



Age Action is Ireland’s leading advocacy organisation on ageing and older people. We advocate for a society that enables all older people to participate and to live full, independent lives, based on the realisation of their rights and equality, recognising the diversity of their experience and situation. We support the introduction of an international convention on the rights of older persons. We welcome the opportunity to contribute to the work of the Open-Ended Working Group on the subject of Social Inclusion.

In Ireland, the Employment Equality Act and Equal Status Act protect people from most forms of discrimination on the grounds of age. Claimants taking cases under the Equality Acts can assert that the discrimination they experienced was on two grounds simultaneously, for example age and gender or age and disability. There is no law or policy framework in Ireland that focuses on older persons experiencing marginalization on grounds other than age. “Our Rural Future”, the government policy on the development of rural areas, does give special attention to the challenges faced by older persons in rural areas, for example in relation to service access or intergenerational contact.<sup>1</sup>

The Employment Equality Acts provides an exemption to the prohibition of discrimination by allowing mandatory retirement ages in employment contracts.<sup>2</sup> It specifies that there must be a legitimate aim the clause is intended to achieve, and it must be an appropriate and necessary means of achieving it. There are no exact figures for how many workers are affected by this discrimination, but mandatory retirement is thought to be prevalent in Irish society.<sup>3</sup> Section 34(5) allows for the setting of maximum ages at the recruitment stage of the employment process.

In the education sphere, government policy reinforces the EU goal of increasing uptake of lifelong learning only among those aged 25-64.<sup>4</sup>

Many mortgage products have a cut off at age 70, by which age they must be repaid. As most mortgages have a minimum term of 5 years, this means that a person aged 66 or older cannot get mortgage finance. No law or government policy prohibits or discourages this practice, or provides older persons with alternative means of accessing finance. Similarly, the Equality Acts permit age-based discrimination against older persons in the area of insurance, which can create prohibitive expenses and contributes to older persons’ poor access to transport.<sup>5</sup> Despite the evidence that older persons are among the safest

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<sup>1</sup> <https://www.gov.ie/en/publication/4c236-our-rural-future-vision-and-policy-context/>

<sup>2</sup> Employment Equality Act 1998, as amended, Section 34(4)

<sup>3</sup> See e.g. OECD (2006), *Ageing and Employment Policies/Vieillessement et politiques de l'emploi: Ireland 2006*, Ageing and Employment Policies, OECD Publishing, Paris, <https://doi.org/10.1787/9789264036239-en>.

<sup>4</sup> <https://www.gov.ie/en/publication/69fd2-irelands-national-skills-strategy-2025-irelands-future/>

<sup>5</sup> Equal Status Act 2000 S5(2)(d)

drivers, once a person is aged 65 or older, a renewed licence can only be extended to their 75th birthday, and once a person is aged 72+ they may only apply for one-year or three-year licences, rather than ten-year licences. A person aged 75 or over needs a “certification of fitness to drive” from their doctor, which is not free. Inadequate transport is a significant barrier to the social inclusion of older persons, particularly those living in rural areas, the older old, and women. 70% of older persons without driving licences are women, and more than half of women aged 75+ do not have a driving licence.

The experience of older persons in nursing homes during COVID-19 highlighted the difficulties of participating in society while in institutional care. There is no over-arching national policy or service promoting the social inclusion of nursing home residents. The government is committed to reforming the home care system including through the introduction of industry regulations. If this system is expanded and more older persons are enabled to remain at home for longer their risk of social exclusion will diminish.

Irish research from 2016 found that imprisoned older persons often do not receive regular visits from friends and loved ones.<sup>6</sup> In a 2014 Irish study, 38% of remand prisoners aged 60 or older reported being bullied, compared with 12% of prisoners of younger age.<sup>7</sup> In 2013, older prisoners in Ireland reported low levels of engagement with prison services.<sup>8</sup> As it stands, there are no bespoke state policies or services intended to encourage the social participation of older prisoners in Ireland.

The National Positive Ageing Strategy 2013 set the social inclusion and participation of older persons as one of its four ‘national goals’, although it remained a high-level document with no implementation strategy and therefore no systematic monitoring and evaluation.<sup>9</sup> The Roadmap for Social Inclusion 2020-2025 dedicates one of its chapters to the situation of older persons, with particular focus on their income adequacy as the key enabler for their participation in society. It commits to finalizing an approach for benchmarking pensions.<sup>10</sup> The Loneliness Taskforce called for a whole of government approach to tackling loneliness and, while acknowledging that loneliness is not a problem unique to older persons, older persons may be at particular risk of it.<sup>11</sup>

The State does not release information that establishes the share of national public expenditure that is targeted at older persons.

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<sup>6</sup> The Irish Penal Reform Trust, “‘In Here, Time Stands Still’ the Rights, Needs and Experiences of Older People in Prison’ (2016) <[https://www.iprt.ie/site/assets/files/6388/iprt-older\\_people\\_in\\_prison\\_report\\_web.pdf](https://www.iprt.ie/site/assets/files/6388/iprt-older_people_in_prison_report_web.pdf)>

<sup>7</sup> Mary Davoren et al ‘Older men and older women remand prisoners: mental illness, physical illness, offending patterns and needs.’ (2014) 27 *International Psychogeriatrics*, 747.

<sup>8</sup> Jan Alvey, ‘Ageing Prisoners in Ireland: Issues for Probation and Social Work,’ (2013) 10 *Irish Probation Journal*, 203.

<sup>9</sup> <https://assets.gov.ie/11714/d859109de8984a50b9f2ae2c1f325456.pdf>

<sup>10</sup> <https://www.gov.ie/en/press-release/a8473-ministers-humphreys-and-obrien-publish-first-progress-report-of-the-roadmap-for-social-inclusion-2020-2025/>

<sup>11</sup> <https://alone.ie/wp-content/uploads/2018/06/The-Loneliness-Taskforce-A-Connected-Island.pdf>