and do not lead to one group being disadvantaged. These disadvantaged groups may be different since the pandemic as more workers are potentially vulnerable.

- › creating a supportive atmosphere at work and in the union in which all members feel that they can participate and that their opinions are valued. How this is done may vary, especially in workplaces where many people are now working remotely.
- › challenging instances of harassment and discrimination and ensuring complaints are dealt with effectively, even where workers are working from home
- › acting as a role model in treating everyone fairly.

Find out more: Signposting to sources of further information

Unionlearn and the TUC have a wide range of free-to-use resources to help both union reps and individuals. Section 2 of this guide gives an overview of some of the tools and approaches to help older workers assess where they are, consider their options, identify training needs and get support.

Useful publications include:

WorkSmart Guide to Age Discrimination

Acas guide to age discrimination

Department for Work & Pensions (2017) *Fuller Working Lives: a partnership approach*

DWP/Age Action Alliance *Employer Toolkit: Guidance for Managers of Older Workers*

Business in the Community *Guide to Unlocking the Opportunities of Multigenerational Teams*

Gowling WLG (a law firm) *Top 10 tips for age-aware employers*

Unionlearn mini-guides on supporting carers, mental health, finance and health

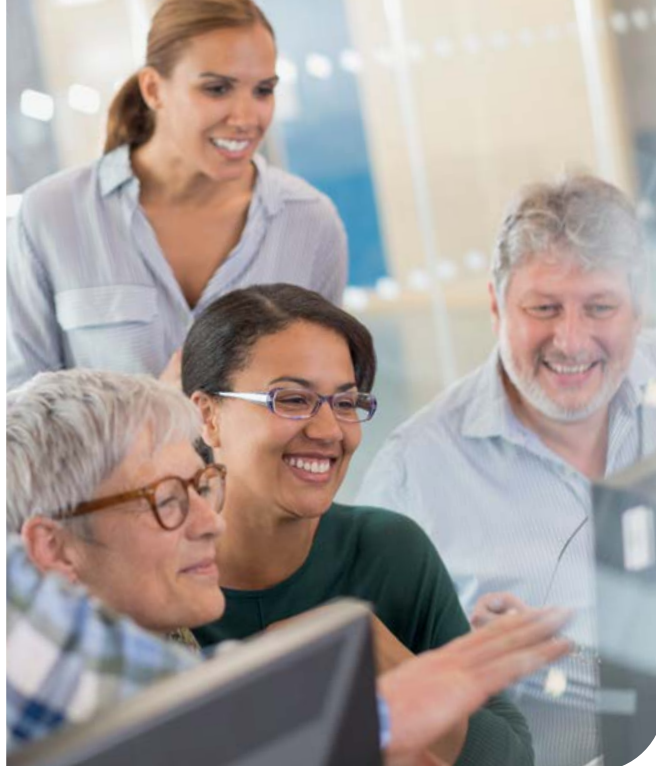
Section 2

Tools and support

The role of union reps

Union reps are well placed to both support older workers and work with employers around developing, valuing and managing an age-diverse workforce. Here is some advice from existing reps about how to address possible issues and barriers:

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The issue

Possible approaches

Not enough time available to identify staff who need support

Encourage employers to adopt a unionlearn mid-life review process for all workers. This can be used as an entry point to discuss important agendas such as health and wellbeing, pension planning, changes to working patterns, the appraisal process and the skills agenda/ workforce development of workers in general.

Support is delivered too close to actual retirement to be of benefit

Retired union members/ reps can be invaluable in sharing their own experiences and recommendations of what provides the best support and when.

Assumption that older workers do not need career planning

Mid- and late-career reviews are opportunities for older workers to consider their career plans with the support of their managers and union reps. A worker aged 55 could work for another 12 years or more, so it is important to keep reviewing development plans.

Assumption that training and development is more important for younger workers

Older workers are often less likely to be offered, or to take up, training. However, with the pension age rising, more people will be in the workplace until their late sixties, so skills training is needed for all age groups. A Mid-life Review can help identify skills needed.

continued



With the pension age rising, more older workers will need career and skills development.

continued

The issue

Possible approaches

Lack of interest or fear about discussing change

The older workforce is not a single group so individuals will have different issues and ambitions around their lives and careers. Talking about aspirations, fears and concerns both within work and in an individual's home life should be part of any conversation about the future. Older workers can be encouraged to see that small adjustments to the workplace can make a big difference to their work/life balance.

Problems with health mean that retirement is the only option considered

All workers experience stress in work, but older workers are more likely to be permanently forced out of work because of it. Union reps can talk to older workers (and retired union members) about the impact of health and what action can be taken to address issues of concern. Workplace adjustments can help workers to stay in a job.

Lack of understanding about the rights of older workers

Most union reps will be familiar with how to protect workers' rights, and older workers often fall into more than one protected characteristic. It is important to remember that age may not be the only (or even the most) relevant characteristic of any individual.

A lack of options on offer for older workers

There isn't a single solution that works for all workers (or employers), and union reps can help by presenting a menu of options and interventions linked to personal life planning and business need.

Lack of information on sources of support

Union reps often signpost workers towards help, resources and support about issues such as training, pensions, benefits and wider financial planning. They can also help develop a network of local referral points with organisations such as the National Careers Service, Citizen's Advice, the Money Advice Service and local learning providers to support individual staff and the wider workforce planning processes.

Support for employees thinking about change

Unionlearn and the TUC have a range of resources that union reps can use to support older workers, whether they are considering a change to their work patterns, want to remain in the same job or do something completely different.

A key role for union reps is to help older workers reflect on what they want from life and work so that any decisions they make are suitable for their future. All change has some impact, including on finances, mental and physical wellbeing, sense of purpose and family. Unionlearn has produced a helpful mini-guide on health and wellbeing.

The most useful tool for talking about change is the unionlearn mid-life development review. The review includes a **skills review** and a **career review**. It takes a holistic approach, helping individuals review their workplace development and work options alongside looking at finances, relationships, learning, health and wellbeing, leisure and values. Older workers can do the review themselves, but it works better with a union rep involved as they have someone they can discuss the results with. There is a resource pack associated with this called *Getting Active* to help union reps plan activities and conversations with mid-life and older workers.

Other resources to support older workers reflect on where they are and where they want to be include:

- › recording sheets and a personal development plan template
- › Value My Skills activities
- › activities, checklists and quizzes around mid-life development can be found on the union learning Climbing Frame webpages
- › information about the National Careers Service.

For employers, reviews can also help identify workers' skills that may not have been recognised previously and implement policies and schemes to fill skills gaps and improve productivity.

For more information on the Skills and Career Review, see details in Section 3.

Union reps can also help older workers talk to their managers about their career development. This support can include:

- › making it clear if a worker still has career ambitions. The conversation shouldn't become about retirement if this is not what they want.
- › helping a worker be clear about their ambitions. Do they want to progress in their current role, go for promotion or move into a different type of work?



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- › making a list of why they should be considered for career development. What are the advantages for the company?
- › being clear about any training they need for their preferred route. Anyone (at any age) changing their role will need this.

Options for change

Working patterns

Older workers may want to reduce or change their patterns of work, perhaps to fit in with caring or health changes. All employees have the right to ask for flexible working if they have 26 weeks' continuous service.

Flexible options include part-time working, flexitime, job-sharing, compressed hours, term-time only working, working from home or unpaid leave. Union reps can support workers to ask about flexible work options by helping them to:

- › clarify exactly what they are asking for and why
- › emphasise the positives (e.g. if health is a problem, how part-time work will help them to stay working)
- › show how the change will help the business (e.g. by keeping knowledge and skills in the business).

Acas has a useful free guide with lots more information on flexible working.

Before making a request for flexible working, it is important to remember that this will become a permanent change to a work contract.

Redundancy

Redundancy is not always optional and Covid-19 has impacted heavily on the number of redundancies across the country, particularly in the sectors most affected by lockdowns. Redundancies happen when an employer reduces its workforce. This may be because a workplace is closing down or needs to employ fewer people. Legally, redundancy can happen only when a job no longer exists, so an employer cannot employ someone else to do that job after a redundancy has taken place.

Employers need to follow a fair and transparent process to select who is being made redundant, whether this is individual or collective. This must be a business decision

and cannot be based on any protected characteristic including age (unless there is a specific reason for this). The union must be informed and consulted about this process.

Covid-19 makes no difference to the process of redundancy, the rights of individuals affected or the amount of redundancy pay on offer (furloughed or reduced hours are not used to calculate redundancy pay). Employers must still meet with workers as part of a consultation process, though the meeting may be on the phone or online.

Offers of voluntary redundancy will usually come with a 'package' of pay and benefits. If workers accept these, they will not be eligible for statutory redundancy pay, so union reps should support them to ensure it is the right package for them.

The WorkSmart website has a lot of information on redundancy, including legal rights, the process (and how to challenge it), options and financial entitlements. There is also free advice about redundancy from the Money Advice Service.

Retirement

In most cases, employers cannot force anyone retire at a certain age (there are a few exceptions). Most people fully retire on a specific day, but workers can opt for flexible retirement where they gradually move to less stressful or part-time work, so retirement becomes more of a process than a one-off event.

Flexible retirement helps workers financially and also helps make the transition smoother. It can also help employers as it allows them to keep key older workers who have valuable skills and expertise, reduce staff turnover and cut their recruitment and training costs.

Union reps can help older workers consider whether retirement is the right option for them as well as helping them to make plans for the financial impact of no longer working.

Pensions and benefits

Although most workers can't be forced to retire at a specific age, they will still become eligible for a state pension on a particular date. However, they don't need to claim it if they are still working – they have the option to defer it, which can have some financial benefits. There is more information on the government's website.



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Retired people are eligible for certain benefits and tax credits. If a retired person is a carer or is disabled, other benefits can also apply. However, some benefits can cancel out others, so it is important to get advice.

Workers can check out their eligibility for benefits using a calculator such as Turn 2 Us or Entitledto.

More general free financial advice is available from the government's Money Advice Service online, by phone or on Whatsapp. For anyone with financial problems, Citizens Advice has a range of information and support.

Other changes

Self-employment

Many people at 50+ consider self-employment. This can include working for themselves, being a contractor, working in the gig economy or setting up a company that employs others. 46 per cent of the self-employed workforce is over 50 and 19 per cent is over 60.²⁶ Individuals can be employed and self-employed at the same time if they want to have a 'portfolio' career.

While self-employment can be a great option for many people because of the flexibility it offers, self-employed people risk missing out on some of the key benefits of working for an employer such as employer pension contributions, support for a health condition, holiday pay and carer's leave. Income is also more variable, so it is not for everyone.



46 per cent of self-employed workers are over 50 and 19 per cent are over 60.

Volunteering

Volunteering is working without pay for an organisation or group. This may include work done as a rep for a union. Volunteering helps workers learn and share valuable skills, give something back into society or provide experience to help them get back into work. It can also improve health and wellbeing.

More information can be found at Volunteering Matters or the NCVO.



Top tips

How to work with employers on their workplace policies and practices

Here are some tips from union reps on how to talk to employers to improve their workplace practices and policies around older workers:

Rights and responsibilities

- › Make sure members are aware of their rights. Remind management of its responsibility to prevent age discrimination and challenge ageism in the workplace.
- › Look out for age discrimination in workplace policies and practice. This can be unconscious and crop up in:
 - › recruitment language and procedures
 - › promotional literature and images
 - › training and development plans or practices
 - › the use of capability and sickness absence management policies
 - › risk assessments (including unconscious bias against older workers, women going through the menopause and those with disabilities).
- › Talk to employers about how flexible working and offering more tailored and flexible roles that give workers more control over their work will help people work longer and stay healthier. Give them examples of what flexible working can look like.
- › Ask about workers' access to an occupational health service scheme.

Training and development

- › Raise managers' awareness of the tools and advice available to challenge age-related stereotypes and support an ageing workforce. This includes mid-career reviews, guidance for managers of older workers and pre-retirement planning schemes. Other support documents include guides for employer partnership working and working with multigenerational teams.
- › Ask about training for managers around supporting and developing older workers, promoting a healthy work environment and making use of adjustments to minimise the number of people leaving work due to the impact of ill health.
- › Ask about policies and plans for employers to retain, develop and support older workers. These could be separate documents or within existing ones for the workforce in general.

Find out more: Advice and guidance for union reps and employees

Legal and employment rights

gov.uk has up-to-date advice and information on legal rights, pay and employment.

Citizens Advice is a charity that provides free and impartial advice on a range of issues such as employment, the law, money, benefits, housing, debt and discrimination. It includes information on redundancy, discrimination and options during the coronavirus pandemic and much more. There is a helpline on 03444 111 444.

General financial advice

The government's **Money Advice Service** gives free information and advice on a wide range of financial and budgeting issues. Information and support is online, by phone or on Whatsapp.

Unionlearn has a guide on financial planning and pensions as part of its mini guide series supporting mid-life workers.

Citizens Advice also has a range of financial advice and information.

Tax and benefits

The **government** has free information about tax and retirement and an explanation of how to claim financial benefits and tax credits.

Retirement

Age UK has information on planning for retirement.

The Pension Advisory Service and the government provide retirement advice, a pension calculator and pension forecasts. Free personal chats are also available from **Pension Wise**.

Redundancy

The **government** has a Redundancy Calculator

Statutory redundancy rates and allowances often change, so check the most up-to-date on the government website bit.ly/3jrSTPk

The Jobcentre Plus Rapid Response Service in England provides a range of support including writing CVs, finding jobs, providing information on benefits and expenses, training, and organising a work trial. It is for workers under threat of redundancy and lasts until 13 weeks after they have lost their job. Contact rrs.enquiries@dwp.gov.uk to find out more.

Supporting mental health

Unionlearn has a mini guide to supporting the mental health of older workers.

Section 3

Skills and career development



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The importance of skills and careers development

Research by CBI and McKinsey²⁷ estimates that by 2030 over 30 million people (90 per cent of the current workforce) will need to be reskilled to keep up with changes in employment. Some of this is because of changes in work practices (such as more digitalisation) and some because of structural changes (for example, increases or decreases in demand for specific jobs). These trends have been reinforced and accelerated by the Covid-19 pandemic.

Adult workplace learning needs to be at the centre of this reskilling challenge. However, only 62 per cent of workers received any workplace training in 2017, including health and safety and induction training.



More than 90 per cent of the workforce will need upskilling by 2030.

Skills development is vital at any age, but managers may assume that older workers don't want to gain skills in the workplace, or even that it wouldn't be financially viable to develop the skills of older workers. However, developing skills can help workers keep their existing jobs, move into new roles and improve their pay as well as continue to contribute to the workplace.

Union learning reps specialise in supporting workers to continue learning, but all union reps can encourage workers to improve their essential skills (English, maths and digital skills) as well as look at other vocational

options. Learning new skills is also one of the Five Ways to Wellbeing, published by www.mindkit.org.uk, a set of actions that have been shown to improve personal health and wellbeing.

While budget cuts have affected the availability and cost of adult learning, there is still a wide range available and the Covid-19 crisis has led to an increased focus on the importance of adults developing their skills throughout life.

How to access skills development opportunities

The first step in talking about skills development is to find out what skills an older worker has and what they might need to develop to achieve their work and life goals. Older workers in particular often underestimate the skills they have developed through a lifetime of work and tend to concentrate only on qualifications. Transferable skills (those skills that can be used in a number of different ways) are some of the most important in the workplace.

Union reps can use the unionlearn Skills Check activities and Value My Skills toolkit to help older workers assess their strengths and development needs, including:

- › what skills they have and the ones they need (either because they have gaps in their knowledge or because they want to develop their skills)
- › their level of confidence with digital technology and IT skills – for work, life, online learning and finding new employment
- › their level of confidence with reading, writing and communication skills
- › their transferable skills gained from work and life experiences.

These unionlearn resources can also help older workers design an action plan, record their progress, prepare and complete an application form, write a CV or plan for the future.

All workers in companies with over 250 employees have a statutory right to request time off to train. If an employer does not contribute to the costs of learning, there are some other sources of financial support available such as grants, learner support funds and entitlements.

The unionlearn Skills and Recovery webpages have a range of free skills support. See *Find out more: Resources to help you talk about skills and careers development* at the end of this section for more information.

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Where to learn

Learning new skills can happen in the workplace, at home or with a variety of learning organisations. Examples include:

- › courses and qualifications at union learning centres, local further education and adult colleges of education, training providers and universities. The National Careers Service can help workers find specific courses and organisations.
- › distance-learning courses for learning online with a tutor
- › online or app-based courses for self-study, many of which are free.

Useful resources:

Free online learning sites include:

- › **Skills Network**
www.unionlearn.org.uk/skills-network
- › **Future Learn**
www.futurelearn.com/courses
- › **BBC**
www.bbc.co.uk/learning/onlinecourses/
- › **Open University**
www.open.edu/openlearn/free-courses
- › **Alison**
<https://alison.com/courses>
- › **Learn My Way**
www.learnmyway.com/





The careers landscape and job search techniques

Identifying skills can also help older workers to gain promotion, change roles or find a new job. This is especially the case if they have not had to apply for work in a long time. Understanding what skills they have can help them:

- › write a CV
- › apply for a new job
- › prepare for an interview
- › think about options that they have not considered before, such as a new type of career.

Both unionlearn Careerzone and the National Careers Service provide information about careers, different jobs, rates of pay and what qualifications are required to help individuals find occupations related to their own skills and strengths.

Looking for a job

Older workers, particularly those who have been in one job role or company for a long time, may not know how to find vacancies or apply for new roles. Union reps can help them find information and learn how to use different ways to look for a new job via vacancies advertised by the National Careers Service.

Job Centre Plus

Job Centre Plus has advisers who can support anyone in their local job search.

They can also refer disabled workers to a specialist work psychologist or work coach who can carry out an 'employment assessment' and help with benefits and financial or other support.

Employment agencies

Employment agencies can match individuals with suitable jobs (temporary, permanent, part- or full-time). There is a list of agencies at CV Library.

Online jobs boards

Online jobs boards such as Monster, Total Jobs and Adzuna let individuals apply directly for jobs or upload their CV so employers can find them.

Social media

Facebook, Twitter and LinkedIn are good sources of information and it is possible to set up email alerts to get suitable job vacancies sent direct to individuals. Find out how using the social media pages of the Prospects careers guide.

Personal networking and contacts

Personal contacts are a good way of finding jobs that don't get advertised. This is true for internal vacancies as well as other opportunities in the local area.

Applying for a job

Different jobs require different types of application. Some will require a CV whereas others may ask for a form, a letter or an online application. There is a lot of support to help with developing a CV and writing application forms and covering letters. The best sources of support, examples and tips are WorkSmart and the National Careers Service.

Interviews

Like job application processes, interviews will vary. An older worker looking for promotion or to move within a company may have a one-to-one interview, whereas other companies may prefer using a panel of interviewers.

All interviews should be treated as formal, even if they are described as 'an informal chat'.

The social distancing required during the Covid-19 pandemic has meant that many interviews have moved online. The basic tips for successful interviews remain the same but all workers being interviewed from home should make sure they prepare in advance for any possible IT delays. They should also remove any personal information on display behind them and ensure that they won't get any interruptions from family during the interview.

General advice and tips about interviews can be found from unionlearn, WorkSmart and the National Careers Service.

Top tips

Talking to employees and employers about skills development and career planning



Union members are more likely to get access to training and development than workers in non-unionised workplaces, and this is due to the work of union reps and the existence of workplace learning centres.

Workers in organisations with more than 250 employees have a statutory right to request time to train, and some unions have collective agreements with employers around training, the role of union learning reps and the right to time off. TUC research shows that proactive union engagement in learning and skills has a positive knock-on impact on other aspects of working life such as job security and improved organisational performance.²⁸

When talking to employers, union reps should relate the benefits of training and developing older workers to the business benefits that managers like to see. Examples include:

- › Training improves performance at every stage of a worker's career. Better-trained staff are more accurate, make fewer mistakes and have increased productivity.
- › Training improves staff morale, which leads to drops in absenteeism and sickness levels.
- › Well-trained staff have a lower turnover, which reduces the costs of employing agency workers or recruiting new workers.
- › Training and career development has a positive impact on other aspects of the business such as quality improvement, Investors in People kite marks, performance appraisals, change management and digitalisation.
- › Better-trained workers can help a business develop new markets and customers.
- › Good English, maths and digital skills help workers to make better use of other training, including health and safety and other compliance-based courses.

Find out more: Resources for talking about skills and careers development

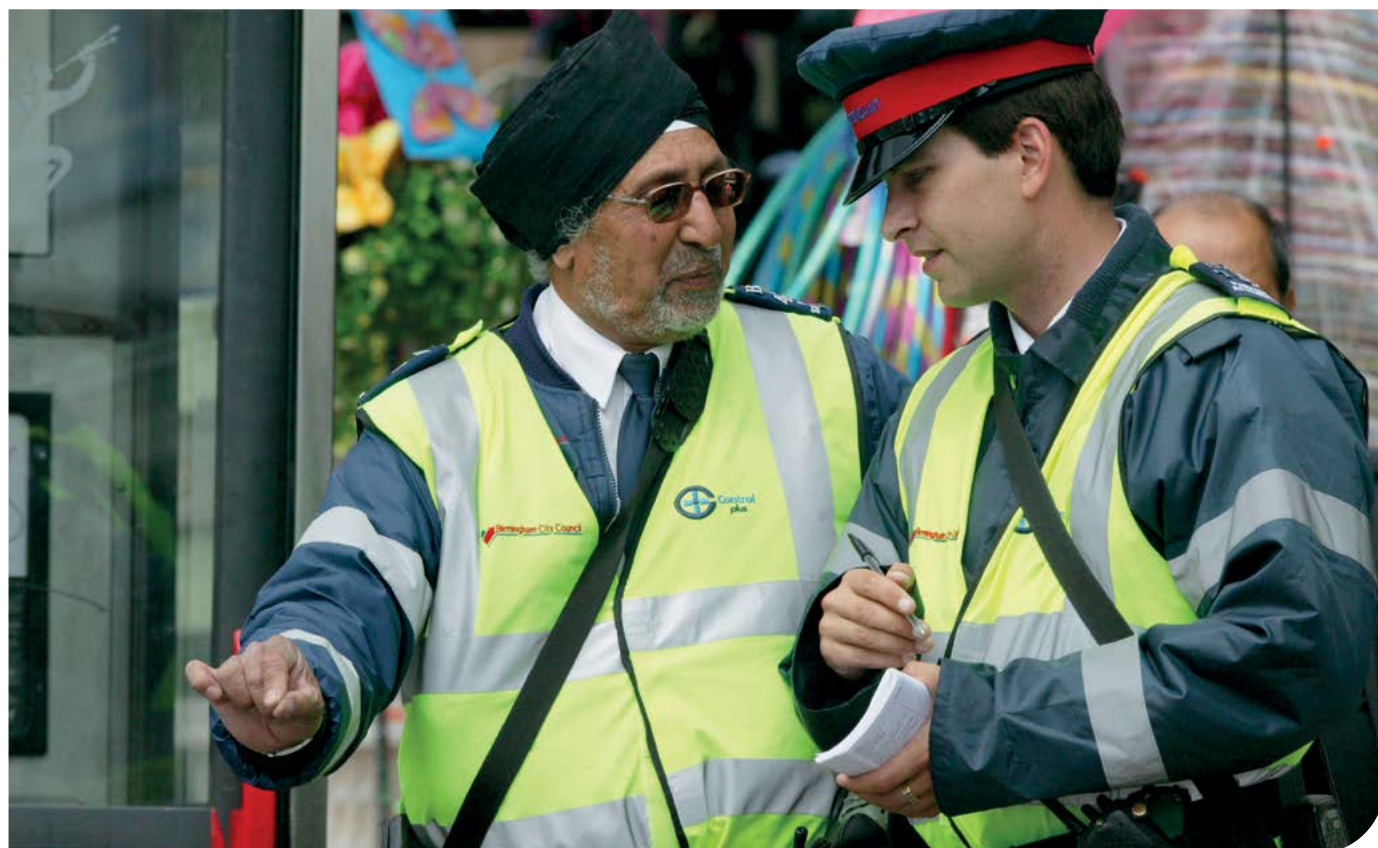
The unionlearn skills and recovery webpages have a range of free support including:

- › **Unionlearn e-learning:** short, free-to-use e-learning modules on different topics including working at home, wellbeing and job seeking
- › **Digital Skills:** a skills check along with links and learning modules to help improve computer skills
- › **Skills Network:** free accredited courses
- › **Wranx:** online and mobile bite-sized training in maths, English, digital skills, wellbeing and employment rights
- › **Open University:** six free online courses: online courses and a link to social partnership Pearl to help decide which course is best. This also has information on finances, childcare, disability and comparing non-UK qualifications to those in this country.
- › **Value My Skills:** identify and rate skills, plus help with CV writing, confidence building and more
- › **Create Your Own Future:** support to help users prepare for future careers

- › **Careerzone:** a 'one-stop-shop' for career information with videos, career comparison tools and more
- › **Smart choices:** a guide with information and advice to help older workers make informed choices about their next steps
- › **The Climbing Frame:** an online resource for union reps with information about a range of learning topics, as well as a facility to store information about sessions with learners.

Other union support includes:

- › **an A-Z guide to online sites** that can help improve English and maths
- › **help to assess skills levels and achieve online badges** in English, maths, IT, online safety and everyday finances
- › **TUC eNote for Union Reps** (requires login) has lots of information on mid-life career development, bargaining for skills, supporting learners and vulnerable employment.



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Section 4

Jargon-buster

Collective bargaining Where unions work with employers to discuss changes to employees' terms and conditions.

Compressed hours Working the same hours but in fewer and longer blocks during the week (or month).

CV A curriculum vitae (or résumé) – a written overview of skills, education and work experience.

Digital exclusion A lack of knowledge, equipment or money to pay for broadband or technology that stops people from benefiting from online services, work or opportunities.

Digital skills The skills needed to use computers, software and digital communication applications.

Discrimination There are four types of age discrimination:

Direct discrimination: treating someone less favourably because of their actual or perceived age, or because of the age of someone with whom they associate

Indirect discrimination: where there is a policy, practice or procedure that applies to all workers but particularly disadvantages people of a particular age

Harassment: when unwanted conduct related to age has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual

Victimisation: unfair treatment of an employee who has made or supported a complaint about age discrimination.

Distance learning A way of learning remotely without being in regular face-to-face contact with a teacher in the classroom.

e-learning Electronic learning means learning delivered digitally – usually by computer or phone app.

FE Further education: this is for anyone over 16 and covers all levels of learning from beginners to Level 3. It usually happens in colleges and adult learning colleges.

Flexible retirement Gradually moving to less stressful or to part-time roles. This is retirement as a process rather than a one-off event.

Flexible working This includes part-time working, flexitime, job-sharing, compressed hours or working from home.

HE Higher education, which usually takes place at university or college.

Holistic Thinking about the bigger picture such as work alongside health, family, interests etc.

ICT Information and Communication Technology.

Mid-life development review These reviews are about starting a conversation and discussing careers in the workplace in the context of the whole of someone's life.

Portfolio career Having more than one job or occupation at the same time.

Redundancy A process where employers reduce their workforce. Legally, it is a job role that is made redundant, not a person.

Transferable skills Skills and abilities that are relevant and helpful across different areas of life such as social, family and work.

Unconscious bias Having a preference for someone who looks like us or shares our values, which can result in discrimination in the workplace.

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This title may also be made available, on request, in accessible electronic format or in Braille, audiotape and large print, at no extra cost.

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