

The older workers' guide



Who we are

Age Scotland is the national charity for older people. We work to improve the lives of everyone over the age of 50 so that they can love later life.

Our vision is a Scotland where everyone can love later life.

Our mission is to inspire, involve and empower older people in Scotland, and influence others, so that people can make the most of later life.

Our three strategic aims are to:



Help older people to be as well as they can be



Promote a positive view of ageing and later life



Tackle loneliness and isolation

How we can help

We know that growing older doesn't come with a manual. Later life can bring changes and opportunities to your life and you may need to know about rights, organisations and services which are unfamiliar to you.

That's why we provide free information and advice to help you on a range of topics including benefits and entitlements, social care, legal issues such as Power of Attorney, housing and much more. All of our guides are available to download for free from our website, or you can contact our helpline team to have copies posted to you for free.

The Age Scotland **helpline** is a free, confidential phone service for older people, their carers and families in Scotland looking for information and advice.

Later life can bring times when you just need someone to talk to. Our **friendship line** is part of our wider helpline and older people can call us for a chat. We're here to listen, provide friendship and offer support.

For information, advice and friendship



Call us free on: 0800 12 44 222
(Monday – Friday, 9am - 5pm)



Visit agescotland.org.uk
to find out more.

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This guide contains general advice only which we hope will be of use to you. Nothing in this guide should be construed as the giving of specific advice and should not be relied on as a basis for any decision or action. Age Scotland does not accept any liability arising from its use.

We aim to ensure that the information is as up to date and accurate as possible, but please be aware that certain areas are subject to change from time to time. Please note that the inclusion of named agencies, companies, products, services or publications in this guide does not constitute a recommendation or endorsement by Age Scotland.

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Introduction

A satisfying job can help you to have good physical health and mental wellbeing and to stay socially connected as you get older. But working in later life may also present challenges.

Your ability to work may be affected by an age-related health condition or disability that you, or someone you look after, is living with. You may find that you are not being treated equally at work because of your age.

Since 2011 there has been no fixed retirement age for men or women, so many people now need to make a choice about when they retire, and taking that decision can be complex. State Pension age is rising, reaching 66 by October 2020, and many people will need to continue working into their late 60s.

This guide provides basic information about the rights and issues most likely to affect older employees.

Employment law is very complicated, and if you have a problem at work you should get expert advice from your trade union or local Citizens Advice Bureau straight away. You should get advice before speaking to your employer as raising a complaint may change your relationship with them.

This guide covers general rights and issues for older employees but does not cover complaints, grievances and tribunals or people such as off-shore workers, armed forces, police or firefighters.

You can find detailed information about your rights from:

Citizens Advice Scotland www.citizensadvice.org.uk/scotland

For contact details of your local CAB service call **0800 028 1456**.

ACAS www.acas.org.uk / **0300 123 1100**

ACAS produce a detailed guide to Age and the Workplace including information about recruitment, victimisation and harassment.



Basic rights of employees

Employees should:

- Have a **contract of employment**, which includes a written statement about terms and conditions of employment and other things too, such as the letter that offered you the job, expenses policies and staff handbooks. If your employer wants to change your work (what you do, where you work, how many hours you work, what you are paid) they should consult you about this.
- **Be paid for the work they do** at or above the National Living Wage rate (currently £8.72 for people aged 25 and over) and have regular payslips which show pay before tax, take-home pay and amounts for any deductions, such as National Insurance and pension contributions.
- **Have a safe and healthy working environment** – including first aid equipment and fire safety equipment and procedures. Your employer must make sure your workplace is safe and train you to deal with risks, but you are responsible for your own health and safety too.
- **Not work too many hours:** there are rules about maximum working hours, breaks and rest periods, including a 20-minute rest break if you work for six or more hours at a stretch.
- **Have paid holidays:** full-time employees are entitled to 28 days holiday leave each year at their normal rate of pay. Part time employees are entitled to holiday in proportion to their hours of work.



- **Receive sick pay:** if you are not well enough to work it is important to follow your employer's sickness procedures. Most employees are entitled to Statutory Sick Pay (£95.85 in 2020/21) if they are too ill to work for more than four days. Many employers will pay company sick pay on top of Statutory Sick Pay. If your income reduces because you are off sick you should get advice quickly about the benefits you may be entitled to claim. You should get expert advice if your employer wants to end your contract because you are unwell.
- **Not be unfairly dismissed or unfairly made redundant:** the rules about fair and unfair dismissal and redundancy are very complicated and your employer must follow proper processes. Redundancy usually happens when the need for the work you do no longer exists. If you are made redundant you are likely to be entitled to a redundancy payment if you have worked for your employer for 2 years or more. There is no upper age limit for someone to qualify for a redundancy payment, you can check your entitlement on the gov.uk website: **www.gov.uk/calculate-your-redundancy-pay**. If your employer plans to dismiss you or is consulting you about redundancy you should get expert advice about your rights from **ACAS www.acas.org.uk/** or **Citizens Advice Scotland www.citizensadvice.org.uk/scotland/work/**.
- **Have the right to request flexible working:** most employees have the right to ask for flexible working once they have worked for their employer continuously for 26 weeks. This can particularly help if you are a carer or are living with a long term health condition or disability.

Examples of flexible working arrangements include working from home, part time working, working weekly hours over fewer days (compressed hours), working annual hours over fewer days (annualised hours), and changing start and finish times. You should get advice if you want to ask for flexible working as the rules are complex and your employer does not have to agree.



- **Have a workplace pension.** A workplace pension is a way of saving for your retirement which is arranged by your employer. Most workplace schemes are funded by contributions from both the employer and employee.

For information about workplace pensions call

The **Pensions Advisory Service** on **0800 011 3797**

or see their website **www.pensionsadvisoryservice.org.uk**



Protection from discrimination

You have the right to protection from unfair discrimination at work, regardless of the size of the business you work for.

The Equality Act 2010 sets out nine ‘protected characteristics’ which are:

- Age
- Race
- Sex
- Sexual orientation
- Disability
- Religion or belief
- Transsexuality
- Pregnancy or new baby
- Marriage or civil partnership

Unfairly discriminating against an employee on the basis of one or more of these characteristics is unlawful.

You may be discriminated against **directly** (for example if you are not offered training because of your age) or **indirectly** (for example if you are a carer and your employer expects everyone to work away from home at short notice).

If you are experiencing discrimination at work because of a protected characteristic you should get advice as this area of law is very complex.



Age and discrimination

Age discrimination is where you are treated unfairly because of your age or because you are part of a particular age group. There is no fixed definition of age groups in the Equality Act.

An employer can make a decision based on someone's age if they can show that it is objectively justified and proportionate.

Employers should make sure that their recruitment processes do not disadvantage older employees

i See the information about older workers at www.acas.org.uk.

Disability and discrimination

Under the Equality Act a disability is a 'physical or mental impairment that has a substantial and long-term adverse effect on someone's ability to carry out normal day-to-day activities.'

Employers have a duty to make 'reasonable adjustments' for an employee with a disability so they are not disadvantaged in the workplace.

What is 'reasonable' will depend on the employer's size and resources and how practical and effective the adjustments would be.

For you to have legal protection, your employer needs to know about your disability.

i If you have a disability, you may qualify for benefits such as Personal Independence Payment or Attendance Allowance. Call the **Age Scotland** helpline on **0800 12 44 22** to see if you may qualify.



Carers and discrimination

The Equality Act protects employees who are caring for someone with a disability.

i See Age Scotland's **Older Carers guide** for advice about the help carers are entitled to.

The **Carer Positive** website provides information about how employers can support carers:
www.carerpositive.org/carers-and-employment.



Planning ahead for later working life and retirement

You should start to plan for later working life and retirement as early as you can – but many people don't. As you plan, you should:

Get to know your pensions

State Pension

How much State Pension you will receive will depend on your National Insurance Contributions and credits. State Pension age is now increasing from 66 for both men and women. You can find your State Pension age online here www.gov.uk/state-pension-age.

If you will reach your State Pension age in more than 30 days, you can call the **Future Pension Centre** on **0800 731 0175** and ask for a statement of your pension or make contact through the Government website www.gov.uk/future-pension-centre. You do not have to claim your State Pension as soon as you qualify and if you defer claiming this increases the level of payment you can receive later on.

Other Benefits

If you have a low income, are a carer or are living with a disability you may be entitled to other social security benefits.

i Call the **Age Scotland** helpline on **0800 12 44 222** for advice about benefits you may be entitled to claim.



Workplace pensions

There are broadly two types of workplace pension:

Defined benefit pensions will give you guaranteed payments for the rest of your life based on either your final salary or career average salary at retirement.

Defined contribution pensions give you a pension pot that you can use to buy a retirement income. How much is in this pot depends on how much, and for how long, you and your employer have been contributing and how well the pension provider's investments have performed.

You can access money in a defined contribution pension pot at age 55, whether you have stopped working or not, but you should get independent advice before you do this.

If you are 50 or over you can get free guidance about your workplace pension from **Pension Wise** or The **Pensions Advisory Service**:

i **Pension Wise**
Tel: **0800 138 39 44**
www.pensionwise.gov.uk/en

i The **Pensions Advisory Service**
Tel: **0800 011 3797**
www.pensionsadvisoryservice.org.uk

Many people will have had more than one employer and will have more than one workplace pension. The Government offers a free **Pension Tracing Service**:

i **Pension Tracing Service**
Tel: **0800 731 0193**
www.gov.uk/find-pension-contact-details



Money matters in later life

You may have savings and investments in addition to your workplace and State Pensions. . Adding all these together will give you a picture of how much money you will have in retirement, and help you decide when to retire.

Check if there are any benefits you can claim. You don't have to stop work when you get your State Pension (though it is taxable, so you may pay more tax) and if you reduce your hours before your retirement there may be benefits you can claim to help make ends meet.

Compare your expected income and outgoings. If you have a mortgage, now might be a good time to get financial advice about whether and how to pay it off. If you have debts you should speak to an independent debt adviser for advice about your options. For ideas about what to include in your budget and making the most of your money see Age Scotland's **Money Matters** guide.

Your State Pension and Occupational pensions are taxable, so you should check how tax will affect your pensions and savings. **Tax Help for Older People** provide free, independent and expert advice and help for older people on lower incomes (£20,000 gross per annum or less).



Tax Help for Older People

Tel: **01308 488 066** / www.taxvol.org.uk

If you have substantial savings and investments you should get advice about how to make best use of them from an independent financial adviser. See the **Money Advice Service** for advice on how to choose an adviser.



i **Money Advice Service** Tel: **0800 138 7777**
www.moneyadvice.service.org.uk/en/articles/choosing-a-financial-adviser.

Contact the **Age Scotland** helpline for useful information about money in later life, including Power of Attorney, benefits and care costs.

i **Age Scotland** helpline: **0800 12 44 222**
www.agescotland.org.uk

Look after yourself

By looking after your physical and mental health you increase your chances of staying well in later life. Unfortunately many modern workplaces are not as healthy as they could be, even sitting for long periods of time is a risk to your health. If your job involves sitting, try to get up and move around for a couple of minutes every 30-45 minutes – research shows this can make a big difference to your health.

Making changes to your life to reduce health risks can be tough, but there are organisations which can provide help and advice.

i **NHS Inform**
Tel: **0800 22 44 88**
www.nhsinform.scot.



Do you want to retire?

If your job is enjoyable and satisfying, why stop? Research indicates that fulfilling work can help people to maintain their health and wellbeing as they age.

You might want to ask your employer if you can **reduce your working hours** as you approach retirement, but your employer does not have to agree. If you are considering this, remember to check how this could affect your income.

Think about a **retirement date** which would suit you personally and financially. Your employer cannot ask you to retire at a particular time, and they may find it difficult to ask you outright about your retirement plans.

You can discuss possible retirement dates with your employer without committing yourself to retiring. It is only if and when you give them formal notice of your decision to retire they can hold you to it.

Love later life

What do you want to do with your time in retirement? Will you miss the routine and company of work? Do you want to spend more time on things you enjoy? You could try something you have always wanted to do or use your skills and experience as a volunteer or see more of your family. Retirement might even be an opportunity to start a new business.

i Contact the **Age Scotland** helpline for details of your local volunteer centre. Our Community Connecting team can let you know what's on locally, whether it's a Mens Shed, U3A branch or community choir.



Advice and help

Age Scotland helpline 0800 12 44 222.

The Age Scotland helpline provides information, friendship and advice to older people, their relatives and carers.

If you need an interpreter call 0800 12 44 222 and simply state the language you need e.g. Polish or Urdu. Stay on the line for a few minutes and the Age Scotland helpline will do the rest.

You can call us for a copy of our publications list or download copies from our website at **www.agescotland.org.uk**.

Citizens Advice Scotland

National helpline: **0800 028 1456**

You can find information and advice about your employment rights at rights at **www.citizensadvice.org.uk/scotland**.

ACAS

Information and advice for employers and employees, including rights at work.

Tel: **0300 123 1100**

www.acas.org.uk

Trade Unions

Trade unions exist to support the rights of workers. You have a legal right to join a union if you wish. It's illegal for an employer to disadvantage you in any way just because you are a union member.

If you are not a union member and you would like to find out more, see information from the **STUC** at **www.tuc.org.uk/join-union**.

How you can help

Our vision is a Scotland where everyone can love later life.

All the information and advice we provide is free and completely impartial and in helping people access their rights and entitlements, it can be life changing.

We are an ageing population and more people than ever are coming to us for support. You can help us be there for those that need us most.



Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

- ▶ Call **03330 15 14 60**
- ▶ Visit **age.scot/donate**
- ▶ Text **LATERLIFE** to **70085** to donate £5.*



Fundraise

Whether it is having a bake sale, running a marathon or knitting small hats for the Big Knit, there are so many ways to raise vital funds to support our work. To find out more, call **0333 323 2400** or visit **age.scot/fundraise**.



Leave us a gift in your Will

By choosing to leave us a gift in your Will, you can help Age Scotland to continue being there for vulnerable older people in the years to come. To find out more, call **0333 323 2400** or visit **age.scot/legacy**.

* Texts cost £5 plus one standard rate message

Let's keep in touch



Sign up to our newsletter

Our regular newsletters by email contain details of our campaigns, services and how you can support our work.

Sign up today by visiting age.scot/roundup



Follow us on social media

Our social media channels are a great way to keep up to date with our work and issues that affect older people.



[/agescotland](https://www.facebook.com/agescotland)



[@AgeScotland](https://twitter.com/AgeScotland)



[@age_scotland](https://www.instagram.com/age_scotland)



[/AgeScotland](https://www.linkedin.com/company/AgeScotland)

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Contact us:

Head office

0333 323 2400

Age Scotland helpline

0800 12 44 222

Email

info@agescotland.org.uk

Visit our website

www.agescotland.org.uk

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