Redefining retirement: age equality and the rise of performance management

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Abstract
The ending of the default retirement age in the UK accelerated an existing trend towards the systematic management of individual performance. Employees who fail to perform as required are now to be ‘managed out’: this expression is now common management parlance. The changes to the retirement regulations were aimed at extending individuals’ choices, but with the use of performance management (PM), employers have a new tool with which to control the time and manner of retirement. Trade unions have had little success in preventing this trend and tend to see their role as one of ameliorating management excesses. But, since procedures introduced to manage older workers necessarily apply to all members, a re-evaluation of this position is required.

Introduction
This paper is an attempt to answer a simple question. In the absence of a fixed retirement age, how does ‘retirement’ happen? Working life comes to an end at some point, but now that this point is not set out in law or, in most cases, in employment contracts, how is it defined, how is it contested, and crucially, how much power do workers have in the decision making process, either as individuals or as union members?

The end of the ‘default’ retirement age (DRA) in 2011 was presented in terms of equality and individual freedom (DWP, 2010). The consultation document on ending the DRA emphasises that older workers should not be denied the opportunities that are to be gained from continuing in employment; highlights the fairness of the new procedures and individuals’ freedom to decide on when to retire (DWP, 2010). We argue that it has indeed prompted a focus on equality, but equality that judges older workers in comparison with their younger colleagues. It is also an equality based on a strengthened management prerogative and the undermining of worker bargaining power. The change has given rise to a myth: that workers are empowered to remain in work, or to end their working lives at a time that suits them, rather than at a time determined by date of birth or the employer. This is exactly how the new arrangements have been presented by government:

“Most people can now work for as long as they want to” (gov.uk, 2013).
This statement is, of course, extremely misleading. On the one hand, people work for as long as they need to, not as long as they want to. The popularity of early retirement schemes suggests that, given adequate alternative income, many, probably the vast majority, of working people would quit long before they currently do. On the other hand, the decision to remain in work beyond what used to be retirement age is not one that an individual can take unilaterally. Jensen and Øverby (2013) describe the retirement decision as a complex combination of forms of exclusion, reflections of norms and incentives, and voluntary choices, though even in their comparison of Nordic countries they describe people who have no other choice but to retire because they are worn-out and/or rejected by employers. Retirement decisions are now negotiated ones and therefore reflect the relative powers of employer and employee. In this sense, the change typifies an approach to deregulation that treats employment relationship as one between equal parties.

A focus on individual freedom is both a response to a democratic/fiscal imperative and a mechanism that promotes formal equality. Notwithstanding diverse theoretical perspectives, recent literature has tended to assume, a) that the extension of working life is a ‘good’, or at least a necessary thing, b) that this is a matter for older workers to decide and, c) that in the absence of artificial constraints, many older workers will remain as productive members of the workforce (Radl, 2012). What is largely missing from this analysis is, first, a recognition that the idea of individual choice at work is a misleading abstraction, since retirement decisions are mediated by workplace employment relations and, second, the fact that the new regime creates flexibility for management as well as workers.

Since employers can no longer rely on workers leaving at a predetermined date – and, in the case of low paid jobs, cannot be confident that workers will feel financially secure enough to retire voluntarily until well into old age, they require a mechanism in order to remove staff who are deemed unproductive. Employers are now encouraged - indeed forced - to ‘manage-out’ such employees. Danson and Gilmore (2012, p. 1329) found this to be an established practice, suggesting that “performance development and review (PDR) needed to be embedded into the system of staff management or it would be seen as a way of managing people out of the organisation.” Management control over ‘retirement’ is thus retained by means of a renewed emphasis on the measurement and management of performance. Although employers cannot dismiss staff purely on the grounds of age, they are able to do so where there is demonstrable under-performance. All abilities decline at some point, even if this is later than employers commonly acknowledge, and so performance management (PM) creates the opportunity to identify and ultimately remove individuals who fall below the benchmark set. The perverse consequence of this, from the perspective of age equality, is that older workers may now be eliminated at an earlier age than would previously have been the case.

There has been a renewed interest in performance management recently, prompted, in particular, by the effect of specific management techniques such as the numerous incarnations of ‘lean production’ (Carter et al, 2013; Newsome et al, 2013; Taylor, 2013). The focus of these studies has primarily been on the role of performance management in intensifying and controlling the work process. Less frequently noted is the effect of PM on employment security. By making continued employment contingent on unilaterally-defined and often arbitrary targets, PM shifts the balance of power towards the employer. Just as importantly, since even ‘absolute’ performance
criteria are defined relative to work group norms, PM tends to undermine collective representation by introducing competition into the workplace. In introducing a more formal approach to performance management as part of their response to the abolition of the DRA, employers are acting under firm and consistent guidance. Although management writers have argued for some time for a ‘holistic’ or ‘strategic’ approach to managing performance management (Armstrong, 2005), the term has most frequently been associated with periodic appraisal interviews, which are confined to larger employers and are often treated with disdain by managers and employees alike. So, although performance management is not new, in the sense that management is intrinsically about the wage-effort bargain, the role of individual appraisals has often been unclear and uneven, with only an implicit link to higher-level organisational priorities or to formal procedures. In this analysis, widespread scepticism about performance appraisal is often justified, because a narrow focus on evaluation is meaningless unless the process is aligned with business strategy and leads to solutions. Integrated approaches to performance management, on the other hand, promise a range of benefits for employees (e.g. increased self-esteem), for the manager (differentiate between good and poor performers) and for the organisation (better protection from lawsuits) (Arguinis et al., 2011).

In ‘best practice’ management guidance over many years, attention has commonly focussed on the developmental role of appraisal, rather than the consequences of evaluation. For example:

“The main aim of appraisals is to help employees improve their performance. The appraisal system should not be used to discipline poor performers”

(ACAS, 2006)

This guidance was silent on the mechanism linking appraisal with formal disciplinary or capability proceedings. How, when, or indeed whether managers chose to tackle persistent ‘under-performance’ was regarded as a matter of judgement and some employers may have been reluctant to penalise loyal older workers (Barnes et al, 2009). This has now changed to the extent that actively tackling underperformance, by disciplinary sanctions if necessary, is presented as the fundamental purpose of appraisal.

“…there may be occasions when, despite adequate support, an employee’s performance consistently fails to reach the required standard. Where this is the case managers must not duck the issue.” (ACAS, 2014, emphasis added)

If the prime aim is formal equality, then this is a logical and consistent position. Standards must apply equally to all and older employees cannot be allowed to ‘wind-down’ in their final months or years at work (compare White, 2012). For this reason, advocates of older workers rights have been among the most explicit:

“… employers should not be using retirement ages as a substitute for performance management” (TAEN, 2010)

To summarise, the abolition of the default retirement age was the expression of a particular view of age equality: one that focuses on ‘sameness’ between all members of the workforce, not difference (Liff, 1999; Beck and Williams, forthcoming). In the vast majority of cases, employees cannot now be required to ‘retire’ because of their age. They now have an equal opportunity to be judged alongside their younger
colleagues on the basis of their abilities and their performance. The consequence of this is that adequate performance is the prerequisite for continued employment and performance management is the logical mechanism for assessing this. Whilst assessing employees’ performance has always been an integral part of management, it now becomes a central requirement.

So what has ‘replaced’ retirement? The remainder of this article considers how older workers end their working lives and how the process of retirement is managed. Further, since PM mechanisms need to apply to all age groups, we ask what are the wider implications of the end of the retirement age for employment security and employment relations more generally. Before we outline our argument in more depth, we provide information on the data on which this paper is based.

Methods
Three years after the end of the DRA, it remains unclear how individuals end their working lives and how these instances of what would have been termed ‘retirement’ are now classified. Three data sources were utilised in an attempt to shed light on the developments that are occurring to the process of retirement.

First, an initial analysis of the Labour Force Survey was undertaken. As will be discussed below, no clear trends are apparent in the LFS data, in part because the category ‘retirement’ continues to be used in cases where the individual is entitled to an occupational pension, but this now masks a range of possible contexts. To understand how and why retirement happens, the focus needs to be narrowed to the employer and workplace level.

The local authority library service was selected for this part of the study because of its distinctive age profile and because it has been a consistent target for ‘efficiency savings’. 35.2% of public library service employees are aged between 55 and 64. This is higher than for the local government workforce as a whole or the public sector in general (16% in both cases). The corresponding figure for the private sector is 12% and for the whole economy 13% (LGA, 2011). As the discussion below highlights, ‘retirement’ is often the first option in the search for cost savings. Indeed, cuts over the past five years have already resulted in many older workers leaving employment.

The history of cuts to the library service dates from well before the 2010. The social value of libraries and the often life-changing effect they have in individual cases is undeniable (Rooney-Browne 2011, Goulding 2006), but it is not recorded in councils’ ‘metrics’ and is therefore easily ignored. There remains a statutory duty to provide ‘comprehensive and efficient’ service, but the meaning of these words is constantly being questioned and tested (Davies, 2010; Casselden et al. 2014), with the emphasis increasingly on ‘efficiency’. For these reasons we would expect the library service to be an early indicator of any impact of the ending of the DRA.

Our employer survey was conducted in the form of a Freedom of Information (FoI) enquiry. FoI provisions are now an everyday tool of investigative journalism, but are still under-used and poorly understood by academic researchers. Although the information required in this case was neither sensitive nor difficult to collate, it was likely that a significant number of authorities would not respond. The strength of the FoI approach is that, assuming that the request is formulated appropriately, a reasonable response rate can be expected. This is particularly true if researchers can
identify exactly the data or documents required (Savage and Hyde, 2012). In our case, with a response rate of 76%, our survey generated a large amount of usable data. However, FoI also has limitations. First, only public authorities are bound by it. So in cases where library services have been outsourced to private companies or ‘social enterprises’, information is generally not accessible. Second, not all of this was usable for comparative analysis since many questionnaires were incomplete. With a large sample, the option of appealing all refusals and partial responses would have been prohibitively time consuming.

The more important shortcoming of this part of our research was that, as with the LFS data, categories used for leavers (‘retired’, ‘ill health’, etc) are extremely imprecise terms and say very little about the actual reasons for leaving. In particular, we cannot assume, when a local authority lists a retirement, that this took place entirely voluntarily, that it took place at the time of the individual’s choosing, or that it was long-term (i.e. that the individual didn’t find other employment after retiring from the library service). The data set nevertheless provided some general insights into how local authorities have dealt with the changes in the retirement regulations.

The third data source consisted of ten telephone interviews with Unison library stewards. In most cases contacts were obtained from branch websites. We also made use of ‘snowballing’ techniques by using referrals from previous interviewees to colleagues or contacts in other branches. We do not claim that our small sample of stewards was representative in any statistical sense, either of stewards across the country or of employing authorities. The aim, though, was to elicit views as to how retirement and performance are managed in libraries so as to throw light on the aggregate picture given by LFS and employer data.

How do we retire when there is no retirement age?
Not all retirement is likely to be contentious but equally, it cannot be assumed that without a clear cut of date or age, that all retirement decisions will be made on the basis of harmonious discussions between employer and employee. Dismissal, whether leading to retirement or otherwise, cannot now be justified on the grounds of age alone and local authority policy documents note this point assiduously. Staff are not now to be forced, or even asked, to retire. In response to a question asking how staff are advised about retirement options, one council states:

“As there is no longer a default retirement age, all retirements are either voluntary or ill health retirements.” (FoI response)

However, as will be shown in the following, the categories that are used to describe how individuals leave employment tell us very little about the process that preceded this or the degree of choice involved. We need to understand how the end of working life is managed and to what extent this is a negotiated decision. Following the end of the DRA, and assuming that retirement is entirely voluntary, it would be reasonable to expect that the number of those retiring from a job would change. The most likely scenario would be a decrease of those who retire, with a corresponding increase in other categories. Thus far no such trend is apparent, although there are indications of how retirement may mean quite different things to different groups of workers and how the word ‘voluntary’ may mask many other factors. Categories such as ‘dismissed’, made ‘redundant’/‘voluntary redundancy’, ‘gave up work for health
reasons’ or took ‘early retirement’ are not specific and could hide a number of organisational and individual differences, including age related considerations.

**Table 1: Age bands x reason leaving last job**
% within 60-64 age band, routine occupations (LFS data)

**Table 2: Age bands x reason leaving last job**
% within 60-64 age band, Higher managerial and professional
This comparison highlights the fact that the ending of the DRA means something quite different for different socio-economic groups. The only clear trends are an increase in the number of more senior workers taking ‘early retirement’ and a similar increase in those leaving ‘routine’ jobs because of ill health. For those who neither have the power to negotiate, nor the ability to remain in strenuous or stressful work, options are limited. Nevertheless, the LFS categories make it very difficult to explain these developments. Neither ‘health reasons’ nor ‘early retirement’ tell us how this decision was reached or why it was necessary. Our FoI and interview data provide some insights into what lies behind these broad categories.

In some authorities, the end of the DRA, a move intended to promote extended working lives, was the cue for a wave of enforced retirements as employers tried to beat the deadline.

“As soon as the law change was on the horizon, the general manager started enforcing retirement on people who were approaching or past normal retirement age of 65. And we dealt with a number of appeals and grievances because people didn’t want to go. It was very distressing. The upshot is that at least one has come back as a casual, but he’s lost his continuity of service & his terms and conditions. It was borderline whether that was legal, but they made a huge effort to get people out before the law changed. (Interview, steward 7)

Changes in retirement law thus have both planned and perverse consequences. This is also true of the longer-term effects. We argue that an ostensibly age-neutral approach to evaluating performance may, in fact, make it possible to remove older workers earlier and more easily than was previously the case. Whilst there is little evidence to
date of grievances produced by the new regime, this is partly because the process leading to employee ‘exit’ is often opaque.

“I haven’t had any cases of people saying ‘Help, they are forcing me to retire or take voluntary redundancy and I don’t want to volunteer’. But everybody knows it’s not entirely true and sometimes the person has just been put into an impossible position.” (Interview, Steward 4)

Further, the importance of these changes is that their effects are not only felt by older workers. By definition, age equality is about everyone and changes intended to affect those at the end of their working lives have consequences for the entire workforce. The first signs of this were apparent to unions soon after the DRA ended (Danson and Gilmore, 2012), but considering the potential impact, there has been a surprising lack of attention given to the new wave of PM.

Changing performance management in the public sector
Performance appraisals in the public sector are often titled PDR (Performance and Development Review), indicating that the process serves two linked functions: to evaluate how well the individual is performing in the current role, but also to allow the individual to fulfil their potential. This latter function might involve training, mentoring or changes in work content. In the library service, as in much of the public sector, the latter function has been more obvious than the former since the introduction of routine appraisal. This emphasis has given rise to a common criticism: that the appraisal process often has little to do with performance and any evaluative element often seems spurious and detached from any broader organisational concerns. This, at least, is the charge made by those management writers who argue for a more ‘strategic’ approach. Strebler (2001) for example suggests that appraisals are often not fit for purpose precisely because they are asked to do too many things at once. For others, a focus on performance is nothing if it is not ‘a holistic, total approach to engaging everyone in the organisation in a continuous process’ (Armstrong and Baron, cited in Chubb, 2011: 5). The attempt to do this is what is signified by the change of rhetoric: from performance review to performance management. This has been a longer-term trend, but some stewards note a step change:

“There was a definite change around 2010. Before that, we had PDR, but it was more about ‘What can we do to help you?’. After that it became more of a mechanical exercise, ticking boxes and giving scores. (Interview, steward 10)

The dilemma is apparent in local authority PM policies: there is a clear aim, at least at the rhetorical level, of ‘aligning’ individual performance with organisational priorities, yet this level of generality is rarely a meaningful guide to the specificities of the work process. Authorities are left attempting to balance the need to ensure conformity with the need to encourage initiative and discretionary effort. Yet, despite a repeating cycle of failure and reinvention, the clear trend is that authorities are adopting a ‘harder’ approach and that PM is becoming more closely focussed on tackling underperformance and eliminating underperformers. The developmental side still exists, but the PM process – often depicted in flowchart form – is one driven by results.
Some form of performance management is now standard in local authorities. The very few councils that still do not operate a consistent approach to appraisal are aware of being behind the trend: “We are a late developer” (FoI response). A common thread is some attempt to portray PM as part of a strategic effort to inculcate an engagement with ‘corporate values’ at all levels.

“Everyone understands how their work contributes to the bigger picture and there is a clear link between individual objectives and Council plans (The Golden Thread)” (Council website)

In other cases broader strategic aims are accompanied by a more direct aspiration about individual behaviour:

“[T]he following statement is at the heart of our values and behaviour: We are proud to work here for the benefit of our customers and communities”

(Council website)

This unitarist alignment of the individual to the organisation is an explicit aim:

“The scheme changed because the council wanted to drive the right behaviours which put the customer at the centre of service delivery; therefore the appraisal needed to focus not only what is delivered, but how it is delivered.” (FoI response)

Converting this level of abstraction into concrete items that have workplace relevance is clearly difficult. A common solution is to use intermediary behavioural descriptors, often extremely nebulous ones. For example:

- ‘A focus on the people of [county],’
- ‘Being Positive’,
- ‘The desire to achieve results’,
- ‘Flexibility’,
- ‘Co-operation’, and
- ‘Speaking Up’. (FoI response)

As Taylor (2013) points out, the vagueness of these descriptors is not accidental, since they make it extremely difficult to challenge managers’ interpretations. When this sort of list is applied to specific tasks, the result varies considerably. In some cases ‘individual’ targets are little more than role summaries, such as “[s]et up and run surgeries on e-books” (Interview, steward 8). In other cases, cryptic and ambiguous descriptors create ample room for local interpretation.

“It’s so nebulous, whatever you do, it can be positive or negative … I thought they were making a mistake, so I suggested an alternative. Next thing I knew I was in front of my manager being told I wasn’t being supportive” (Interview, steward 10)

The room for interpretation is generally more obvious for higher-level posts where, according to Council websites, aims include “creating a compelling future”, whilst underperformance may be for reasons such as having “a negative attitude”; “always taking the easy option”, or seeing “difficulties rather than possibilities or ways forward”. For many junior library staff, though, targets take the form of metrics.
“[Appraisals] focus on basics like attendance, punctuality, sickness absence. They would be looked at if you were on a disciplinary. Also things like whether you’ve been caught misusing the internet. They have monitoring software that tracks everything we look at.” (Interview, Steward 7)

“It’s not quite like time and motion studies, but it’s not far off.” (Interview, Steward 1)

In the library service, line managers have usually ‘come through the ranks’ and are often sympathetic to more junior employees, partly because they face the same sort of performance targets. This relationship is made difficult because of the very limited discretion allowed by PM procedures and the way these are put in to practice by senior management, so that:

“...the only course open to them is to put more pressure downwards. Which leads to attrition and a disproportionate effect on vulnerable workers. Anybody heading to retirement is going to fit into that. Physically weaker, more aches and pains, more sick time, don’t necessarily pick up new tasks as quickly. So it’s quite easy, if you want to get rid of somebody, there are lots of ways you can do it.” (Interview, Steward 7)

But the approach may also be extended to routine aspects of the job:

“People have been timed when tidying shelves and then told ‘you are not meeting the standards’. (Interview, Steward 1)

Even when appraisal is ostensibly based on a specific individual target, this is defined and interpreted with reference to the performance of others in the work group (Armstrong, 2012; Goffin et al., 2009). In other words, even a seemingly absolute criterion is implicitly relative: the quality or pace of one person’s work means nothing except in the context of others’. Managers are often reluctant to make such comparisons, hence the introduction of explicitly norm-based ‘forced-distribution’ schemes that require appraisers to differentiate between individuals’ performance levels. Rather than simple altruism, this reluctance to compare employees probably results more often from the fact that extreme ratings have consequences for managers as well as their staff. This is more obviously the case where pay has a performance-related element.

“We went over to a structure where people could lose pay if they don’t meet targets. So managers would have to go through that process of dropping people down an increment” (Interview, Steward 6).

This creates an incentive for managers to “take the easiest route: down the middle” (Interview, steward 8).

“A five is ‘above and beyond the call of duty’ – because you are not supposed to get five – nobody is absolutely perfect.” (Interview, Steward 5)

“...for the last financial year, every single employee of the library service ‘met expectations’...There was a non-consolidated increment that you would get if you were ‘exceeding expectations. I’ve never met anybody who's got one. Nobody gets it. That’s partly because there are budgetary implications.” (Interview, Steward 8)
Paradoxically, then, the more definite the consequences of appraisal – either reward or sanction – the more difficult it may be to force line managers to use the procedure as intended. However, as we suggest below, the blurring of formal and informal processes in the case of retirement may reduce the cost of such decisions and make it more likely that problems of day-to-day management escalate.

A general trend is that, although appraisals still retain a developmental component, evaluation is now to the fore and there is a conscious effort to make this evaluation serve a purpose. Targets increasingly mirror the priorities set out in mission statements and key performance indicators, while failure to meet these targets is more likely to lead to formal sanctions under disciplinary or capability procedures.

This trend has not been caused by the new retirement regime, but it is given a new impetus, since,

“Organisations’ main concern about the default retirement age being scrapped was how they would get rid of older people who weren’t performing. But all they need to do is use the same performance management processes they use for their workforce as a whole.” (Quoted in CIPD, 2014)

‘Managed-out’: Performance managing extended working lives

Of the respondents to our FoI survey, 59% reported that their policy on PM had changed since 2008. 32% of these said that changes have been introduced to assess competencies or behavioural issues, while 21% said the aim was to align targets with organisational plans or strategy. Only 1% explicitly mentions retirement as an issue and in these cases policies spell out the requirement of age equality.

“Use the appraisal meeting as an opportunity to allow the appraisee to discuss any future plans, aims or aspirations they might have. This may lead to an employee advising of their retirement plans, although it is not advisable for appraisers to ask a direct question on this matter as each employee can now consider when and how they would like to retire…These conversations about future plans should not be limited to younger or older employees and appraisers should familiarise themselves with the Working without a Default Retirement Age guidance on this topic.” (FoI response)

The official position then, is that retirement decisions are the business of the individual employee alone. Performance is managed for the older worker as it would be for any other. This may have consequences where underperformance is identified, but far from targeting older workers, this is the approved method of ensuring age equality. Performance management, as such, has no connection with the quite separate decision to retire.

This view is misleading and the evidence suggests a far more confused picture. One reason is that the same line managers who are responsible for administering appraisals are also the first point of contact when employees are considering retirement. More fundamentally, the fact that two policies exist as separate documents does not make them independent. In this case the blurring of formal and informal gives ample scope for managers to suggest retirement as a ‘least-worst’ solution.
Targets themselves may, in principle, apply equally to all ages (although, as we discuss above, deliberately vague formulation means leaves room for different interpretations). However, these targets have a particular impact on older workers: an impact that is exacerbated by cuts and by changes in the work process. Library work is neither as sedentary nor as relaxed as the popular caricature suggests. This, in itself, may not be a problem for most older workers, but at some point, remaining in work may not seem a realistic option.

“Because of short staffing and the pressure that’s put on staff, the older you get, unless you’ve learned to play the system, the harder it gets. A lot of people find it very tough and end up leaving because they can’t hack it. So even though they say people can work for as long as they want, it’s very tough.” (Interview, Steward 1)

“Since the reorganisation [the job] has been deskill. Somebody with 20 years experience with a particular collection … they are now basically just helping people find money to put in the slot. They are on their feet all day listening to complaints … So they’ve lost their expertise and their self-esteem.” (Interview, steward 9)

In an effort to emphasise older workers’ strengths, those writing about age equality may be guilty of overlooking the fact that all abilities decline at some stage. A policy based on fairness might involve some acknowledgement of this in the allocation of workload. It can be argued that the cost implications of tolerating uneven performance are outweighed by other factors:

“It’s a library, not a car factory. If somebody is getting a bit slower and maybe takes a bit longer answering questions from members of the public, what’s the big deal? We are not on piecework. We are providing a service. And a lot of users are elderly and they find it comforting to see an older person. So as long as there’s no danger involved, I say go on as long as you like.” (Interview, Steward)

This notion of fairness over the course of a working life would justify treating young and old differently: in effect relaxing the pressure on staff in the period before retirement. White (2012) has previously established that such an approach is important in maintaining motivation amongst older workers. This is now impossible for two reasons. First, understaffing rules out any sympathetic allocation of workload.

“Giving reduced duties is difficult because we’ve cut so many of the back office staff. It’s difficult to take somebody off the front line and put them somewhere else.” (Interview, Steward 1)

“Reduced hours are difficult because it’s all hands to the pump now. Keep the doors open by any means necessary.” (Interview, steward 2)

Second, employers are also now more likely to avoid the favourable treatment of older workers on the grounds that it would be deemed discrimination (a view encouraged by the CIPD: 2011). Whereas the concept of fairness over the course of working life might have led to concessions to those approaching retirement – perhaps making some allowance for age-related loss of performance, the focus is now on a
‘synchronous’ approach to equality (Beck and Williams, forthcoming). Equal treatment means equal performance targets, equal work pressure and equal scrutiny.

As well as this objective pressure, there is also the subjective pressure that comes with being a member of a work group faced with the continual prospect of cuts.

“I do think it’s a natural human emotion to feel a little bit of guilt if you are of a certain age, and you think these young people have families and mortgages. So there’s pressure on them. I can’t think of a situation where somebody has worked past 65.” (Interview, Steward 5)

This pressure is invisible. Line managers play a part in it, but not through any formal process. Even before the advent of ‘pre-termination negotiations’ (‘protected conversations’) in 2013, managers used the ‘tap on the shoulder’ to present the options and allow an employee to make the inevitable choice. Where workers choose, or simply need, to remain in employment, their work is more exposed to scrutiny than before and they are under increased pressure to perform or quit.

“If they needed to, they would find a way to get you out. You wouldn’t be given much leeway. They would find some clever way, a very professional way, of pushing you out. They’d set you objectives and then get you out. There’s a bullying culture now.” (Interview, Steward 3)

The terminology of this performance-measurement culture has now become mainstream and indicates a more brutal approach to ‘exits’ in the post-DRA era. Using the threat of disciplinary or capability procedures to force a decision on retirement may, in certain cases, now be seen as a desirable objective.

“The term ‘managing people out’, I only heard that for the first time in 2012. And now it’s common currency with people with disabilities, people whose faces don’t really fit. I don’t want to manage people OUT. I just want to manage people. You are sabotaging them in effect. … [A] guy had leukaemia … and people were being quite open saying ‘Oh we’ve got to manage Phil out’. No we don’t, because he’s perfectly capable of doing the job.” (Interview, library manager)

In a period of cuts, retirement cannot be disentangled from the threat of redundancy (Beck, 2013). The offer of a relatively favourable settlement, rather than awaiting a possibly worse deal through redundancy, is often enough to recruit ‘volunteers’. When low paid workers cannot afford to retire and are tempted to risk their chances, the process may also work against older workers.

“…they were planning to reduce posts and nobody volunteered to go, so they had to go through an interview process. Strangely enough it was the two older [workers] who failed the interview. The interviews should be based on the normal selection process, and in a local authority you have to ask the same questions and ensure equality. Everything is scored. But it was strange that the two older workers would fail a competitive interview when they were more experienced. (Interview, Steward 5)

The term ‘retirement’ has been blurred further by the councils’ attempts to cut established staffing to unsustainable levels. The early ‘Big Society’ rhetoric in 2010
suggested an expanded role for voluntary involvement in providing public services and in the library service the alternative to voluntary cover has often been the complete loss of provision. More common, though, is a reliance on ‘retired’ workers on casual contracts, paid, but at a lower rate and with few employment rights. As far as permanent staff are concerned, these retirees are effectively volunteers, since they are under no obligation to continue and are not under the same pressure to perform as their colleagues.

“And of course the problem is that casual staff don’t always want to go along with this. Why would you? So if they don’t want to come in, they don’t come in. Which makes it very difficult for everybody else.” (Interview, Steward 3)

A summary of what distinguished retirement from simply leaving a job, before 2011, would include three points. First, ‘retirement’ meant that an individual ended their working life on a pre-determined date or, voluntarily, before that date. Second, it typically involved entitlement to occupational or state pension. And, third, it implied finality: if one continues working, one has not retired. None of these three criteria hold true today.

Discussion: Age equality and fairness as collective issues

We suggested earlier that although workers continue to ‘retire’ from work, this word might mean something rather different than it did when retirement was an automatic result of chronological age. When an individual says that s/he has retired, therefore, this tells us very little about how or why they left, or whether they subsequently return to work either paid or voluntary.

While, in one sense, retirement decisions are negotiated, the individual worker rarely has much bargaining power in this. This is no different than other aspects of employment relations; in this case, though, as Taylor (2013) points out in the case of PM, the opportunities for collectivising the issue have been limited. Unions have been unable stem the growth of PM or to influence significantly the way in which schemes operate. They have had more success in the workplace in challenging the detailed working of schemes. However, ‘managed exits’ of older workers, under the guise of retirement, present greater difficulties, since individuals may feel that they have an interest in presenting this as a voluntary decision.

Taylor (2013) notes the remarkably uncritical acceptance of PM by large sections of the academic community. Whereas, in its previous incarnations, PM might have been critiqued as a mechanism for intensifying work and squeezing more out of the wage-effort bargain, the dominant view - that performance management is inevitable and, if approached correctly, beneficial – is now rarely challenged. After all, management is about performance. It is also clear that the management logic has influenced the way unions have responded. At the national level, unions have approached the changes to retirement as an issue of equality, rather than one of workplace relations. This has led to statements that would have been surprising in any other context.

“By failing to appraise older workers, employers aren’t serving the best interests of the individual or the organisation.” (TUC/CIPD, 2007: 24)

Some local stewards also accept PM as a mechanism, even if they complain about iniquitous outcomes. There is a tendency to distinguish between the need for some
form of performance management and the way that managers implement particular systems.

“‘The problem is that performance isn’t monitored closely enough. I haven’t had an appraisal for two years.’” (Interview, Steward 3)

This is a reflection of the changing role of PM. Performance appraisal and performance management are still often regarded as separate processes. For example, the term ‘performance management’ is commonly applied only to those employees whose work has already been identified as problematic: akin to ‘special measures’. In this view, appraisals “tend to be about ‘What are you going to do that’s over and above your role’” (Steward 8). This, as we have suggested, is not now the prime role of PM, whose focus has shifted from development to evaluation, but there is a lag between new management approaches and their consequences.

At employer level, unions have concentrated on ameliorating the worst excesses of management and ensuring that management respects its own rules. Necessary though this is, this prioritisation of effort reflects an inability to exert any more fundamental influence on the way in which PM systems are formulated or use to which they are put within organisations. It may also reflect a faith that PM can, in principle, enforce a degree of fairness by making management decisions transparent. In reality, however, ambiguity and opacity appear to be hallmarks of many local authority schemes. A further underlying assumption is that this transparency is necessary given that there may be a sound management logic to age discrimination.

“We don’t tend to get people coming to us complaining that they are being pressurised to retire – but I could understand management’s position if they did. They’d prefer to have a younger person doing the job” (Interview, Steward 2)

A standardised approach may be seen as enabling actual weaknesses or inadequacies to be diagnosed without this being to the detriment of a particular age-group.

“Within the policy there’s nothing that allows for the fact that – yes – if you are an older worker you may slow down. The difficulty is framing that in a non-discriminatory way.” (Interview, Steward 8)

The targeting of workers deemed to be underperforming is indeed non-discriminatory, in the sense that PM systems demonstrably apply the same procedures and the same criteria to all. Unlike the corresponding age-equality legislation in the USA (Neumark, 2009), UK law does not focus on discrimination against older workers as a defined group, but instead insists on equal treatment of all ages. PM provides the benchmark for such decisions and the new enthusiasm among employers is based on their confidence that rigorous procedures will make dismissals tribunal-proof. The subsequent guidance on ‘pre-termination settlements’ goes one step further in meeting employers’ demands.

The benefit of the 2011 regulations is that workers cannot now lawfully be targeted for dismissal (or retirement) on grounds of age alone. The costs can be counted in two ways. First, we have argued that synchronous equality – the equality to compete on a level playing field – may have be won at the expense of fairness of the course of working life. In fact we suggest that, particularly in a context of cuts and
redundancies, the new regime may result in older workers being forced to ‘exit’
earlier than would previously have been the case and before individuals have an
alternative source of income. Second, and more important in the long term, is that,
with the end of the DRA, a more systematic approach to performance is effectively
mandatory and, to ensure age-neutrality, employers need to apply this to all workers.
Although case law will no doubt complicate this picture, it is now possible to consider
all employment as contingent on (often arbitrary) performance rating. The balance of
power at work has been shifted in employers’ favour and yet the curious lack of
serious critique or opposition suggests either that these consequences have not been
considered, or that they appear to be a price worth paying.

At the workplace level, unions are experienced at tackling the more egregious
consequences of PM, but stewards recognise that this is ‘fire-fighting’. Stewards are
able to insist that procedures are applied consistently and equitably, but there has been
little success in influencing the procedures themselves; for example, none of the PM
schemes referred to here had been ‘negotiated’ in any meaningful sense of the word.
This, of course, reflects the current tenor of public sector industrial relations, but it
also reflects the fact that PM has mutated rapidly into a tool for the ‘managing-out’ of
undesirable employees. The ending of the DRA marked an acceleration of an existing
trend: there is a clear hardening of approach, which increasingly stresses the
evaluative and punitive function of appraisals. Employers have not tended to ‘crow’
about this and in many cases retain the vocabulary of employee development. Unions,
for their part, have had even bigger problems to deal with.

We began by asking, “How does ‘retirement’ happen without a default retirement
age?” It is clear that a meaningful answer to this question is not to be found at the
level of aggregate statistics. Neither is it to be found in abstract arguments about
formal equality. By freeing workers from the need to leave employment on a fixed
date, the end of the DRA means retirement is now quite clearly an employment
relations issue. The continuing use of the category ‘retirement’ obscures the fact that
individual ‘decisions’ to retire are not made by individuals alone, but are the result of
the often opaque pressures of working life. The systematisation of performance
management schemes is quite explicitly designed to enable employers to regain
control over when individuals leave work for good, and in what circumstances they
do so. There are good reasons why unions have struggled to influence this situation; it
is harder to understand why academic analysis has failed even to engage with it.

References
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