

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 for Scotland to be the best place in the world to grow older.

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.

Contents

Introduction	p 1
Basic rights of employees	p 2
Protection from discrimination	p 5
Planning ahead	p 8
Do you want to retire?	p 12
Advice and help	p 13

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.

© Age Scotland. All rights reserved.



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 a disability, or you may be caring for someone who has health problems.

Since 2011 there has been no fixed retirement age for men or women. Many people can now choose when to retire, and taking that decision can be complex. State Pension age is now 66 and will start to increase again in 2026. 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. If you have a problem at work you should get expert advice from your trade union or local Citizens Advice Bureau straight away. 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 which for people aged 23 and over is £9.50 an hour from April 2022; it changes in April each year. People should 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 (£99.35 a week in 2022/23) 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)
- 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 **Money Helper** pensions helpline on **0800 011 3797** or see their website **www.moneyhelper.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** (if you are not offered training because of your age) or **indirectly** (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 applicants because of their age.

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.

The Citizens Advice Scotland website explains more about the definition of a disability, see www.citizensadvice.org.uk/scotland.

i If you have a disability, you may qualify for benefits such as Adult Disability Payment or Attendance Allowance. Call the **Age Scotland helpline** on **0800 12 44 222** to see if you may qualify.

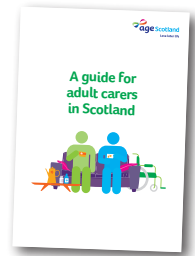


Carers and discrimination

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

i See Age Scotland's **Adult 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

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 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.

You cannot claim your State Pension early; there is no support for early retirement in the benefits system.

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.



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, increasing to 57 in 2028, whether you have stopped working or not, but you should get independent advice before you do this.

i If you are 50 or over and have a defined contribution pension you can get free guidance from **Money Helper**:

Tel: **0800 011 3797**

www.moneyhelper.org.uk/en/contact-us/pensions-guidance

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. Age Scotland's **Benefits Maze** guide explains the benefits available and the Age Scotland helpline can carry out a benefit check to see what you may be entitled to. You don't have to stop work when you get your State Pension (though it is taxable, so you may pay more tax).

Compare your 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 workplace 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. Contact **Money Helper** for advice on how to choose an adviser.



Money Helper: 0800 138 7777

www.moneyhelper.org.uk/en

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



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. **NHS Inform** provides information about common medical conditions and staying well.

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

Age Scotland's guides provide information about staying well in later life; call our helpline on **0800 12 44 222** for your free copies.





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. Get advice if you want to reduce your hours because of a disability, or because you are a carer. Check how reducing your hours would affect your income and pension contributions.

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 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.

Making the most of retirement

Some people find it hard to adjust to retirement as they have had a work routine for over thirty years and that suddenly stops. They may miss the people they used to see every day, and the status of their job. Spending more time with family may be a great opportunity, or might need some discussion as everyone gets used to changed routines and expectations.

More free time gives you the opportunity to do more of the things you enjoy. You could try something new, join a group of people who share your interests or just spend a while thinking about what is important to you and how you want to spend your time.

You could give your skills and experience as a volunteer to help others and have the camaraderie of being with other volunteers who care about the same things as you. Contact the **Age Scotland** helpline for details of your local volunteer centre.



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 / order 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 **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.

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**](https://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)

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.

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

Follow us on social media:



/agescotland



@AgeScotland



@age_scotland



/AgeScotland



We are grateful to the
Scottish Government for
part-funding this publication

