

Older workers as vulnerable workers in the new world of work

by Andrew Frazer, Malcolm Sargeant

Research aims

The paper will bring focus to the consideration of one particular group of vulnerable workers who may be adversely affected by new forms of work. This group already suffers from discrimination based upon their age and this paper will consider whether this discrimination is compounded by the increasing numbers of older workers in the precarious workforce. The research questions to be asked, within a comparative context, are:

- 1) Do older workers constitute a vulnerable workforce within the context of new and flexible forms of working?
- 2) What evidence exists to show that the detriment suffered by older workers in this context is different to that suffered by other vulnerable workers?
- 3) What is the detriment suffered by older vulnerable workers in this context?
- 4) What statutory and other measures are needed to lessen the detriment suffered?

The methodology to be adopted will essentially be a review of existing literature and research material, although it is also hoped to be able to develop some empirical data of our own through the use of survey research in Australia and the UK.

Context

The argument to be considered in this paper is whether, partly as a result of demographic change, the increasing number of older workers remaining in the workforce constitutes a vulnerable group worthy of specific employment protection measures. The view that there is a need for such consideration is partly borne out by the views of the European Commission in the document *Improving quality and productivity at work*. This stated that although progress was being made, some groups are more exposed than others. These included young workers, workers whose jobs are insecure, older workers and migrant workers. It also suggested that some types of companies were more vulnerable than others, especially small and medium sized enterprises. It promised a report in the future examining the specific challenges in terms of health and safety posed by the integration of women, immigrant workers and younger and older workers into the labour market.

Almost half of new employment in the EU between 2000 and 2006 came within the age group of 55-64 years, where employment grew by 28%. There were higher levels of part-time (22% compared to 16% in the next age group down) in this age group; as well as higher levels of self employment (almost one quarter compared to 15%). Of the 81 million people in the EU aged 65 and over, 3.5 million were in employment (less than 2%). Three-quarters of men and women working after State Pension Age were in work held prior to that age. The largest group worked part-time out of choice. Significantly for the issue of protection for precarious workers, they were twice as likely to be employed by firms of 1-10 staff and far less likely to be employed in firms of 50+ than other age groups. There were also significant numbers who worked on a self-employed basis.

The problem of older precarious workers does not appear to be as great in Australia, but the situation may be changing along with the pattern of workforce participation by older workers. The participation rate of workers aged over 55 has increased substantially over the last 20 years (the rate for men aged 55-65 increased from 48% to 56% between 2000 and 2005 alone), although it remains low by comparison with other countries. Part-time workers now comprise over 28% of the workforce aged over 55, and increases significantly after age 60. The incidence of part-time work partly represents difficulties of older workers in finding full-time employment. Older workers experience greater difficulties in finding new jobs once they have become unemployed. Among labour force participants aged 55-64, 44% were long-term unemployed, while more than half of discouraged job-seekers were over 45 (*Australia Year Book*, 2005, 186).

Outcomes

The hypothesis underlying our paper is that older workers do constitute a particular vulnerable group within a wider development of new forms of work. Given the likely increases in the number of older workers and the likely continuing development of new forms of employment, we think that this is an important area for consideration. We hope to be able to quantify the older vulnerable workforce; consider the causes of their vulnerability and recommend measures for reform. Of particular interest is the differential experience of legislation and other regulatory instruments directed against age discrimination. We aim to assess the effectiveness of a range of regulatory measures in addressing the particular discrimination issues facing mature workers in precarious work.

We anticipate that the work done in preparing this paper will lead to further research and one of our hopes for the Congress is to develop research links which will help further this.

Andrew Frazer

University of Wollongong, Australia

Malcolm Sargeant

Middlesex University, United Kingdom

Further references

G. ARONSSON, *Contingent Workers and Health and Safety*, in *Work, Employment and Society*, 1999, vol. 13, n. 3, 439-459.

B. BARRETT, M. SARGEANT, *Health and Safety Issues in New Forms of Employment and Work Organisation*, in *IJCLIR*, 2008, vol. 24, n. 3.

L. BENNINGTON, *Prime Age Recruitment: The Challenges for Age Discrimination Legislation*, in *Elder Law Review* 2004, n. 8.

EUROPEAN COMMISSION, *Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work*, COM(2007)62.

HEALTH AND SAFETY COMMISSION (UK), *Revitalising Health and Safety Strategy Statement*, 2000.

J. FUDGE, R. OWENS (Eds), *Precarious Work, Women, and the New Economy*, Hart Publishing, Oxford, 2006.

M. QUINLAN, C. MAYHEW, P. BOHLE, *The Global expansion of precarious employment, work disorganization, and consequences for occupational health: a review of recent research*, in *International Journal of Health Services*, 2001, vol. 31, Part 2, 335-414.

M. SARGEANT (Ed), *The Law on Age Discrimination in the EU*, Kluwer Law International, The Hague, 2008.

M. SARGEANT, *Age Discrimination in Employment*, Gower, Aldershot, 2006.