



AGEISM

Ageism in the multigenerational workforce

**As the average lifespan and working age increases, more people are choosing to work past retirement—but is ageism an issue faced in the workplace?
Sarah Speight investigates.**

[Nations report](#), the percentage of people aged 65 years or above globally is projected to rise further from 10% in 2022 to 16% in 2050.

With higher life expectancy and the soaring cost of living, people now work well past retirement age, leading to possibly the broadest age range in workplaces seen in developed societies.

Meanwhile, ageism is [described](#) by the UN as “prevalent” around the world, affecting both younger and older people and with “far-reaching consequences for our economies and societies”.

In the workplace, then, could a multigenerational workforce suffer from ageism? And could this be an issue faced in particular by members of the IP community?

A Cinderella issue

[Julie Barrett](#), founder and senior consultant at IP career and business consultancy Purposive Step, is working beyond the age of retirement, but believes that ageism is the “Cinderella” of diversity and inclusivity.

“People rarely talk about it, whether in print or interpersonally,” she says, adding that it can apply to any business, organisation, and sector of life and intersects with other diversity characteristics.

A qualified patent attorney with 40 years of her career spent in IP, she is active in diversity and inclusion (D&I) projects including [IP Inclusive](#), and also sits on or works with various D&I committees, including at the Chartered Institute of Patent Attorneys, the European Patent Institute and at the International Federation of Intellectual Property Attorneys.

She points to cultural differences when it comes to age across the world. “This is a gross over-generalisation, but in the West we tend to devalue people who are more senior in age. We don’t take so much notice of them.”

A transformed environment

[Kevin Mooney](#), partner at Simmons & Simmons, is also working past retirement age and has seen “enormous” change since he qualified as a lawyer in 1972.

“It was very different then—the firms were much smaller,” he says. “And the number of firms in the UK in those days doing IP work at a serious level was relatively few.”

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Janine Swarbrick

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generally retired earlier.

"At my firm, partners tend to retire between 60 and 65, some earlier," he says, adding that this isn't the case everywhere.

"In other firms in the city, there is encouragement to retire between 55 and 60 to create an updraft—you've got younger partners who want to be promoted on the lockstep system, and the only way you can do that is to make sure that people at the top do retire."

Mooney, who is 76, says a series of circumstances led to him working past retirement.

"I didn't ever intend to work this late," he explains. "I was looking at retirement at about [age] 65 when, in addition to continuing to work for clients, I became involved in a major project, which was to create the new Unified Patent Court (UPC) in Europe."

Since then, Mooney has been closely involved in the creation of the new court, including chairing the committee that drafted the UPC's procedural rules, and advising on the translation of those rules into electronic format.

"I was gifted these different roles, which were, frankly, impossible to get out of," he smiles.

The benefits of age

Experience, it seems, is a great deflector of ageism.

[Janine Swarbrick](#) is a senior patent attorney at HGF. In her early forties, she doesn't consider herself to be an older worker yet, but she is passionate about diversity and inclusion. She is involved in HGF's D&I focus group, and is co-lead of IP Inclusive's Non-traditional Families Network.

"I'm probably still going to be working in 25 years, and what would I like to see as an older woman in the workforce when I get there, compared to what I can see now?" she considers.

She says that older colleagues' experience is "absolutely phenomenal".

"Whenever any unusual situation comes up you think, 'I'm going to have to ask that person because they've probably seen it before, they have this vast experience!'"

And indeed, for Mooney, the benefit of his wisdom is called upon regularly.

"Nobody's ever said [to me] no, you can't do that because you're too old or you can't stay on because you're too old.'



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any clients have any queries or questions about how the UPC is going to work.”

And, because he has been responsible for introducing training within the firm, imparting his expertise is a regular task.

“I think I am regarded as helpful,” he smiles.

Age discrimination

Sadly, though, ageism is felt keenly by many—something that is heightened by belonging to other minority groups.

Asked whether he has witnessed ageism against younger colleagues, Mooney says his own firm is “quite collegiate” and invests a lot in training. “I don’t believe they would allow young lawyers to take on something which they didn’t think they were capable of doing.”

Swarbrick makes the point that the traditional image of law firms could be quite difficult for people who don’t fit that image.

“I’m quite lucky to work for a firm which is quite relaxed and progressive in the sense that we’re less like a stuffy law firm,” she says.

“But you certainly do have more traditional firms where I imagine there is prejudice against younger colleagues, [for example] that they can’t take on a bigger project, because they don’t have the experience. Or that they can’t give a woman the job, because she might go off and have children.”

She adds that the subject matter could play a part, too.

“IP can be really complicated. You can’t get it wrong—you can’t overlook things.

“And because IP law is quite a niche area, it can be a bit behind the curve in trying to make things fair for everybody.”

Swarbrick firmly believes that different generations can learn from and support each other.

“If you have a younger colleague, they could be paired up with a more experienced colleague, and they can learn from each other—that would be a good way to make sure that everyone gets the benefit of both parties.”

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Kevin Mooney

The era of hybrid and remote working post-pandemic has impacted how we all work, not least in our increased reliance on technology. Does the stereotype of older workers struggling with tech stand up?

Swarbrick thinks not, emphasising that knowing what counts is more important.

“I think there can be a perception that perhaps older colleagues are less quick to pick up on the technology, but in practice, it’s a balance. If you’ve been in the workplace for longer, and you understand how the business works—you have more of an understanding of what actually counts.”

And if colleagues do struggle, it’s a case of working together to ensure that they can do the job. “The barrier of knowing how to turn your camera on or not shouldn’t be the issue.”

Mooney works mainly from home, spending much of his time on Zoom. He says that working remotely has both benefits and drawbacks.

“Online working works for me, because all my colleagues are now in Europe, so the alternative would be travelling to Europe for meetings.”

He adds that he doesn’t miss the commute into the city. “The one thing that’s really hit me is what a complete waste of time it is.”

But online working is “very tiring”, saying he’s had to adapt to the working day. “If I’m working from home, I normally work for about four hours or so in the morning, and then I adopt continental practice and have a siesta. Then I come back to pick up anything that I’ve left undone for an hour or two in the evening.”

As for the technology, he says he’s a “paper and pencil man”. “It’s been quite difficult to adapt some of the technology, I must say, but I can do the basics.”

Age-inclusive workplace

For a multigenerational workplace to be successful, Swarbrick recommends listening to and trusting employees.

“The pandemic has given us all businesses a great opportunity to say, how can we really get the best out of our workforce?”

“I think that businesses trusting their workforce is something that will help everybody, regardless of their age.”

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