

THE AGE OF THE WORKER – THE IMPLICATIONS FOR OCCUPATIONAL HEALTH

After much pre-publicity, in all sections of the media, the Employment Equality (Age) Regulations came into force on the 1st October. We have the European Union to thank for this legislation, which arises from the Millennium Directive on Equal Treatment and although the focus has been on the rights of the older worker, the legislation also recognises the challenge for employers of having young people within the workplace, particularly under the age of 20 and the necessity for an even-handed approach to all workers.

The ‘Age Discrimination Regulations’ as they are colloquially known, raise issues for employers with regards to an employee’s retirement age and whether they will be allowed to continue working beyond their current retirement age, age and dismissal, pension issues, pay differentials for particular employees, which previously may have been calculated by age or length of service. The legislation will have particular relevance to recruitment issues, job applications, job selection, the wording of adverts, job specifications, the criteria for promotion, a company’s training programme and the steps that are taken when an employer considers dismissing an employee.

A number of clients have asked for advice particularly from an occupational health perspective. Questions in particular have arisen with regards to whether the date of birth should remain on the clinical pre employment questionnaire or whether there are implications for health surveillance programmes or routine examinations for safety specific tasks.

As with many pieces of new legislation, such as the Working Time Directive, Disability Discrimination Act and the Management Regulations, it is important from an occupational health perspective, to go back to the Health & Safety at Work Act 1974 and the concept of an employer’s ‘duty of care’. Further, that this duty of care extends not only to the employee, but the employee’s co-workers and colleagues, visitors to the working environment and members of the general public that may be affected by an employee’s actions, for example a lorry driver or public sector worker.

The Health & Safety at Work Act goes on to stress that the employee has a duty of care to conduct themselves in a manner which maintains their own health and safety and that of colleagues, visitors to their workplace and the general public, etc and also to comply with health and safety procedures developed by their employer and use personal protective equipment responsibly.

Age produces a challenge for employees and their occupational health doctors and nurses as it affects an individual's ability to undertake certain specific tasks. Vision and hearing deteriorate with age.

Musculoskeletal resilience is affected by age. Co-ordination and the ability to manage shift working patterns are also affected by age. A number of health issues deteriorate with age, particular musculoskeletal and joint problems, circulation, blood pressure and heart problems and certain chronic conditions develop complications as the individual ages.

To counter this depressing story, the older worker can provide the employer with a wealth of experience and client contacts, has developed a level of skills and efficiency which is not seen in the younger worker and current research indicates that the older worker takes less short term sickness absence.

From a health and safety perspective, age will remain an important factor in maintaining an employee's health, safety and welfare while at work. An employer, under UK health and safety law, is obliged to introduce the appropriate health surveillance programmes and to ensure that their employees are fit and capable to undertake safety specific roles such as working in confined spaces, driving cranes and powered trucks and undertaking night work. As with all legislation, the final focus is on 'the reasonableness' of an employer's actions. For example, when we, as your occupational health advisors assess a pre employment questionnaire, the history of certain medical conditions is much more relevant in a 55 year old than in a 25 year old and our decision with regards to their health and fitness for a particular role, certainly for a safety specific role, would be different.

The challenge for UK employers in the future will be that current research indicates that by 2025 the proportion of 50-64 year olds in the workplace will double in size compared to workers younger than 25. A number of European countries will face this challenge by 2010. Modern research also indicates that 40% of musculoskeletal and psychosocial health problems are work related and that these problems are more common in men and women over the age of 45. Currently the focus is on treating the patient or attempting to manage their health issues within the workplace. The challenge in the future will be to review the tasks that we require all our workers to undertake and modify the work.



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Unfortunately, managing briefing documents have to develop general issues. If you have specific questions, we would be very happy to address these. Please contact Jane Puncher on 01622 775285 or email us at talk2us@phcohealth.co.uk. Our website has a number of very useful links, at www.phcohealth.com

