

# Research Paper

The impact of age discrimination legislation on small and medium-sized enterprises

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# 1. Introduction

This report presents findings of a short telephone survey of 750 enterprises all of which had 249 or fewer employees. The survey was conducted in November 2006, just over one month after the implementation the Employment Equality (Age) Regulations (referred to below as the age discrimination regulations). The fieldwork was undertaken by the independent market research company GFK NOP, who were commissioned by Acas to conduct the survey as a module in their regular omnibus survey of small and medium –enterprises (SMEs). In each enterprise a director or senior manager was interviewed and the average interview length was 10 minutes, with the Age component lasting 5 minutes. The standard sample size for the GFK NOP's SME omnibus survey is 500. In order to enable more reliable sub-group analysis of the Acas data a boost sample of 250 enterprises was added. Further information about the survey method and sample are provided in the appendices to this report.

## Summary

Some key findings from the survey are:

### **Awareness of the age discrimination regulations**

- When asked an unprompted question under half (43%) of SMEs were aware that the new employment regulations which came into force on the first of October 2006 related to age discrimination. A quarter were not aware of any new regulations introduced at this point. The smallest companies (employing less than 10 people) were the least likely to know about the age discrimination law.
- In a prompted question, two-thirds of employers in the survey thought that they were fairly or very well informed about the age discrimination regulations .
- Under three in 10 of all the employers in the survey gave a correct response to a question about whether it is still lawful to have an age at which employees are expected to retire.

### **Changes made in response to the age discrimination regulations**

- 17% of survey respondents had made some change to their recruitment or employment practices in response to the regulations. Organisations employing fewer than 10 people were the least likely to have made any changes in response to the new law: only 6% had done so compared to 43% of those with workforces of between 50 and 249.
- Three-quarters of the employers that had not made any changes said that this was because they felt their practices were already in line with the law.

### **Advice or guidance on the regulations**

- Three in 10 employers had already sought advice or guidance on the Regulations and a further fifth were likely to do so within the next 12 months.

### **Practice prior to implementation of the age discrimination regulations**

- A sixth of SMEs reported some differential treatment of employees as a result of age, prior to the introduction of the regulations. For them age had be a

consideration at least some of the time in handling recruitment, retirement or other aspects of employment policy or practice.

- One in 10 SMEs in the survey had previously treated people differently on the basis of age and had NOT made changes to their practices in response to the regulations.
- Only a small minority of SMEs (8%) were somewhat or very concerned about the implications of the Regulations for their organisation.

### **Conclusions**

The findings of this report show that many small employers remain ill-informed about the age discrimination legislation introduced in October 2006. This suggests a continuing need for work with all SMEs, but particularly those employing fewer than 10 people, to help them to ensure that they are compliant with this important area of employment law.

## 2. Background

The Employment Equality (Age) Regulations came into effect in October 2006. Key aspects of the Regulations as set out in the Acas guide: *Age in the Workplace*, are set out in the box below

### **What the regulations say – in summary**

These regulations apply to all employers, private and public sector vocational training providers, trade unions, professional organisations, employer organisations and trustees and managers of occupational pension schemes. In this context an employer is anyone who has employees or who enters into a contract with a person for them to do work. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training. They do not cover the provision of goods and services. The regulations make it unlawful on the grounds of age to:

- discriminate directly against anyone – that is, to treat them less favorably than others because of their age – unless objectively justified
- discriminate indirectly against anyone – that is, to apply a criterion, provision or practice which disadvantages people of a particular age unless it can be objectively justified
- subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them having regard to all the circumstances including the perception of the victim
- victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of age
- discriminate against someone, in certain circumstances, after the working relationship has ended.

Employers could be responsible for the acts of employees who discriminate on grounds of age. This makes it important to train staff about the regulations. Upper age limits on unfair dismissal and redundancy will be removed. There will be a national default retirement age of 65, making compulsory retirement below 65 unlawful unless objectively justified. Employees will have the right to request to work beyond 65 or any other retirement age set by the company. The employer has a duty to consider such requests. There are limited circumstances when discrimination may be lawful

*Source: Age and the Workplace: Putting the Employment Equality (Age) Regulations 2006 into Practice, Acas April 2006*

Various significant pieces of research provide evidence on the preparedness of employing organisations for the change in law, prior to implementation of the regulations. The Workplace Employment Relations Survey (WERS) conducted in 2004 suggested that 44% of workplaces had an equal opportunities policy covering age<sup>i</sup>. This figure fell to 21% for SMEs<sup>ii</sup>. A survey of 2,087 establishments of all sizes conducted for the Department of Work and Pensions, after the proposed legislation

had been announced but prior to the details of its introduction being known, found that small employers were the least likely to have made some changes to their employment policies in anticipation of the new law: 17% of those employing under 50 people had done so as compared to 65% of the largest employers (with 10,000 or more employees) <sup>iii</sup>. The survey also found awareness of the impending legislation to be lowest amongst small private sector organisations. A survey of 250 SMEs conducted in July 2006 by the Employers Forum on Age and British Chamber of Commerce found that: while nearly a third (63%) of SMEs knew that new employment laws were coming into force in October, less than one in four knew that these included the age discrimination regulations<sup>iv</sup>.

The Acas research presented in this report, aimed to examine:

- the extent to which SMEs are aware of age discrimination law, now that it is in place; and
- the impact of that law on their employment practices.

### 3. Findings of the Survey

#### Awareness of the Age Regulations

1 October 2006 saw the introduction of several new pieces of employment law<sup>v</sup>. While most of these constituted either clarification of, or amendment to existing legislation, the exceptions were the Employment Equality (Age) Regulations which introduced new provisions designed to prevent age-related discrimination in employment. As such this was the legislative change which was the focus for much Acas, press and Government publicity prior to and at the point of implementation. Participants in the survey were asked the open question:

*"New employment regulations came into force on the first of October this year. To your knowledge, what were these regulations about?"*

As table 1 indicates just over four in 10 respondents cited age as the subject of new regulations. A quarter named a different piece of legislation. Some of these referred to other employment legislation that was amended on 1 October, for example 11% of the whole sample cited the National Minimum Wage, the rates of which increased on that date; 2% mentioned changes in respect of the Working Time Regulations and 1% referred to changes in maternity or paternity provision. Others mentioned regulations relating to fire or health and safety (8% and 3% respectively). 40% of SMEs were unable to name any regulations that had been introduced at this point.

Awareness of the age discrimination regulations, as assessed by this question, was highest amongst larger SMEs: 71% of those with turnover was in excess of £10m specified that the regulations related to age as did 50% of those with a turnover of between £1 million and £10 million. Only 40% of enterprises with an annual turnover of less than £1 million said that the new regulations related to age. A similar pattern was apparent when number of employees was taken as the indicator of business size: 33% of businesses with fewer than 10 employees said that the new regulations related to age, as compared to 47% of those employing 10-49 people and 59% of those with between 50 and 249 employees.

**Table 1: What were the new Regulations introduced in October 2006?**

Subject of Regulations (Base= 750)	%
Age discrimination regulations	43
Other Regulations	26
Don't know	40

*Source: GFK NOP SME Omnibus Survey(Acas data) November 2006. Base = all survey participants*

**How well informed are SMEs about the age discrimination regulations?**

Following this open ended question, all survey respondents were told that the age discrimination regulations came into effect in October and were asked how well informed they felt themselves to be in respect of the new law. As table 2 shows, whilst the majority (67%) said that they were at least quite well-informed about the legislation, a third did not feel well informed. Those respondents who had spontaneously cited the Age Regulations as the new piece of legislation introduced in October were more likely than those that did not, to say that they were well informed about the regulations: 86% saw themselves as quite or very well informed.

Larger employers were the ones most likely to feel quite or very well informed about the Regulations with over a quarter of those who employed 50-249 employees feeling very well informed and a half quite well informed. In contrast, only 58% of the smallest group said that they were quite or very well informed about age discrimination legislation.

**Table 2: How well informed do you feel about this new law: workforce size**

How well informed about new law (Base = 750)	All %	0-9 employees %	10-49 employees %	50 -249 employees %
Very well informed	19	14	20	26
Quite well informed	48	44	53	49
Not very well informed	21	25	17	20
Not well informed at all	12	17	10	6

*Source: GFK NOP SME Omnibus Survey(Acas data) November 2006. Base = all survey participants*

Looking at the characteristics of the survey participants themselves; the oldest were most likely to think that they knew about the regulations: under half (48%) of those aged less than 35 years said that they were quite or very well-informed, as compared to 68% of employers aged between 35 and 54 and 77% of those who were 55 or older.

**Knowledge of specific aspects of the regulations**

Under the terms of the regulations employers can still have a normal retirement age for employees, although if this is below the default age of 65 it has to be objectively justified. As a test of actual as compared to perceived knowledge respondents were asked:

*"Based on what you know is it still lawful to have an age at which you expect people to retire?"*

Under a third (29%) knew that this was still lawful, while 45% said incorrectly that it was unlawful and a quarter (26%) did not know the answer to this question. Interestingly, there seemed to be little relationship between how well-informed individuals considered themselves to be and the accuracy of their answer. In fact table 3 suggests the respondents who felt most informed were actually the ones most likely to give an incorrect answer to this question.

**Table 3: Is it lawful to have a normal retirement age: how well informed respondent felt to be**

	All %	Very well-informed %	Quite well-informed %	Not very well-informed %	Not well-informed %
Base = 750					
Yes, lawful	29	30	32	25	25
No, not lawful	45	56	45	36	41
Not sure/don't know	26	13	23	39	34

*Source: GFK NOP SME Omnibus Survey (Acas data) November 2006. Base = all survey participants. Percentages do not always total 100 due to rounding*

There were notable differences between employers from different regions in responses to this question. Respondents in the North West were the most likely to know the correct response to this question (46%) whilst those in Scotland were the least likely to do so (22%).

## **Changes made in response to the age discrimination regulations**

The survey also explored the extent to which SMEs had made changes to their recruitment or employment practices in response to the regulations. As the analysis below shows only a minority had made such changes – either in the run-up to their introduction or since they had been introduced - with most respondents considering that their practices already complied with the law.

**Table 4: Have you made changes in responses to the regulations: workforce size**

Whether changes made (Base = 725)	All %	2-9 employees %	10-49 employees %	50 -249 employees %
Yes	17	6	16	43
No	81	93	82	54
Don't know	2	2	2	3

*Source: GFK NOP SME Omnibus Survey (Acas data) November 2006. Base= all those employing 2 or more people.*

Seventeen per cent of employers in the survey had made a change in one or more areas. Larger establishments were considerably more likely than smaller ones to have made changes to comply with the Regulations: over four in 10 SMEs employing 50 or more people had amended their employment or recruitment practices compared to only one in 20 that had fewer than 10 employees.

Table 5 summarises the kinds of changes made by those employers who had made amendments. The most common area of change in response to the regulations was in respect of recruitment with nearly nine in 10 of the employers concerned (and 15% of all those in the survey) having amended their practice in this area. Over four in 10 of those making adjustments had made changes to retirement policies and practices and around a third made amendments in respect of career development, training or other terms and conditions. In over half of cases (56%) those employers who had changed their employment practices to take into account age, had done so in more than one area.

**Table 5: changes made in response to the Regulations**

Changes made (Base= 126)	%
Recruitment procedures and practices	87
Retirement policies and practices	44
Access to promotion and career development	34
Access to training	30
Other terms and conditions	33

*Source: GFK NOP SME Omnibus Survey (Acas data) November 2006. Base = all who had made changes in response to the regulations*

#### **Reasons for not making changes**

As indicated in table 4 most employers had not made changes to comply with the Regulations. Table 6 lists that main reasons given for this lack of action (respondents were able to give more than one answer). The most common reason given for a lack of action (cited by three-quarters of those saying no action had been taken) was that the organisation's employment practices were thought to already comply with the new law. In addition nearly a quarter felt that the regulations did not apply to their organisation. The smallest employers (employing between 2 and 9 people) were those most likely to give this response, with 30% saying that their organisation is not covered by the regulations.

Other reasons given were that with individual had not employed any new staff since the Regulations had been put in place; that they did not know about the new law; or that they had not had time to implement it. Each of these was mentioned by around one tenth of those answering this question.

**Table 6: Reasons for no changes**

Reasons for no changes (Base= 585)	%
My organisation's employment practices already comply	76
I do not think that the Regulations apply to my organisation	23
I have not had time to think about the Regulations yet	12
Have not employed anyone new since the Regulations came in	11
I did not know about the Regulations	10
Other	2
No response/ Don't know	3

Source: GFK NOP SME Omnibus Survey (Acas data) November 2006. Base = all those who had not made changes in response to the regulations

## Guidance in respect of the regulations

All employers were asked whether they had sought guidance on the age discrimination regulations in the last 12 months. Three in 10 (29%) had done so. As table 7 shows larger organisations were considerably more likely than smaller companies to have looked for guidance.

**Table 7: Have you sought advice or guidance on the regulations from an outside organisation: workforce size**

Whether advice/guidance sought (Base = 725)	All %	2-9 employees %	10-49 employees %	50 -249 employees %
Yes	29	14	36	45
No	69	85	62	52
Don't know	2	1	1	3

Source: GFK NOP SME Omnibus Survey (Acas data) November 2006. Base= all those employing 2 or more people

The managers more likely to have looked for advice or guidance included:

- Those who said that they felt very well informed about the regulations (49%); and
- Respondents who cited age as the subject of the new Regulations (see table 1 above). 41% of these had looked for guidance.

However, there was little difference in use of advice and guidance between those who knew that it was still lawful to have a normal retirement age with those who did not, perhaps suggesting that this is an issue which needs greater clarification in some existing guidance.

Those respondents who had not so far tried to access guidance relating to the age discrimination regulations were asked how likely they were to do so in the next 12 months. One in five (19%) said that they were very or fairly likely to do so. Again, larger organisations were more likely than smaller to expect to seek advice.

**Table 8: How likely are you to seek advice or guidance on the age regulations in the next 12 months: workforce size**

Likelihood that advice will be sought (Base = 521)	All %	2-9 employees %	10-49 employees %	50 -249 employees %
Very likely	7	6	8	9
Fairly likely	12	7	12	25
Not very likely	31	28	35	31
Very unlikely	49	58	44	33

*Source: GFK NOP SME Omnibus Survey (Acas data) November 2006. Base= all those who had not previously sought advice on age regulations*

### Sources of guidance

Respondents who had sought or who expected to seek guidance on the age discrimination regulations were asked about the sources of that advice. They were presented with a list of potential sources of advice the order of which was randomised, and were able to cite as many sources as were applicable to them. The most common used and anticipated source of advice was a professional body such as the CIPD, with external lawyers being the next more likely group to be consulted. External accountants, the Small Business Service, Business Links had each been a source of advice or guidance to around a sixth of the organisations in the survey and were cited by between a quarter and a third of respondents to the question as a potential source of advice in the future. Acas had been used by 15% of respondents and 33% said they would use Acas over the next year to provide information on this issue.

**Table 9: Sources of advice or guidance**

Actual/expected source of advice	Those who had sought advice from an outside organisation (Base =213) %	Those very or fairly likely to seek advice in the next 12 months (Base = 96) %
Professional body (eg CIPD)	37	43
External Lawyer	28	35
External Accountant	16	30
Small Business Service	16	27
Business Links	15	30
Acas	15	33
Management Consultant	13	14
DTI	12	28
Other Government Department	11	29
Other	8	6
Don't know	3	4

*Source: GFK NOP SME Omnibus Survey (Acas data) November 2006*

## Practice prior to implementation of the age discrimination Regulations

The DWP survey found that employment practices that treated people differently on the basis of age were widespread prior to the implementation of the Regulations. For example 49% of all establishments in the survey (which included large employers as well as SMEs) had a maximum recruitment age, while 14 per cent targeted particular age groups in recruitment<sup>vi</sup>.

The Acas survey attempted to explore the extent of age-related discriminatory practice amongst SMEs prior to the implementation of the Regulations on 1 October 2006, by asking respondents a series of questions about their past practice. They were asked the following question in relation to recruitment, retirement and other aspects of employment practice:

*“Before October 1st it was perfectly lawful to treat people differently on the basis of their age and many people did so. Thinking back to BEFORE THE REGULATIONS CAME INTO EFFECT did you ever: recruit people differently on the basis of their age?; Treat workers differently on the basis of their age in respect of retirement policies?; Treat people differently on the basis of their age in respect of other aspects of employment?”*

It is possible that, despite assurances of confidentiality and the wording in the first part of this question, some respondents may have been wary about answering this question honestly. Nonetheless around one in 10 (10%) of respondents said that they had operated differential recruitment policies in respect of age; and the same proportion had treated employees differently on the basis of their age in respect of other aspects of employment. Only one in 20 (4%) said that they had had retirement policies which treated people differently on the basis of age. Over one sixth (17%) of SMEs in the survey indicated that they had previously differentiated on the basis of age in at least one of these ways.

Small numbers mean that it is not possible to show reliable sub-group differences in the likelihood that a particular kind of organisation was operating age discriminatory practices prior to the legislation by factors such as organisational size. However, organisations which had made changes to their employment practices in response to the regulations were significantly more likely than those who had not done so to acknowledge previous potentially discriminatory practice. Yet, as table 10 shows, significant proportions of those employers who previously treated people differently on the basis of age, had not made any changes in response to the age discrimination regulations. Taking all those who had operated any differential treatment on the basis of age 40% had altered their employment practices in response to the age discrimination regulations, while the remainder had not. This implies that at least 10% of all employers in the survey still had employment policies or practices which were age-differentiated and so could potentially be discriminatory under the terms of the age discrimination regulations.

**Table 10: Whether or not those that previously treated people differently on basis of age had made changes in response to the regulations**

Areas of differential treatment	Had made changes to take account of age discrimination regs %	Had NOT made changes to take account of age discrimination regs %
Recruitment (N = 69)	46	54
Retirement (N = 28)	54	46
Other aspects of employment (N = 67)	31	69

*Source: GFK NOP SME Omnibus Survey November 2006. Base= those employers who prior to the regulations operated employment policies which treated people differently on the basis of age*

Employers who had sought advice were no more likely than those who had not, to say that they had previously had potentially discriminatory employment policies.

## **Implications of the age discrimination regulations for business**

The final part of the survey explored whether employers were concerned about the implications of the age discrimination regulations for their business and the nature of those concerns.

The large majority of SMEs - 92% - were either only slightly concerned (14%) or not concerned at all (79%) about the implications of the regulations; with just 8% saying they were very (2%) or somewhat (5%) concerned. There were no significant differences between organisations of differing size, industry or region in relation to this question. In addition, whether or not an employer felt well-informed about the regulations seemed to have little impact on the responses to this question. There were also no clear differences between those who were aware and unaware about the regulations. Those who operated policies which differentiated on the basis of age and who had not made any changes in response to the regulations were twice as likely as all employers to say that they were very or somewhat concerned about the regulations, however it was still the case that the large majority of this group (84%) were slightly or not concerned.

Finally, as might be expected those who were either very or somewhat concerned were more likely than those slightly or not concerned at all to have sought advice about the regulations: 44% of those concerned about the impact of the regulations had sought advice or guidance as compared to 28% of those who were not concerned.

The minority of employers who were either somewhat or very concerned (N=55 in total), were asked which of a series of areas were of concern to them. Nearly half (47%) mentioned their retirement policies or practices; over four in 10 (42%) cited recruitment policies or practices ; training procedures or policies were each referred to by 31% of respondents to the question and 29% referred to other terms and conditions.

## 4. Conclusions

This report presents findings which suggest that many small employers remain ill-informed about the age discrimination legislation introduced in October 2006. In particular this survey indicates that complacency and/or low awareness of the regulations is most common amongst those employing under 10 people. Only one-third of the smallest employers spontaneously mentioned age when asked about new regulations introduced in October 2006 and this group was also the least likely to: feel well-informed about the age discrimination regulations; to have made any changes in response to those regulations; to have sought guidance on them or to be planning to do so in the future.

The research has also found that regardless of workforce size many employers feel themselves to be more informed about the regulations than they actually are. In addition there remains a sub-group of SMEs who, despite acknowledging that previous employment practices treated people differently on the basis of age, have done nothing so far to change those practices.

There clearly remains a need for work with SMEs to help them to ensure that they are compliant with this important area of employment law. In particular there would seem to be a case for advice and guidance targeted at the smallest employers.

## NOTES

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<sup>i</sup> *Inside the Workplace: findings from the 2004 Workplace Employment Relations Survey*, Kersley B, Alpin C, Forth J, Bryson A, Bewley H, Dix G and Oxenbridge S Routledge 2006.

<sup>ii</sup> *A Regional Perspective on Employment Relations: Tabulations from the 2004 Workplace Employment Relations Survey*, Forth J and Stokes L, available at:  
[http://www.acas.org.uk/media/pdf/0/j/A\\_regional\\_perspective\\_on\\_employment\\_relations\\_-\\_tabulations\\_from\\_the\\_2004\\_Workplace\\_Employment\\_Relations.pdf](http://www.acas.org.uk/media/pdf/0/j/A_regional_perspective_on_employment_relations_-_tabulations_from_the_2004_Workplace_Employment_Relations.pdf)

<sup>iii</sup> *Survey of employers' policies, practices and preferences relating to age*, Metcalfe H with Meadows P. Research Report No. 325, Department for Work and Pensions, 2006.

<sup>iv</sup> See: <http://www.efa.org.uk/press/press-release014.asp>

<sup>v</sup> The Employment Equality (Age) Regulations 2006; The Employment Equality (Age) (Amendment) Regulations 2006; The National Minimum Wage Regulations 1999 (Amendment) Regulations 2006 SI 2006/2001; The Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations; The Statutory Paternity Pay and Statutory Adoption Pay (General) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2006; The Statutory Maternity Pay, Social Security (Maternity Allowance) and Social Security (Overlapping Benefits) (Amendment) Regulations 2006; The Working Time (Amendment) (No. 2) Regulations 2006; The Collective Redundancies (Amendment) Regulations 2006; and The Transfer of Undertakings (Protection of Employment) (Consequential Amendments) Regulations 2006.

<sup>vi</sup> Metcalfe and Meadows, op. cit.

## Appendix 1: Technical note

This survey was commissioned by Acas as part of GfK NOP's SME Omnibus survey which is conducted on a bi-monthly basis. The core survey consisted of 500 interviews with decision-makers within SMEs, defined as having up to 250 employees. Those businesses with a turnover of less than £50,000 pa were screened out. For the Acas survey an additional 250 interviews were conducted.

Sample was purchased from Experian. The selection of leads was based on the following criteria :

- All single sites / Head Offices
- Even spread across standard regions
- Larger businesses are over-sampled in order to interview a sufficient number for analysis purposes
- A spread of SIC codes to broadly reflect the GB business universe

The sample was unnamed, however the introduction to the survey asked for a director or senior manager. The interviewing was conducted in November 2006 by telephone out of GfK's telephone centres in Luton and Harrow.

The table below provides information on the sampling process and indicates a response rate for the survey of 21% and a refusal rate of 27%.

**Table 11: Response rate calculation**

	Total	Proportion Eligible	Known ineligible	Known Eligible	Presumed eligible
Total called	20,100				
Incorrect number	1,822				364
Total contacted	16,328				
Interviewed	750				
Call-backs not followed-up	8,064				1,613
Refused – eligibility unknown	4,406				881
Quits	33				33
Not eligible/out of quota	3,075		3,075		
Valid/presumed valid sample	3,641	0.20		750	3641
Completed interviews	750				
Response rate	21%				
Refusal rate	27%				

1. Proportion eligible= known eligible/ known ineligible + known eligible
2. Presumed eligible = (incorrect numbers + call backs not followed-up + refusals) X proportion eligible + quits

3. Valid/presumed valid sample = Presumed eligible + known eligible
4. Response rate = completed interviews/presumed valid sample X 100
5. Refusal rate = Total contacted/refusals X100

## Appendix 2: Characteristics of sample

**Table 12: Workforce size**

	1	2-9	10-49	50-99	100-249	<b>Total</b>
%	3	37	40	12	7	100
N	25	281	299	93	52	750
Don't know						40

Source: GFK NOP SME Omnibus Survey(Acas data) November 2006.

**Table13: Nature of Business**

	Professional or business services	Retail or wholesale	Catering or leisure	Manufacturing or production	Construction	Motor trades or transport	Other	<b>Total</b>
%	25	22	10	10	9	8	15	100
N	191	165	78	72	65	63	116	750
Don't know						40		

Source: GFK NOP SME Omnibus Survey(Acas data) November 2006.

**Table14: Region:**

	North	Yorks	N. West	East Mids	West Mids	East Anglia	Greater London	South East	Wales	S West	Scotland	<b>Total</b>
%	9	9	9	9	9	9	8	10	9	9	9	100
N	68	69	71	68	70	71	58	72	65	71	67	750
Don't know										40		

Source: GFK NOP SME Omnibus Survey(Acas data) November 2006.

## Appendix 3: Age Questions in SME Omnibus survey

### ASK ALL

ACS1. New employment regulations came into force on the first of October this year. To your knowledge, what were these regulations about?

**DO NOT READ OUT. CODE ANY MENTIONS OF 'AGE' OR 'AGE REGULATIONS' AS 'AGE DISCRIMINATION REGULATIONS'.**

Age Discrimination Regulations  
Other regulations (specify)  
Don't know

ACS2. **READ OUT:** The Age Discrimination Regulations came into force on the first of October this year. The regulations make it unlawful to discriminate against workers, employees, job seekers and trainees because of their age. How well informed do you feel about this new law?

### READ OUT

Very well informed  
Quite well-informed  
Not very well informed  
Not well informed at all

ACS3. Based on what you know, is it still lawful to have an age at which you expect people to retire?

**READ OUT ALL CODES, INCLUDING NOT SURE / DON'T KNOW**

Yes, it is lawful  
No, it is not lawful  
Not sure / don't know

**IF NO EMPLOYEES (CODE 1 AT S1), GO TO NEXT SECTION. IF 1 OR MORE EMPLOYEE AT S1, CONTINUE**

ACS4. Have you made any changes to the way that you recruit or employ people in order to take account of the Age Discrimination Regulations?

Yes – go to ACS5  
No – go to ACS6  
Don't know – go to ACS7

**IF SAY YES AT ACS4, ASK ACS5. OTHERS GO TO INSTRUCTION ABOVE ACS6**

ACS5. What did these changes relate to?

**RANDOMISE BUT ENSURE THAT 'OTHER TERMS AND CONDITIONS' IS ALWAYS THE LAST CODE**

**READ OUT, CODE ALL THAT APPLY**

Recruitment procedures and practices  
Access to training  
Access to promotion and career development  
Retirement policies or practices  
Other terms and conditions

**IF SAY NO AT ACS4, ASK ACS6. OTHERS GO TO ACS7**

ACS6. Why have you NOT made any changes:

**RANDOMISE BUT ENSURE THAT 'OTHER' IS ALWAYS THE LAST CODE**

**READ OUT , CODE ALL THAT APPLY. PROBE 'OTHER' ANSWERS FULLY**

**ACAS INSTRUCTION : READ OUT PROBE FULLY. CODE ALL THAT APPLY. (IF 'OTHER', ASK WHAT THESE REASONS ARE AND PROBE FULLY).**

I did not know about the Regulations  
I have not had time to think about the Regulations yet  
I do not think that the Regulations apply to my organisation  
My organisation's employment practices already comply with the law  
Other (specify)  
Don't know  
Refused

**ASK ALL WITH EMPLOYEES (NOT CODE 1 AT S1)**

ACS7. Have you sought advice or guidance on the Regulations from an outside organisation?

Yes – go to ACS8

No – go to ACS9  
Don't know – go to ACS9

**IF YES AT ACS7, ASK ACS8. OTHERS GO TO ACS9**

ACS8. Which organisation(s) have you sought advice from?

**RANDOMISE LIST**

**READ OUT, CODE ALL THAT APPLY**

External Lawyer  
Professional body eg CIPD  
External Accountant  
Management consultant  
ACAS  
Department of Trade and Industry  
Small Business Service  
Business Links  
Other Government Department  
Other (specify)  
Don't know

**IF SAID NO OR DON'T KNOW AT ACS7, ASK ACS9. OTHERS GO TO ACS11**

ACS9. How likely are you to seek guidance on the age discrimination regulations in the next 12 months?

Very likely – go to ACS10  
Fairly likely – go to ACS10  
Not very likely – go to ACS11  
Not at all likely – go to ACS11  
Don't know – go to ACS11

**IF SAID VERY OR FAIRLY LIKELY AT ACS9, ASK ACS10. OTHERS GO TO ACS11**

ACS10. Where would you go to for this guidance?

**RANDOMISE LIST**

**READ OUT, CODE ALL THAT APPLY..**

External lawyer  
Professional body eg CIPD  
External accountant  
Management consultant  
ACAS  
Department of Trade and Industry

Small Business Service  
Business Links  
Other Government Department  
Other (specify)  
Don't know

**ASK ALL WITH EMPLOYEES (NOT CODE 1 AT S1)**

ACS11. Before October 1<sup>st</sup>, it was perfectly lawful to treat people differently on the basis of their age, and many employers DID treat people differently on the basis of their age. Thinking back to BEFORE THE REGULATIONS CAME INTO EFFECT ...

Did you ever recruit people differently on the basis of their age?  
Yes  
No  
Don't know

Did you ever treat workers differently on the basis of their age, in respect of retirement policies?  
Yes  
No  
Don't know

Did you ever treat workers differently on the basis of their age, in respect of any other aspect of employment?  
Yes  
No  
Don't know

ASC12 Are you concerned about the implications of the Regulations for your business?:

**READ OUT** would you say that you are:

Very concerned  
Somewhat concerned  
Slightly concerned  
Not concerned at all

**IF VERY OR SOMEWHAT CONCERNED AT ASC12 ASK ASC13**

ASC13 Which of the following areas are of most concern to you? **READ OUT CODE ALL THAT APPLY**

Implications of the Regulations for your recruitment procedures or practices  
Implications of the Regulations for your training procedures or practices  
Implications of the Regulations for your promotion and career development policies and practices  
Implications of the Regulations for your retirement policies or practices  
Implications of the Regulations for your other terms and conditions  
None of the above



