Explorations of Contemporary Age Discrimination
A Global View

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Abstract

Age, due among other causes to demographic transitions, has become a common and widespread content of discrimination. It concerns all age groups in all countries. Numerous analyses of regional and international institutions, including departments of the United Nations, demonstrate various determinants of age discrimination (“ageism”) implicit in contemporary societies. This article explores issues of discrimination, in particular age discrimination. These topics are conceived as complex multidimensional societal problematiques that require comprehensive approaches to understand, prevent, and combat them.

In our article, the available literature concerning age discrimination is explored. Albania, Great Britain, Norway, Ukraine, the Czech Republic, and Lithuania are deployed as cases of “rules of law” related to ageism. Some practical legal cases are analyzed to explore the impacts of practices of legal politics on discriminatory situations concerning individuals. Finally, recent studies carried out in the context of the social quality approach are used to broaden our scope.

Keywords: age, comprehensive approaches, discrimination, human rights, legislation, societal context

Discrimination on the basis of age remains widespread in all areas of society. A recent report from the European Commission provides further argument to strengthen protection against age discrimination, in particular outside the area of labour. We were invited to discuss this report at a workshop organized by the European Equality Network. Based on the 2019 Eurobarometer on discrimination in the EU, age discrimination remains one of the most prevalent forms of discrimination (40 percent of individuals in the EU believe that age discrimination is widespread in their country). Discrimination on the basis of age occurs in the field of labour, but is also very pervasive in the accessibility to goods and services. Discrimination in health care is an area of particular concern for people 55+, which has been brought to the fore in the context of COVID-19. (APE 2022: 5)
In this article we explore various aspects of discrimination, in particular age discrimination, also referred to as “ageism.” Our suggestion is that comprehensive understanding of and analytical approaches to ageism are seriously lacking. Thorough, comprehensive approaches—addressing the roots, appearances, and societal conditions causing the problem—are not sufficiently available. Although age discrimination is a commonly employed concept, a comprehensive—in breadth and depth—understanding of it as a societal complexity deserves ample attention. The aim of this article is to conduct and present comprehensive explorations of the problematique of age discrimination by identifying (1) the societal preconditions (roots) of this type of discrimination, (2) the areas and nature of its manifestation (appearances), (3) an understanding of indirect age discrimination, as distinguished from direct discrimination, and (4) practical approaches to and guarantees of protection against its possible manifestations.

Conceptualizations and definitions of human rights, discrimination, and age discrimination are presented and discussed. The importance of these widespread, problematic subjects is explained among other things by current global demographic transitions and by specific political, economic, and cultural tendencies of contemporary societies. Some select cases of discriminatory practices are also analyzed. Their relations with ideological patterns, politics and legislation, and economic practices are explored, for instance in the workplace and the labor market. Related cultural attitudes and health and welfare services are also examined. The distinction between direct and indirect discrimination appears to be essential. Our argument builds up to the awareness that age discrimination constitutes a complex problematique determined by diverse societal dimensions and conditional factors. The problem of ageism needs to be conceived as an expression of general societal patterns involving most people and communities. It exists in every country, regardless of the country’s level of democratic content and its economic standard. In our conclusion, some essential measures are identified that may be implemented in order to prevent and combat age discrimination. Because of its complexity, the problem of age discrimination must be faced by deploying comprehensive analytical approaches.

To achieve the required comprehensiveness, the authors chose a logical-progressive analytic approach. At the start of the analysis, the contested concept of age discrimination and the main related societal patterns are highlighted. This is followed by an analysis of various societal dimensions (sociopolitical, sociocultural, and socioeconomic) and conditional factors related to discrimination, focusing on issues of direct and indirect age discrimination. The chosen methodological approach is based on a set of epistemological perspectives (objective, subjective, hermeneutic, and discourse analysis) and general scientific methodologies (analysis, induction, deduction, synthesis, and generalization). This approach has an affinity with the main assumptions of social quality theory as presented a decade ago (Beck et al. 2012: 44–55). The applied comparative analyses regarding diverse legal systems in various countries made it possible—to a certain extent—to generalize the applied normative criteria used in
the assessed countries. The incorporation of age in legal systems and institutional settings as a formal characteristic of people appears to be a key factor in facilitating age discrimination against various age groups. Trends of population aging are illustrated through monitoring reports, scientific studies, and analytical reviews, including reports of international institutions on the level of the UN. In these, diverse determinants of population aging are exposed.

In our comprehensive approach, processes in the four dimensions (socioeconomic and financial, sociocultural and welfare, sociopolitical and legal, and socioenvironmental and ecological) and their implications for many societal aspects (age, gender, labor, the workplace, services, and others) are taken into account to assess the complexity of the roots and appearances of age discrimination. We stay close to the studies previously published in this journal (Nijhuis et al. 2021) on the societal impact of COVID-19 in eleven countries across all continents. In the editorial of that special issue, the configuration of three social quality frameworks—the conceptual (ontological), the analytical (epistemological), and the empirical (procedural)—are presented (ibid.: xviii). The relevance of this configuration is further explained in the recent article by the Institute of Economics and Forecasting of the National Academy of Sciences of Ukraine that discusses the postwar socioeconomic and financial recovery of this country (Heyets et al. 2022: 5–11). In our article we will refer several times to aspects of this configuration. In assessing diverse political-legal systems, we are able to interpret the underlying moral principles. This assessment of legal systems was applied in particular to Albania, Great Britain, Norway, Ukraine, the Czech Republic, and Lithuania. In order to overcome generalizations inherent to group analyses and stereotypical judgments of generations, we also paid attention to particular subjective aspects of individual situations. By presenting specific legal cases, the true realization of “human rights and freedom” in various legal policies of nondiscrimination is assessed. In deploying a combination of these various approaches in our article, we intend to achieve the comprehensiveness that in our opinion is required to address the complexity of the roots, preconditions, and appearances related to discrimination based on age.

### Discrimination: Conceptualizations and Meanings

In the following we present an overview of different conceptualizations and meanings of the notion of age discrimination, as well as complications that arise from the variety of definitions. Essentially, we approach discriminatory issues as fundamental questions of human rights and freedom. In the Universal Declaration of Human Rights a universal principle is stated: “All human beings are born free and equal in dignity and rights” (UN 1948). The moral principles of equality in dignity and human rights are embedded in the constitutions of all modern democracies. States thus have the duty to protect minorities and vulnerable groups from unequal treatment. Discrimination
against individuals or groups of people should be interpreted as violation of the principle of equality. Article 7 of the Declaration states: “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination” (ibid.).

The term discrimination comes from the Latin noun “discriminatio.” The roots of this concept lie in verbs such as: “discrenere,” or “discriminare,” meaning “to divide,” “to separate,” “to evaluate.” In many languages similar nouns refer to the same meanings: “discrimination” in French; “discrimination” in English; “diskriminierung” in German; “дискриминация” in Russian; “discriminazione” in Italian; “discriminering” in Swedish. According to the Latin origins of the noun, “discrimination” refers to the restriction or deprivation of the rights of certain categories of citizens. It may occur on various grounds: race, nationality, sex, socioeconomic or sociocultural origins, political views, and so on (Dashkovska 2005). Discrimination refers to the exception or limitation of opportunities for members of a particular group, relative to the opportunities of other groups. It is remarkable that neither the Universal Declaration of Human Rights nor other international agreements that are permeated with the term “discrimination” elaborate or further define this core concept. International human rights conventions stipulate that countries that have ratified human rights are obliged to guarantee all human rights within their territory and jurisdiction. However, no further definitions or distinctions are made concerning the societal fields of application of the human rights discussed (Bychkoviak 2017). The term discrimination at present permeates numerous debates, documents, and scientific studies globally. Yet despite its extensive and significant deployment in legal and political science for almost a century, a shared, thorough, and comprehensive understanding of it has not yet been developed. This obscures meaningful communication about this fundamental and topical societal issue. We associate this remarkable observation with two factors. Firstly, the appearances and signs of discrimination are contextually determined, they change over time, and new features are continuously added. Secondly, discrimination has different meanings for different disciplines, for instance in different human sciences, journalism, public administration, and legal practice and politics. There is not much interdisciplinary communication in which shared interpretation could be developed. Therefore, given this fragmentation, nor is a universal understanding of this crucial concept within reach.

The most comprehensive description of the complexity of the concept of discrimination was developed by the Swiss Institute of Comparative Law. According to their description, discrimination is:

a societal event or situation that is described by the presence of differences, exceptions, restrictions or advantages based on arbitrary classification of individuals, their groups or categories, based on race, color, sex, language, religion, political or other beliefs, national or social origin, economic status, birth or other circumstances, natural or social features,
not related to personal abilities or merits or to specific human behavior. Discrimination also means a negative (or is perceived as such) attitude toward a particular person or group of people caused by any form of behavior (including inaction) of state bodies or individuals. The ultimate goal of discrimination is the violation or destruction of the recognition and exercise of human rights and freedoms on equal terms in political, economic, social, cultural, or any other spheres of public life. (Kys and Sheremet 2007: 67).

This should be understood as any legally unjustified discriminatory situation facing humans, expressed as restrictions of human rights and powers, and based on physical, biological, or cultural characteristics.

There are many types of discrimination, depending on its characteristics, the subjects to which it happens, and the factors underlying its appearances. Racism, for instance, became a significant problem in the nineteenth century and was combatted by civil rights activists. Sexism became an important problem in the twentieth century and was combatted by suffrage and feminist movements. Today, the most common form of discrimination is ageism. It can be observed in nearly all societies, regardless of their geographical location and the developmental stage of their democracy or economic quality. As will be discussed below, the problem in many cases is that ageism is not easily recognizable. Often, because of its nature, its presence is more or less latent. However, in cases where the phenomenon is covered up on purpose, one cannot speak of latency; then, it is more a consequence of intentional strategies to hide it. Age discrimination is often obscured or confused by discriminatory features other than age itself. Generally speaking, little is being done to expose and reduce ageism. The reasons include its status as a matter of course and its implicit nature. It seems to be “natural,” and therefore it is difficult to identify and deal with it as a discriminatory issue. In situations where there is evidence of discrimination against particular groups regarding particular characteristics, age criteria are usually not taken into account in assessing the nature of the problem.

**Age Discrimination: Conceptualizations, Legislation, and Policies**

The term age discrimination was firstly defined in simple terms by Robert Butler (1969: 244) as: “The bias of one age group against another age group.” He stated that ageism mostly refers to discrimination against younger and older groups in society, in particular by the middle-aged group. The reason is that the middle-aged group is and feels responsible for the well-being of the younger and older groups. The latter in many respects have been seen as dependent. The Israeli researcher implicitly narrowed down the concept of age discrimination to discrimination against merely the older age groups and related problems (Cohn-Schwartz 2021). They point out that human aging is not just a biological process: the gradual deterioration of body functions after maturation, which increases the risk of disability, morbidity, and mortality. The discriminatory perception of aging is embedded in a specific societal context. It is
shaped by conditional societal factors, which influence the physical and mental well-being of the elderly as well as perceptions of them. In societies, explicit and implicit assumptions about older people are factors that codetermine how aging is seen: for instance, as a specific stage in the process of personal development or as the terminal part of life. Ignoring the differences between individual people, there is a universal tendency to generalize typical characteristics of aging and treat the elderly in a stereotypical manner (Ayalon and Tesch-Römer 2018). Amy Cuddy and Susan Fiske (2002) understand ageism as a combination of stereotypes and prejudices regarding members of a certain age group that leads to discrimination. Ageism should be understood as a societal construct, based on (biased) collective views and beliefs that are not based on well-established facts. The impacts of age stereotypes penetrate many societal systems. They may for instance influence specific understandings concerning the functioning and performance of the older members of particular organizations, thus leading to discriminatory behavior toward colleagues.

In our article we define ageism as: “A wide range of stereotypes, biases, and discriminations regarding people of a particular age that generate harmful consequences for those people and the society as a whole.” Age discrimination may be displayed regarding any age group and may concern any societal field. Because of its complex nature it relates to the whole of the configuration of social quality frameworks as deployed by Valeriy Heyets et al. (2022): the sociopolitical and legal, socioeconomic and financial, sociocultural and welfare, and socioenvironmental and ecological dimensions. Specific culturally shaped attitudes function as societal preconditions for discrimination on the basis of age. Young people and children in many societies tend to be considered population groups that are primarily in a developmental stage and need to learn from the older age groups. Discrimination expresses obsolete ideas concerning persons in terms of specific personal characteristics, needs, capabilities, and performances, merely on the basis of age. The elderly in many societies are primarily seen as citizens who for many reasons are unable to fully perform and contribute. Thus, in many respects they are perceived not as contributing to but as a burden to society. During the invasion of Ukraine by the Russian army in February 2022 in particular, it became evident that young people and the elderly are most valuable because of their “competence to interact” and their “warmth.” However, generally speaking, for both categories it is hard to gain societal respect and to perform significant roles, because biological age is considered not to correspond to any particular societal status.

Absolutizing age stereotypes constitutes an enormous problem in many respects. In a European survey, 35 percent of respondents said that they were treated unfairly because of age. This is more than discrimination on the basis of sex (25 percent) and race/ethnicity (17 percent) (Abrams et al. 2011). The 2019 report by Eurobarometer regarding perceived discrimination in the European Union shows that 40 percent of people think that age discrimination is widespread in their country (EC 2019). Ultimately, manifestations of age discrimination appear to take place mostly in
relation to older age groups. The Ombudsman of the Czech Republic stated in their annual report that people over the age of sixty usually apply due to age discrimination (approximately two thousand cases per year) (EQUINET 2019). Such figures stand in sharp contrast with formulated legislation and policies. They also do not correspond to the idea of well-developed civil societies. The British Society of Gerontology (BSG) strongly opposes any policy that differentiates people using random chronological age criteria to restrict human rights and freedoms: “We appeal to the government to reject the formulation and implementation of a policy based on the simple application of chronological age. We also appeal to government and media organizations to be careful in their use of language” (BSG 2020).

The International Covenant on Civil and Political Rights of the United Nations states that the term discrimination includes: “any distinction, exclusion, restriction or preference based on race, color, language, religion, political or other opinion, national or social origin, property status, birth or another circumstance, or as a consequence, to destroy or diminish the recognition, use or exercise by all persons, on an equal basis, of all rights and freedoms” (UN 1966). But it does not highlight age as a specific characteristic that should be considered a risk to equal treatment. This was, however, explicitly the case in the European Charter of Fundamental Rights. Its Article 21 says: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited” (EU 2000: 14). Content analysis of the legislation of specific countries reveals that in most of them, age is a distinct criterion that needs to be taken into account as a risk. This is the case, for example, in the Norwegian law on equality and prohibition of discrimination (LOVDATA 2018), the UK Equality Act (UK Parliament 2010), and the law of Ukraine on the principles of preventing and combatting discrimination. Article 6 of the latter says: “The Anti-Discrimination Law contains an open-ended list of prohibited grounds (protected characteristics) in Article 1(2), with the following grounds receiving explicit protection: race; colour; political, religious and other beliefs; sex; age; disability; ethnic or social origin; family and property status; place of residence; and language” (ERT 2013: 5). This obviously means that discrimination on the basis of age has shown to be a problem in these countries. This is underlined in a Europe-wide overview published by the European Commission under the lead of Elaine Dewhurst et al. (2020). Based on previous surveys by Eurobarometer in 2019 (EC 2019), it is reiterated that 40 percent of individuals in the European Union believe that age discrimination is widespread in their country (Dewhurst et al. 2020: 7). This concerns daily circumstances outside the labor market. According to this overview, clear and full protection against direct age discrimination is already provided in more than 44 percent of the member states. Some states even go further in creating and enforcing special antidiscrimination laws to protect discriminated groups through specific measures, for instance in the fields of education, housing, healthcare, and access to goods and services (ibid.: 15).
Because of the demographic transition in our contemporary era, the implications of aging have become a major issue. The enormous growth of scientific knowledge and technologies, in combination with the increase of welfare provisions, has led to an overall increase in people's life expectancy. The latter has risen to seventy years or more in many countries, while the overall birth rate has fallen from 5 to 2.5 in the last seven decades. For the first time, the number of people over the age of sixty has exceeded the number of children under the age of five worldwide (WEF 2020). According to studies by the Department of Economic and Social Affairs of the UN:

Over the next three decades, the global number of older persons is projected to more than double, reaching over 1.5 billion persons in 2050. All regions will see an increase in the size of their older population between 2019 and 2050. The largest increase (+312 million persons) is projected to occur in Eastern and South-Eastern Asia, growing from 261 million in 2019 to 573 million persons aged 65 years or over in 2050. The number of older persons is expected to grow fastest in Northern Africa and Western Asia from 29 million in 2019 to 96 million in 2050 (+226 percent). The second fastest rise in the number of older persons is foreseen in sub-Saharan Africa (+218 per cent), with an expected growth from 32 million in 2019 to 101 million in 2050. (UN 2019: 5)

In the abovementioned European Commission analysis it is stated that the ongoing demographic transition is exerting significant pressure on the EU’s economic, financial, cultural, and welfare potentialities, as well as its international competitiveness. These pressures essentially arise from the changes in proportional distribution between the number of children, young people, middle-aged, and older people. This point is also underlined in studies from the USA (AARP 2020).

At the EU level, initiatives have been launched to encourage full participation of all age groups in various societal fields, thus also promoting active and healthy aging. This will happen in the context of the “European Innovation Partnership” (EIP), one of the seven flagship initiatives of the EU 2020 Strategy (EC 2022). The overarching goal of the partnership on active and healthy aging is to enable citizens to live longer independently and in good health by increasing the average number of healthy life years by two. It seeks to foster EU citizens as “healthy, active and independent, and improve the sustainability and efficiency of social and health care systems, while creating new opportunities for businesses. (APE 2020: 1). It is most remarkable that the societal context in which aging evolves is further explored neither in a theoretical sense nor in a practical sense. It seems that aging is conceived as an individual adventure. Furthermore, it remains unclear how to foster partnership if the problematique of contemporary aging is not articulated in a comprehensive sense. This also concerns contemporary challenges of overall sustainability. This lack is also manifest in the European report of 2020, with its empiricist emphasis on the support of EU citizens who expect to live increasingly long lives. Attention is focused on how they can make the most of their retirement: “Many older people engage in some kind of activity or employment. Some take up new pastimes, sports or learn new skills, others decide to volunteer or travel, while some may
work on a part-time basis. Studies confirm that older people are more likely to maintain their physical and mental health by remaining active and preserving social contacts” (Eurostat 2020: Foreword). What we need in order to cope with problematic aspects of aging is a thorough comprehension of processes of aging, including contextual and personal aspects. It is not a question of hope, as stated in the APE report: “after two challenging years where the COVID-19 pandemic seriously undermined older people’s human rights, we can only hope that 2022 will open new horizons” (APE 2022). What we need is an understanding of the complexity of the contributing processes.

**Age Discrimination: Personal and Collective Impacts**

The demographic transition has impacts on many aspects of societal life: among others, the labor market, the workplace, the use of technologies, consumer behavior, socioeconomic security, and healthcare systems (Lee and Zhou 2017). Age discrimination is most widespread in the realm of labor and socioeconomic security. Current demographic changes demand the extension of the period of life spent in labor, which leads to a growing proportion of employees in the older age group. In labor policies, the age of retirement gradually increases. In the USA, the number of workers over the age of fifty has increased by 80 percent over the past twenty years, which amounts to four times the overall growth of the workforce (UBLS 2019). Age discrimination is widespread in the labor market and occurs in all types of companies, institutions, and professions. Discrimination against elderly workers has many faces. Older people may be treated as colleagues exhibiting obsolete habits, technological ignorance, and a lack of energy and flexibility. Such perceptions are based on prejudices and biases and often do not reflect reality. The moral core of this situation is that—regardless of age and other personal characteristics—all people should be treated with respect and dignity in a civilized society that promotes humanism and is based on democracy.

To a large extent, legislation on labor in many countries protects older workers from dismissal because of age. It has been consistently demonstrated, however, that age discrimination prevents older people from acquiring new jobs. Age discrimination in the workplace has diverse impacts: it constitutes a threat to the career opportunities and job satisfaction of employees; to the efficiency and productivity of organizations; and to the stability of the socioeconomic security of those involved. Indeed, in times of less demand for labor, (long-term) unemployment is highest among the younger and older employable population. Employers prefer to hire employees from groups that are expected to deliver the highest productivity. Age-related employment statistics reveal that a candidate’s age is deployed as a proxy to assess negative age-related qualities, even if these are not at all evident. In other words, employers believe that older age goes together with unfavorable qualities for work. As a result, older people experience unfavorable societal positions due to their allegedly lower productivity in the workplace (Lössbroek et al. 2021). In many contemporary societies, where economic
productivity is ranked as the supreme goal, this can easily lead to lesser societal esteem of older people and to age discrimination. What remains underexposed in societies—and is generally not considered or elaborated as significant—is that older people may well be valued regarding other societal contributions, such as being a parent, a volunteer, or a neighbor.

It needs to be noted that age discrimination not only leads to negative impacts on the personal level for those concerned. The negative impacts may be observed on the collective level as well. Recent research concerning the USA shows that the national economy lost USD 850 billion of income in 2018 due to age discrimination. It is predicted that this loss could even grow to USD 3.9 trillion in 2050 (AARP 2020). In other societal, socioeconomic, sociocultural, and welfare dimensions, the impacts are also adverse. Older people broadly finance their daily subsistence from four distinct sources (UN 2019): (1) public programs such as pension systems, healthcare, and other welfare services (in Ecuador, India, and Singapore, only one-third of their income comes from state pension systems); (2) transfers from family members or other private sources (according to the UN, in South Korea and Taiwan 25 percent of the income of older people comes from their families); (3) their own assets and capital; and (4) their own personal earnings. As a result of age discrimination in the labor market, the latter two sources tend to be meagre. Therefore, older people lean more on the other sources. Many older people eventually need care, and thus either their costs of living or those of their care fall to their families. But the democratic transition, processes of urbanization, and cultural transformations—like individualization—have changed traditional family relationships. The traditional family support for the elderly is not as “natural” as it used to be. Often, it is not feasible anymore for other family members. Thus, with the increase of the proportion of older people, families themselves will also need support to be able to care for them. Homes for the elderly are also needed to cope with the financial and welfare problems faced by many older people. This means not only supporting the older people themselves, but also offering alleviation to all members of their households. In many cases of low socioeconomic security this means breaking the intergenerational poverty cycle. During the COVID-19 pandemic many of the preexisting adverse socioeconomic impacts of age discrimination were seriously exacerbated. See, for example, the cases of Brazil (Fuchs 2021), South Africa (Chetty 2021), or Pakistan (Hashmat et al. 2021). The pandemic seriously threatened the economy all over the world. According to estimates of the impact of COVID-19 on global poverty, the number of people living in poverty (compared to 2018) increased by 85–135 million with a 5 percent reduction of economic growth; by 180–280 million with a 10 percent reduction; and by 420–580 million with a 20 percent reduction (Sumner et al. 2020). Naturally, these increases in poverty numbers primarily affect low-income countries, with children and elderly people more specifically being the most socially and economically vulnerable groups.

The next societal field in which age discrimination is manifested is the healthcare sector. A recent study shows that in this sector, among people who perceived
age discrimination, 45.1 percent reported being treated as “unreasonable individuals” with less respect and politeness, and 41.4 percent reported receiving worse services and treatment in health institutions (Jackson et al. 2019). Another study shows that 20 percent of adults over fifty experience forms of age discrimination in healthcare institutions (Rogers et al. 2015). Another societal space in which age discrimination is taking place is the realm of public media. In early March 2020, as the spread of COVID-19 began, in the public media in Europe and the USA the terms “vulnerable” and “elderly” were used and mixed interchangeably in descriptions of the most serious impacts of the pandemic. This communicative use may have been well intentioned, but it also had serious adverse effects regarding age discrimination. Firstly, it reinforced a widespread view of the elderly as vulnerable beings, adding to an already widely embedded negative age stereotype. It should be noted that this may very well affect future older people. According to theories of stereotypes and the “risks of ageism model,” generalizing negative age stereotypes will lead to self-limiting views on aging in future. The latter may very well become a risk for health and well-being in later life (Swift et al. 2017). In an analysis of English-language tweets related to COVID-19 and older adults aimed at identifying ageist content, older people were found to be often labeled as helpless persons who need significant efforts by the state and society to support their livelihoods. Hate speech and insults also occur, for instance via the Twitter hashtag #BoomerRemover, which at the beginning of the pandemic became widespread on social media (Jimenez-Sotomayor et al. 2020). These authors observed that of tweets posted within ten days of the official WHO declaration, almost 25 percent downplayed the importance of COVID-19, since the virus’s high mortality in particular affects elderly people. In 14 percent of the tweets, offensive messages or jokes in relation to age were disseminated.

**The Importance of Indirect Age Discrimination**

To be specific in analyses, a distinction should be made between direct and indirect expressions of age discrimination. The former refer to the legal criteria that explicitly identify certain issues or measures related to the violation of human rights by age. The question, of course, remains of whether such explicit measures to combat discrimination through lawmaking bodies will be executed. Indirect discrimination is hidden or obscured, and not made explicit. This form of discrimination is widespread and much more problematic. The content and form of indirect discrimination are powerfully depicted by Hugh Collins and Tarunabh Khaitan (2018) in terms of Aesop’s fable about a fox. The story tells of how a fox invited a stork for lunch. As a mean joke, the fox served soup in a shallow dish that the fox could easily use, while the stork could only wet the end of its long beak and went hungry. The stork invited the fox in return and served soup in a long-necked jar with a narrow opening, into which the fox could not insert its snout. The moral lesson of this tale is that the needs of others should be ap-
preciated in order to grant everybody opportunities in life. The importance of indirect discrimination has been acknowledged, elaborated, and described in Ukrainian law (ERT 2013), for example. However, this acknowledgment is not shared by everyone. Some scientists believe that indirect discrimination, which is not made explicit (direct) in formal documents, should not be seen as discrimination (Eidelson 2015). This of course has serious consequences for the treatment of groups facing indirect discrimination. From our point of view, indirect discrimination should be seen as an illegitimate form of behavior. It encompasses practice or policy that, while not explicitly labeled as discriminatory, puts members of a protected group at a disproportionate disadvantage compared to members of a related group (Khaitan 2018).

An example of indirect discrimination is a company maintaining specific categories of jobs (e.g., some open to young workers, others to those with experience). Each category implies its own direction of career advancement. Age discrimination is also at stake when the vacancies are open to all but a requirement is maintained in terms of length of service. In this case, younger people become discriminated against, despite the seemingly equal conditions for all (Hellman 2017). Court case analyses demonstrate the complexity and ambiguity of indirect discrimination. The comprehensive assessment of a UK court case constitutes a good illustration (UK Supreme Court 2012). The applicant in this case alleged indirect discrimination on the basis of age. He had to get a degree in law in order to obtain the highest level of remuneration in his job at the age of sixty-two. Usually, people retire at the age of sixty-five. At the same time, he needed at least four years of study to get his degree. Thus, he considered himself discriminated against, because he could not get the required education in time, and claimed a higher salary because he was not of the right age. In 2008 the Employment Tribunal stated that the applicant had been indirectly discriminated against on the basis of age and that this was not objectively justified. However, the Employment Tribunal of Appeal argued that he had not been discriminated against. The Court of Appeal agreed with the Employment Tribunal of Appeal, arguing that it was not the applicant’s age that put him at a disadvantage, but his future pension. However, the Supreme Court admitted the applicant’s appeal and decided that the case should be returned to the Employment Tribunal for further consideration. The Supreme Court now ruled that the new education requirement was age discrimination. The law of indirect discrimination is an attempt to level the playing field by complying with control requirements that on the surface look neutral, but actually put people with certain characteristics in comparatively disadvantageous positions (Cossette-Lefebvre 2020).

Legal Examples of Protection Against Age Discrimination

Legal policies addressing the prevention and counteraction of discrimination presuppose effective mechanisms for guaranteeing the rights and freedoms of citizens in practice. Effective protection is a monumental task at the state level, because
guaranteeing nondiscrimination through legal policies is very complex and needs to be comprehensive. It needs to include diverse elements: appropriate ideologies, political decision-making, legal substantiation, implementation by institutions, and cooperative attitudes in wider society. At the international level safeguards usually come down to policymaking, directives, and monitoring by international bodies concerned with discrimination. In 2006 the European Parliament and the European Council determined the EU’s policy on the implementation of the principles of equal opportunities and equal treatment of men and women in matters of employment and occupation. This in particular concerned outlines regarding discrimination based on sexuality (EP 2006). Article 20 states the obligation for member states to establish special bodies at the national level to promote, analyze, monitor, and support equal treatment of people. This article also outlines the required competencies of these bodies: “to provide independent assistance to victims of discrimination in the process of dealing with their complaints of discrimination;—to conduct independent surveys on discrimination;— to publish reports and make recommendations on any related issues of discrimination” (ibid.).

There are significant differences in the institutional execution of national legal policies on discrimination. The assignment of a special ombudsman is an interesting example. Albania in this respect is an outstanding example. Based on the Law on Protection against Discrimination in Albania, the institution of a Commissioner for Protection against Discrimination was created (RoA 2010). This ombudsman acts within a strong wider context of institutional mechanisms, which also includes the Commissioner for Human Rights. This structure has proven its effectiveness. That the Commissioner acts not only as a monitor appears to be important for its success. He also has the power to conduct investigations into cases and to levy sanctions on the violator, for example fines in cases of discriminatory actions. In the Republic of Lithuania, the Office of the Ombudsman for Equal Opportunities has been established. Its workings are based on the Law on Equal Opportunities of the Republic of Lithuania (RoL 2003). This institution considers compliance with nondiscrimination regulations. A case may be illustrative. At Linsk District Municipal Council, individual childbirth benefits are provided. Such support is only available when the child is born to married parents younger than twenty-nine. This implies a serious restriction based on age. As soon as the ombudsman started to investigate the situation, the municipality announced that the legislation had been improved to entitle couples of all ages to childbirth benefits (RoL 2021).

Monitoring activities, awareness-raising among the public, the conducting of opinion polls, and preventive work belong to the work remit of the ombudsman. It should be noted, though, that the establishment of a special body is not enough. It alone cannot prevent and combat discrimination. Legal and institutional conditional guarantees must go together with cultural behavior and attitudes among the general public. More tolerance regarding all people, regardless of specific characteristics, constitutes the key to preventing and combatting discrimination. As Khurshid
Mirzakhmedov (2021: 276) states: “Adequate understanding, communicative space and equality in the distribution of personal characteristics and resources can serve as a condition for the development of tolerance. Ideologically, tolerance can take roots on the basis of legality.” The preconditions for overcoming the threat of age discrimination lie in a comprehensive approach. Primarily, a comprehensive understanding of the “problematique” is required—the combination of approaches in the ideological-political and legal, economic and financial, and cultural and welfare dimensions.

Conclusion

Discrimination of any nature should be seen as a violation of human rights. It is rooted in stereotyping and prejudices regarding specific biological, cultural, or economic characteristics. Age is one of the most common discriminatory characteristics at present. Often concealed in forms of indirect discrimination, it affects various age groups and implies harmful impacts for the individuals concerned and society as a whole. The tendency of absolutizing age stereotypes has developed into a major “problematique” of our time. Discrimination implies disregard of particular values of individuals and thus leads to discrimination against individual persons: suppression of human rights, societal inequality, violations of social justice and human dignity, and the exclusion of people. The latter causes dysfunctions in societies, as well as in organizations and institutions.

Today, as an implication of demographic transition, age discrimination has evolved into a major global issue. Because of related and widespread societal discriminatory patterns. It is manifested in various societal dimensions: in the sociopolitical sphere (e.g., in discriminatory ideologies and politics, and ineffective legislation, legal mechanisms, and institutions); in the socioeconomic and financial sphere (e.g., in the workplace and the labor market, and in socioeconomic status and security); and in the sociocultural and welfare sphere (e.g., in societal status, public esteem and humiliation, discrimination on social media, and the accessibility of welfare services). The multidimensional nature of its roots and appearances implies that comprehensive approaches are required to combat and prevent discrimination. In this comprehensive endeavor, governments and societal institutions must collaborate. Success, however, presupposes, as we have argued, a comprehensive understanding both of the personal and the contextual societal aspects of discrimination. Many approaches, both in the EU and other contexts, express an individualistic orientation, emphasizing the reinforcement of personal capacities to achieve a better life. The significance of the social quality of the circumstances of daily life (e.g., sustaining communities and neighborhoods, housing and employment policies, cultural attitudes, etc.) does not seem to be considered essential in these approaches. In the proposed partnerships in the EU—addressing a wider scope of personal activities and capacities—these simply cannot be the focus of attention. Working on these aspects implies transformations
of local and regional policies on, for instance, community, neighborhood, and housing development. We would like to argue that societal aspects are most relevant and need to be taken on board for the conceptualization of the problem. This presupposes fathoming the issue of ageism in depth and breadth, including issues of transforming our societies into good places for everybody to live, not least the elderly. As has been argued in the abovementioned article by Heyets et al. (2022), we see the social quality configuration of frameworks as an interesting analytical approach for achieving the intended comprehensive conceptualization. Based on our explorations and considerations, we would like to finish by highlighting some essential measures to combat age discrimination:

- The formulation by governments of a set of general constitutional and age-specific norms and legal criteria that specify age discrimination.  
- The establishment of authorized institutional bodies for combating age discrimination: for instance, commissioners for human rights, special commissioners for age discrimination, offices for combatting discrimination, or special ombudsmen for age discrimination.  
- The formulation and implementation of appropriate age-related policies, including contextual societal components, regarding: welfare services related to well-being, health, education, housing, community development, and other supportive services; antidiscrimination policies concerning labor legislation, socioeconomic security, and so on; and public involvement in developing and sustaining inclusive communities, for instance by stimulating intergenerational communication and dialogue.

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