

Preventing Age Discrimination: A Manager's Guide

Helping managers to mitigate age-related risks



Why Age Discrimination Matters in Hywel Dda

With a multi-generational workforce of over 12,000 employees (Hywel Dda, 2026), Hywel Dda faces significant legal, reputational and workforce risks if age discrimination is not actively identified and managed by leaders. While research shows that a multi-generational workforce can support a wider range of experience, skills and perspectives, leading to enhanced innovation and decision-making, research also suggests that poor management of age diversity may lead to increased turnover and reduced performance (Pak et al., 2022).

Additionally, Jackson (2025) reports that ageism continues to be a prevalent issue within the workplace across the UK. This reinforces the importance of managers adopting inclusive and fair management practices that value age diversity, address differing needs across career stages and avoid age-based assumptions to support positive outcomes across a multi-generational workforce.

Legal Implications

As age is considered one of the nine protected characteristics under The Equality Act 2010, there are significant legal implications for Hywel Dda for non-compliance. The Equality Act 2010 seeks to protect all employees and job applicants against discrimination on the grounds of age, including unfair treatment due to actual age, perceived age or association with a specific age group (ACAS, 2019). People Management magazine (Clemo, 2025) reported a substantial increase of over 600% in compensation awarded on the grounds of age discrimination within the last year. Considering both the size of the organisation and its multi-generational workforce, Hywel Dda may be exposed to increased Employment Tribunal claims, resulting in compensation being rewarded, where age-related decisions lack clear and objective justification.

Reputational Risk

Bashir (2023) highlights the long-lasting impact on organisational reputation arising from Employment Tribunal cases, which are public and can adversely affect an organisation's ability to attract and retain employees, resulting in additional indirect costs. Given Hywel Dda operates within the Public Sector, compliance with the Public Sector Equality Duty as set out in The Equality Act 2010 is also vital in mitigating increased legal and reputational risk where age discrimination is not managed effectively. People Management Magazine (2024) argues inclusive practices supporting equal access to opportunity are essential for workforce diversity and skills sustainability, warning that a lack of inclusion can damage organisational reputation and brand.

Workforce Risk

Abelsen et al. (2020) states recruiting and retaining a skilled healthcare workforce is a widespread challenge in rural communities, resulting in reduced service availability and poorer health outcomes. As a rural healthcare provider, Hywel Dda face significant workforce challenges (Hywel Dda, 2025a) and rely on retaining existing experienced staff and attracting new applicants that wish to progress and develop their skill set. While research indicates that younger workers may be overlooked due to assumptions about limited experience or maturity, restricting access to development and progression. Older workers often face stereotypes about adaptability and performance, limiting access to training, and encouraging earlier exit from the workforce (Snape and Redman, 2003; UK Youth Trust, 2024). Hywel Dda must therefore adopt an age-inclusive approach to ensure strengthened engagement, capability, and long-term workforce sustainability.

Age Discrimination: What Managers Need to Know

Direct Age Discrimination

Direct age discrimination takes place when someone is treated unfairly because of their age. Examples within Hywel Dda could include age-based recruitment decisions or relying on age-based assumptions about adaptability or competence. 'Imperial College Healthcare NHS Trust v Matar' (2023) established that direct age discrimination occurred when the trust allowed age-based assumptions to be made about retirement to influence decisions about a consultant's future career plans. An employer must demonstrate to the tribunal that there was a valid and lawful reason for treating an individual differently, and that the response was reasonable and proportionate (Taylor and Perkins, 2021). This judgement demonstrates that age-based assumptions, even when well-intentioned, expose organisations to significant legal risk.

Indirect Age Discrimination

Indirect age discrimination often occurs unintentionally through workplace policies or practices that seem neutral but significantly disadvantage certain age groups (Taylor and Perkins, 2021). Examples within Hywel Dda could include training or accreditation requirements that are not realistically achievable for employees approaching retirement age. The tribunal in 'Norman v Lidl' (2024) upheld an indirect age discrimination claim, finding that reliance on a degree requirement in redundancy selection unfairly disadvantaged an older, highly experienced employee. As employers must be able to evidence that the practice has a legitimate business objective, through fair and proportionate means, this case demonstrates the importance of employers regularly reviewing policies to ensure they are fair, proportionate and in line with the Equality Act 2010 (Taylor and Perkins, 2021).

Harassment

Harassment in the workplace refers to unwanted conduct linked to protected characteristics that creates an intimidating or hostile environment (Taylor and Perkins, 2021). Examples within Hywel Dda could include inappropriate comments or repeated jokes relating to a colleague's age, making them feel uncomfortable. Workplace harassment cases pose considerable risk for employers, as they may be held vicariously liable unless they can demonstrate that adequate policies and appropriate responses were in place, ensuring all reasonable steps were taken to address such behaviour (Taylor and Perkins, 2021). The ruling in 'Zulu & Gue v Ministry of Defence' (2019) illustrates the significant risk of vicarious liability for the employer, as the claimant was able to demonstrate insufficient steps were taken to prevent harassment. This case demonstrates the importance of meaningful and effective preventative measures to target workplace harassment reduce the risk of employer liability.

Age Discrimination: Key Risk Areas for Managers

Recruitment and Selection

Age discrimination risks arise throughout all stages of the recruitment and selection process, where assumptions and stereotypes influence decision-making. Furthermore, age discrimination risks are heightened when recruitment materials suggest a preference for a particular age group, especially when using age-coded language or imagery. Similarly, adopting certain advertising methods can unintentionally exclude age groups, such as online platforms or word of mouth (ACAS, 2024).

The Centre for Ageing Better (2021) found 36% of workers aged 50–69 perceive age-related disadvantage when applying for jobs, with almost half reporting that age worked against them during recruitment. While HR Magazine (2024) reported 37% of millennial employees and 36% of Gen Z employees experience recruitment bias. These findings demonstrate that perceived recruitment bias affects workers of all ages. As managers play a critical role in mitigating age discrimination, adopting inclusive, evidence-based recruitment practices is essential to ensure compliance.

Training and Development

There is a heightened risk of age discrimination where access to training, development is not applied consistently. The City & Guilds Group (2021) highlight persistent inequality in training access, with workers aged over 55 less likely to receive workplace training compared to younger employees. Reporting only 53% of over-55s have participated in formal training in the past five years, compared with 67% of those aged 35–54 and 83% of those aged 18–34.

As Learning opportunities underpin workforce wellbeing and sustainability, excluding older workers from development could be both socially and economically damaging, reinforces the need for lifelong learning (Brown, 2021). With over a third of Hywel Dda's workforce aged over 51 and at risk of retirement, managing age discrimination is essential to retain skills and experience, alongside supporting staff wellbeing, mitigating legal and reputational risk (Hywel Dda, 2026).



Redundancy

During organisational change, age discrimination risks increase if selection criteria rely on length of service, qualification requirements, or assumptions about future contribution without appropriate equality impact considerations (ACAS, 2024). Although length of service may be considered as part of the criteria during selection for redundancy, over-reliance on it risks indirectly discriminating against younger workers who have not had the same opportunity to accrue service (Daniels, 2025). 'Rolls-Royce plc v Unite the Union' (2009) confirmed over-reliance on length of service can indirectly disadvantage younger workers unless objectively justified. Therefore, managers must ensure redundancy criteria is evidence-based and equality-impact assessed, maintaining compliance with legislation.

Retirement

Decisions relating to retirement can be discriminatory if they rely on age-based assumptions rather than individual circumstances and evidence. Furthermore, employers are no longer permitted to impose retirement unless an Employer Justified Retirement Age (EJRA) applies and can be objectively justified (Daniels, 2025). Case law, such as 'Seldon v Clarkson Wright & Jakes & Anon' (2014) Confirms that compulsory retirement is direct age discrimination unless supported by a legitimate aim and can be objectively justified. As a result, without an EJRA, employers cannot influence the timing of an employee's retirement. Managers play a key role in reducing age discrimination risk for Hywel Dda by ensuring decisions are fair, evidence-based, and free from age-related assumptions.

Manager Responsibilities in Reducing Age-Related Risk

Managers play an important role in preventing age discrimination by (ACAS, 2019):

Recruitment and Selection

- Ensuring decisions throughout the recruitment process are fair and objective, and not influenced by age-related assumptions or stereotypes, preventing age-based bias.
- Promoting equality through age-neutral recruitment practices, using inclusive advertising, focusing on skills and role requirements rather than years of experience, and avoid tools or practices that may introduce bias.

Training and development

- Clearly communicating development opportunities, ensuring they are accessible to employees at all career stages, supporting equal and fair access to learning and progression.
- Identify training requirements through regular performance and career discussions, offering flexible training options that are inclusive for all ages.

Redundancy

- Applying evidence-based selection criteria linked to skills, performance, and future workforce requirements, with appropriate equality impact assessments, ensuring redundancy decisions are fair and objective.
- Ensuring decisions are based on objective criteria only, avoiding age-related assumptions, such as perceived employability, pension implications or retirement intentions, prevent age discrimination.

Retirement

- Adopting an employee-centred approach to retirement decisions, avoiding age-related assumptions to ensure decisions are not influenced by age, pension eligibility or perceived retirement intentions.
- Ensuring fair treatment of employees approaching retirement, supporting equal access to development and progression opportunities.



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