

ACTIVE AGEING AND LABOUR LAW EUROPEAN (AND AUSTRALIAN) PERSPECTIVES

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Population ageing is a worldwide phenomenon. This matter led the European Union to declare 2012 "The European Year for Active Ageing", and to the review by the Australian Law Reform Commission of Commonwealth legal barriers to older persons participating in the workforce. A major text on active ageing and labour law also published in 2012. This paper provides comment on these developments.

Le vieillissement de la population est un phénomène mondial. Ainsi, alors que l'Union Européenne déclarait l'année 2012, 'Année européenne du vieillissement actif et de la solidarité intergénérationnelle', le gouvernement Australien entreprenait à la même époque, sur la base des travaux de l'"Australian Law Reform Commission of Commonwealth legal barriers to older persons participating in the workforce or other productive work", une large réflexion qui devait conduire à une complète refonte de partie du droit du travail et social australien. L'auteur présente sous forme d'une étude comparative ces deux initiatives.

It is not enough [for a great nation] merely to add to the years of life. Our object also must be to add new life to those years.

(President John F Kennedy, 1963)**

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

(EU Charter of Fundamental Rights, Article 25)

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** News Conference 50, State Department Auditorium, 21 February 1963, as quoted in AC Neal "Active Ageing" and the Limits of Labour Law, in F Hendrickx (ed) *Active Ageing and Labour Law* (Intersentia, Cambridge, 2012) 31 at 41.

I INTRODUCTION

Every year the European Union seeks to draw public attention to a particular *cause célèbre*. Thus, while it may have gone unnoticed in other parts of the world, 2012 was designated 'European Year for Active Ageing'. The general idea is to raise awareness about the positive contribution older people make, and continue to make, to society. The EU's decision may not have been entirely altruistic. Europe's population is ageing and this comes at a financial cost, to be borne – at least in part – by a shrinking working-age population. Not coincidentally, the full title of the 2012 designation then reads 'European Year for Active Ageing and Solidarity between Generations'.¹

Europe is not alone: Western society as a whole faces a growing shift in the demographic composition of its population base. Even in so-called 'new world' countries concern is being raised about the ramifications of an ageing citizenry. Thus in 2012 the Australian Law Reform Commission was asked to review any (Commonwealth) legal barriers to older persons participating in the workforce. The ALRC reference arose out of concerns about the implications of an ageing population, including a recognition that expanding the workforce participation of older Australians might 'go some way' to addressing such concerns.² The results of the ALRC inquiry were published in 2013.³ Expanding the workforce participation of mature-age Australians has been identified expressly as one 'strategy' in reconciling rising longevity with declining fertility rates.⁴

The relationship between active ageing and labour law is the subject of a multi-authored book, edited by Professor Frank Hendrickx from the University of Leuven, and dedicated to the *doyen* of European labour law, Professor Emeritus Roger Blanpain, at the occasion of his 80th birthday.⁵ The book, especially when juxtaposed with ALRC Report 120, provides a fertile basis for comment and reflection.

1 Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations, *OJ* L246/5, 23 September 2011. By contrast, 2013 is the European Year of Citizens and is dedicated to the rights that come with EU citizenship.

2 ALRC, *Access All Ages – Older Workers and Commonwealth Laws*, Report no 120, Canberra, 2013, 5.

3 *Ibid.*

4 Speech by ALRC President Professor Rosalind Croucher at the launch of Report 120, Parliament House, Canberra, 30 May 2013.

5 F Hendrickx (ed) *Active Ageing and Labour Law* (Social Europe Series 31, Intersentia, Cambridge/Antwerp/Portland, 2012) 320 pp.

II SOME DATA

A Population Figures

Population ageing is a world-wide phenomenon. On a global level, the number of people aged 60+ is anticipated to increase more than three-fold to over 2 billion in the first half of the 21st century. Intriguingly, that increase is expected to be most profound in the rapidly industrialising parts of the world: over 80% of 60+ people will be living in developing countries by 2050.⁶ Of special interest for the West then is that the number of so-called 'older old' persons – those 80 years of age and over – is predicted to reach 'unprecedented' levels in the developed world by that date.⁷

For the EU the most recent picture of an 'ageing Europe' is provided by its own office for statistics, Eurostat.⁸ There should be no cause for immediate alarm. While there has been a significant increase in the proportion of 65+ persons in recent decades, in 2010 their share of the total EU population amounted to 17.4% only. What this figure masks, though, is a considerable variation within the EU-27. Some Member States (most notably, Germany, Greece and Italy) recorded increases in excess of 5% over the period of 1990-2010, compared to increases of less than 1% in Denmark, Sweden and the United Kingdom. One particular Member State, Ireland, even showed a 'tiny' drop in its share of 65+ people.⁹

The trend is for the percentage of 65+ people to grow steadily but at different rates in individual countries. At one extreme is Germany, where 65+ persons are expected to represent 31.5% of the total population by 2050. The equivalent percentages for the Netherlands and Denmark are 25.1% and 23.8%, respectively. By contrast, in the USA the number of 65+ people as a percentage of the total population is projected to reach a more modest 20.2% by the middle of the century – up from a relatively low base of 13.1% in 2010.¹⁰ Australia occupies a position

6 AC Neal "'Active Ageing' and the Limits of Labour Law" in Hendrickx, above n 5, 31 at 33 (citing United Nations figures).

7 Ibid.

8 EUROSTAT, *Active Ageing and Solidarity between Generations: A Statistical Portrait of the European Union 2012* (Luxembourg, 2011).

9 Neal, above n 6, at 33-34.

10 A Jacobs "Active Ageing and Labour Law in the Netherlands" in Hendrickx, above n 5, 263. See also AL Goldman "Age Discrimination Law – A Perspective from the USA" in Hendrickx, above n 5, 115ff.

in between that of Europe and the USA: it is estimated that not quite one in four Australians will be aged 65 years and over by 2044-2045.¹¹

B Active Labour Force Figures

In terms of active labour force figures, Professor Neal draws attention to some fascinating data. Worldwide, the participation rate of older men is said to be falling at a time when that of women is rising. It helps explain why the overall participation rate of older people remains unaltered at around 20% of persons aged 65 or over. Regionally, the participation rate of older people is on a downward trajectory both in Europe and in Africa, roughly steady in Asia, and on the increase in the Americas and 'Oceania'.¹²

In Europe the data for 2010 indicate that the EU-27 labour force included 58.1 million persons aged 50 to 64 and a further 4.1 million aged 65 or over.¹³ The labour market participation rate of the 55-64 age group is expected to grow from a relatively low 47.5% in 2007 to 62.5% by 2060, and with most of that increase to occur by 2020.¹⁴ Projections by Eurostat are that, by 2060, the ratio of 'working age' people able to support those aged 65 and over is two to one.¹⁵ Australia can expect to fare somewhat better with a ratio of 2.7 by 2050.¹⁶

III THE ISSUES

Increased longevity is a blessing in disguise for society. On the one hand, it can act as a counter balance for falling fertility rates. Older persons also provide a source of inspiration for the younger generation. They can pass on valuable – life and work – experience. They instil an element of stability and tradition in a rapidly changing world. The need for people to be cared for during the later stages of life even can provide a source of employment for others. But an ageing society also comes at a cost in terms health and nursing care. Inadequate (individual) retirement incomes can place further stress on the public purse. Traditional inter-generational solidarity inevitably risks being strained where ever larger numbers of elderly

11 ALRC Report 120, above n 2, 19 [1.2], referring to a document by the Productivity Commission: *Economic Implications of an Ageing Australia* (2005), xiv.

12 Neal, above n 6, at 38.

13 Ibid, at 39.

14 Ibid, at 40 (Table 7).

15 European Commission, *Proposal for a Decision of the European Parliament and of the Council on the European Year for Active Ageing (2012)*, SEC(2010) 1002, Brussels, 6.9.2010, COM(2010) 462 final, Explanatory Memorandum, 2.

16 ALRC Report 120, above n 2, 19 [1.2], referring to the Productivity Commission's *Economic Implications of an Ageing Australia* (2005), xiv.

persons – the baby boomers! – become dependent on being 'looked after' by a shrinking proportion of the still 'active' population.

From a labour law perspective, one widely discussed solution has been to encourage mature-aged workers to postpone their retirement. Apart from raising the minimum retirement age or abolishing compulsory age-triggered retirement altogether, various ways can and are being explored better to 'accommodate' older workers through flexible working time arrangements and the like. Within Europe, Sweden counts as a success story in this regard. Nyström notes the high (and rising) participation rate of the elderly in her country: 71% of the Swedish population between the ages of 55 and 64 was actively employed in 2012, up from 62% in 1987, with the number of people over 65 wanting to work doubling in the past decade alone.¹⁷

It is not always smooth sailing, though. Professor (emeritus) Manfred Weiss observes that a German government decision to raise the regular retirement age from 65 to 67 proved unpopular even in that country.¹⁸ A recommendation by the Australian Productivity Commission in November 2013 to lift the pension age to 70 similarly drew a mixed public response. Certainly, where the right to work effectively becomes a duty to work (longer), the notion of 'active ageing' loses some of its lustre. Typical are developments in the Netherlands where (generous) early retirement schemes have been cut back drastically and the age at which workers qualify for full pension rights (whether under public or private schemes) increased steadily albeit gradually. Together with other participation 'stimuli' for older persons, the average age at which workers leave the Dutch labour force now sits at 63 years.¹⁹

And then there is the risk of collateral damage. During the current period of (prolonged) sluggish economic growth, young unemployment represents a formidable challenge in its own right. Might 'active ageing' campaigns negatively affect the chances of gainful employment – and subsequent career development – by newcomers to the job market? Professor Nyström, for one, dismisses any such

17 B Nyström "Active Ageing and Labour Law in Sweden" in Hendrickx, above n 5, 233 at 258-259.

18 M Weiss "Active Ageing and Labour Law in Germany" in Hendrickx, above n 5, 215 at 230-231. Note that, as 2013 drew to a close, the political agenda of the newly formed Government coalition led by Angela Merkel includes a lowering of the retirement age.

19 Jacobs, above n 10, at 273.

concerns as based on ill-founded 'prejudice'.²⁰ Stronger, she argues that society should adapt to the growing number of elderly, not the other way around.²¹ Nyström thus favours further legislative change that would require employers to adopt pro-active measures to combat old-age discrimination in line with existing laws on gender equality.²² With respect, if only things were that simple!

Inter-generational solidarity inevitably means different things in different countries, even within Europe. For the EU a common legal framework was put in place in 2000.²³ The choice of instrument, a Directive, ensured that all Member States commit to the same overall objective while yet allowing for some discretion in the manner of national implementation. Ultimately, the uniform application and interpretation of Directive 2000/78/EC is the responsibility of the European Court of Justice. The relevant case law is examined in greater detail below. The limits of a judicial approach to what is, in essence, a political issue must be acknowledged upfront, though. Writing for the Netherlands, Jacobs doubts whether the impact of the Directive has been unequivocally favourable for older workers. He expresses his pessimism in the following terms:²⁴

[The Directive] has upset the trend to support the employment of older workers by giving them shorter working hours and longer holidays. It has led to the abolition of the last-in-first-out rule in collective dismissals, which favoured older workers. It has **not** led to the abolition of the automatic termination of the contract of employment at the moment of reaching the retirement age. It has **not** helped unemployed older workers to gain access to jobs from which they were excluded out of discriminatory motives. For these reasons one may seriously ask oneself if the rules on age discrimination have really been a big gain for older workers.

IV CASE LAW OF THE ECJ

Council Directive 2000/78/EC establishing a General Framework for Equal Treatment in Employment and Occupation is the core legal instrument on active ageing in Europe to date.²⁵ As its long title suggests, the reach of Directive 2000/78/EC is not limited to age discrimination. Recital 8 of the Directive, rather

20 Nyström, above n 17, at 260.

21 Ibid, at 258.

22 Ibid, at 261.

23 Council Directive 2000/78/EC establishing a General Framework for Equal Treatment in Employment and Occupation, *OJ*, 2 December 2000, L 303/16. See also the discussion sub IV below.

24 Jacobs, above n 10, at 273 (my emphasis).

25 *OJ*, 2 December 2000, L 303/16.

awkwardly perhaps, places age side by side with disability. In this it recalls that employment guidelines adopted by the European Council in 1999 stressed the need to foster social integration in the labour market. Recital 11, for its part, lists discrimination based on age along with religion (or 'belief') and sexual orientation as undermining the objectives of the EU treaty. All are factors of discrimination justified 'in very limited circumstances' only, namely where these constitute 'a genuine and determining' occupational requirement and when both the objective is 'legitimate' and, significantly, the requirement itself is 'proportionate' (Recital 23).

When applied to age, the Directive expressly allows for differential treatment where this occurs in the pursuit of a 'legitimate employment policy, labour market and vocational training objectives' (Recital 25). Hendrickx comments that the Directive's standard of justification is relatively less restrictive for age discrimination when compared to the other prohibited grounds.²⁶ This in turn may help explain the rather permissive reading of the Directive by the ECJ as regards active ageing.

Professor Hendrickx identifies proportionality as the main 'legal tool' employed by the ECJ in balancing the interests of individual complainants and the broader public interest in inter-generational solidarity.²⁷ While it allows for flexibility in dealing with individual complainants, the approach adopted by the ECJ makes the outcome of age discrimination cases also 'difficult to predict' at times. In the result, questions remain about 'the [precise] content and meaning of the concept of age discrimination in the European Union.'²⁸

Two cases in point are *Rosenblatt*²⁹ and *Georgiev*.³⁰ Both concern employee challenges to their compulsory retirement. In *Rosenblatt* the employee was a cleaning lady, in *Georgiev* a university lecturer. Each time no infringement of EU law was found. In both cases the Court's reasoning was essentially the same. Most explicit is *Rosenblatt* where the ECJ commented – approvingly – that:³¹

26 F Hendrickx "Age and European Employment Discrimination Law" in Hendrickx, above n 5, 3 at 9-10 (discussing Article 6 of the Directive).

27 Ibid, at 6.

28 Ibid.

29 Case C-45/09, *Rosenblatt v Oellerking Gebäudereinigungsges. mbH*, ECJ 12 October 2010.

30 Joint cases C-250/09 and C-268/09, *Georgiev v Technicheski universitet – Sofia, filial Plovdiv*, ECJ 18 November 2010.

31 Paragraph 44 of the Judgment in *Rosenblatt*.

[T]he automatic termination of the employment contracts of employees who meet the conditions as regards age and contributions paid for the liquidation of their pension rights has, for a long time, been a feature of employment law in many Member States and is widely used in employment relationships.

By way of explanation and justification for the practice alluded to in the above quote, the ECJ observed:³²

It is a mechanism which is based on the balance to be struck between political, economic, social, demographic and/or budgetary considerations and the choice to be made between prolonging people's working lives or, conversely, providing for early retirement.

The nature of this balance to be struck was articulated by the German government in *Rosenbladt* in terms of, primarily, the notion of sharing employment between the generations. The German government added that automatic termination avoids humiliating older workers by not forcing the employer to resort to the dismissal of those who have reached an advanced age on the ground that they are no longer capable of working.³³

The link between old age and the continued ability of the employee to perform work duties is pursued further in the case of *Fuchs*.³⁴ In *Fuchs* the ECJ held that a compulsory retirement policy directed at avoiding disputes about employee fitness for the job beyond a certain age can be legitimate. *In casu* the personnel policy at issue was the compulsory retirement of civil servants and, in particular, public prosecutors in the German State of Hessen.

Fuchs raises a broader issue. What to do when employees demand to continue working beyond retirement? The so-called right to work issue was addressed head-on in *Hörnfeldt* where the ECJ invoked Article 15(1) of the EU Charter on Fundamental Rights only to hold in favour of the collective over the individual. In doing so the ECJ adopted a pragmatic approach. Rather than rigidly adhering to an individual right-to-work principle, it prefers to scrutinise any compulsory retirement scheme against the broader societal interest in allowing for labour force rejuvenation, a balanced workforce composed of younger as well as older people, and – ultimately – work efficiency.

32 *Ibid.* The ECJ referred to its own decision in *Palacios de la Villa*, case C – 411/05, [2007] ECR I-8531.

33 Paragraph 43 of the judgment in *Rosenbladt*.

34 Joint cases C-159/10 and C-160/10, *Fuchs and Köhler*, ECJ 21 July 2011.

Of note is that, in tipping the balance in favour of what Hendrickx calls 'the system',³⁵ the availability of full pension rights to the employee in question is a pertinent factor in the ECJ's deliberations. The same pragmatism is on display as regards seniority-related pay where it rewards experience.³⁶ While approving, Professor Hendrickx would like the legal system to go one step further. In his view, it is one thing to prohibit age discrimination. However, the real challenge raised by the active ageing agenda additionally is how to somehow 'positively' accommodate (old) age in the labour market.³⁷ This is where national differences 'in outlook' really come to the fore.

V NATIONAL PERSPECTIVES: A MATTER OF DIFFERING MENTALITIES AND ATTITUDES

The EU does not have exclusive jurisdiction in matters of labour and employment policy.³⁸ The input of the Member States therefore remains important if not crucial. The approach of each country in turn must be appreciated against a shared backdrop of long-term economic uncertainty following the end of the post-World War II boom period and the recession of the 1970s. At one extreme of the spectre is France. Along with neighbouring country Belgium, France traditionally favours the promotion of labour market 'flexibility' through policy measures aimed at encouraging older workers to leave the workforce so as to reduce competition for ever scarcer jobs. Thus a socialist government in 1983 lowered the voluntary retirement age from 65 to 60 years. In addition, collective bargaining at national, industry and enterprise levels made it financially attractive for mature-age workers to be eased out of active employment. This approach proved popular and in the past three decades early retirement has become firmly embedded as an acquired right in the French psyche. Not surprisingly, France's 39% workforce participation rate by those in the 55-64 age bracket is the lowest of all EU countries.³⁹ Changing mindsets against this backdrop will not be easy!

35 Hendrickx, above n 26, at 21.

36 *Ibid*, 23ff.

37 *Ibid*, at 30.

38 Post Lisbon shared competence is the normal (default) relationship between Union and Member State powers: Article 4(1) TFEU.

39 Rojot cites comparable figures of 60% for Sweden and England; the EU average is 43%: J Rojot "Active Ageing and Labour Law in France" in Hendrickx, above n 5, 201 at 202.

At the other extreme sit Sweden and the United Kingdom. As noted already, in Sweden the participation rate of older workers is high by EU standards.⁴⁰ Surprisingly, perhaps, the highest average retirement age is among its public sector employees: 65 compared to 63 for the overall labour market.⁴¹ While there is no general (compulsory) retirement age, Swedish employers need not justify the dismissal of employees aged 67 and over.⁴²

The United Kingdom finds itself in the envious position of rapidly becoming the 'least aged' EU member.⁴³ Even so, the UK as well experiences a long-term decline in the employment rates of its older people.⁴⁴ This is seen as a problem and it has been official government policy since the late 1990s to increase employment opportunities for older workers.⁴⁵ No 'overall framework' to promote an agenda of active ageing exists, but in response to Directive 2000/78/EC there now is no longer an age at which employers can make their employees retire without risking unfair dismissal complaints.⁴⁶ Initial implementation of the Directive by means of the Employment Equality (Age) Regulations 2006 has since been replaced by the Equality Act 2010. Professors Hepple and Neal note that the most noteworthy provisions of the 2010 Act in respect of 'active ageing' are those which allow for positive action in recruitment and promotion.⁴⁷ Only these provisions are permissive rather than mandatory in nature.⁴⁸

In Australia the key Commonwealth statute governing the employment of 'national system' employees is the Fair Work Act 2009 (Cth). The Act makes no special provision for mature-age workers. One of the recommendations of the ALRC sees the existing right of all employees to request flexible work arrangements extended in order to better accommodate this particular group of workers. However, the ALRC deliberately refrains from making age alone the trigger for any such extension. Rather, it is proposed that the grounds for requesting flexible work be extended to all employees with caring responsibilities,

40 See the discussion part III above.

41 Nyström, above n 17, at 260.

42 Section 33 of the 1982 Security of Employment Act (LAS): *ibid*, at 234 and 240.

43 Projection for 2035: B Hepple and AC Neal "Active Ageing and Labour Law in the United Kingdom" in Hendrickx, above n 5, 275 at 275.

44 *Ibid*, at 276.

45 *Ibid*.

46 *Ibid*, at 279-280.

47 *Ibid*, at 281.

48 *Ibid*, at 291.

'a high proportion of whom are mature aged'.⁴⁹ Further, the ALRC recommends that the government considers extending the minimum notice period for terminating the employment contracts of employees over 45 years of age in recognition of the greater difficulty experienced by this age group in finding new employment.⁵⁰

VI THE LIMITS OF LABOUR LAW

Neal urges caution when promoting the ability of legal rules to obtain the broader societal 'attitude shifting' required to tackle the on-going demographic change.⁵¹ In particular, Professor Neal is sceptical about the ability of labour law to deliver public policy outcomes along the lines increasingly articulated in official declarations and publications at national, supra-national (the EU) or international (e.g. the ILO and the OECD) levels. He notes the shift in emphasis over time when regulating age-related matters in the labour market, from the initial outright prohibition of 'discrimination' to the subsequent, and more ambitious 'equal opportunities' type of provisions and, currently much in vogue at EU level, the even more idealistic invocation of an 'equality' banner.⁵² Neal reflects how, once one moves away from the (to some) old-fashioned discrimination type of provisions, the degree of 'soft law' inevitably increases.⁵³ Worse, the collateral damage done by the utilisation of a framework of 'equality' as between workers of any age (whether young or old) to his mind is significant. Of particular concern is that once well-entrenched seniority-based reward systems have become suspect if not outright unlawful, even where they were the product of collective bargaining and thus had obtained the 'seal of approval' of the social partners themselves.⁵⁴

49 ALRC Report 120, above n 2, 85 [4.40]; Recommendation 4-5.

50 *Ibid.*, at 92 [4.64]; Recommendation 4-7. The Report notes that the average duration of unemployment for people aged 45+ was 62 weeks in May 2012, compared to 34 weeks for job seekers aged 25-44: *ibid.*, at 93 [4.66].

51 Neal, above n 6, 31 at 32.

52 *Ibid.*, at 49.

53 A paucity of legally enforceable individual employee rights also typifies the Recommendations contained in ALRC Report 120.

54 Neal, above n 5, at 52-53.

VII WHERE TO FROM HERE? OLD-AGE PERSONS AND MATURE-AGE WORKERS DISTINGUISHED

To place the active ageing debate in its proper context, a distinction ought to be made between mature-age workers and old-age persons. Admittedly, the latter category is easier to define than the former. Old-age people are those who have reached the conventional retirement age. While there can be some variation in identifying a precise date, not just between countries but also in terms of professional activity, the age of 65 provides a convenient reference point. Assuming always that adequate financial safeguards are in place to support this segment of society in its twilight years,⁵⁵ there can be no 'right' to continue working whenever this jeopardises the employability – or indeed the career prospects – of young(er) people. Put differently, inter-generational solidarity works both ways.

No matter how one defines the normal retirement age, mature-age workers are below this 'cut-off' point. For Australia the Australian Bureau of Statistics defines as 'mature age' anyone over 45 years. Somewhat confusingly, these very people also qualify as 'older persons' for purposes of the ALRC's Terms of Reference.⁵⁶ By contrast, within the framework of the EU's Employment Strategy to encourage older workers to stay in employment while simultaneously adapting their working conditions, the focus is squarely on the 55-64 age group.⁵⁷ Any accommodation for these workers must be in terms of flexible working conditions, adaptation of health and safety standards, updating of skills through better access to life-long learning and, not least, a review of tax and benefit systems – if only to ensure that 'effective' incentives exist for those who wish to stay in the workforce longer.⁵⁸

ALRC Report 120 covers similar ground but it also goes further. Its Terms of Reference asked for participation in the workforce 'or other productive work' to be looked at.⁵⁹ In this regard the Report's Recommendations draw attention to the rise in unpaid work by carers and the complex interaction between paid workforce participation and unpaid work, especially where the same person has to balance both activities. The approach to law reform in the Report therefore necessarily includes a mix of strategies directed at not just legislation but also codes of practice, guidelines, education and training. Like climate change, active ageing

55 Financial security is an important consideration in the ECJ case law on age discrimination discussed above part IV.

56 ALRC Report 120, above n 2, 6.

57 European Commission, above n 15, Explanatory Memorandum, 2.

58 Ibid.

59 ALRC Report 120, above n 2, 5.

clearly is an issue that has only started to raise its head. As a public policy issue it is bound to occupy the mind of young and old well into the foreseeable future.⁶⁰

⁶⁰ Less clear is the incoming Coalition government's attitude: in November 2013 it abolished a specialist Advisory Panel on Positive Ageing.