

Redefining retirement: age equality and the rise of performance management

Abstract

How do individuals retire when there is no default retirement age? The changes to the retirement regulations were aimed at extending individual choice, but with the use of performance management (PM), employers have a new tool with which to control the time and manner of retirement. Employees who fail to perform as required are now to be 'managed out'. Therefore retirement needs to be treated as an outcome of workplace employment relations with consequences for all age groups.

Introduction

This paper aims 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 without a specific time to retire being set out in law or, in most cases, in employment contracts, how is 'retirement' defined? How is it contested? And crucially, how much power do workers have to influence the process, either as individuals or as union members? The end of the 'default' retirement age (DRA) in 2011 was presented as a progressive step for equality and for individual freedom (DWP, 2010). Individuals are now free to decide when to retire (DWP 2010). We argue that the new regulations have indeed prompted a focus on equality, but this is an 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 employees' bargaining power.

The changes to the retirement regulations have 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 one determined by their date of birth. This is how the new arrangements have been presented: "Most people can now work for as long as they want to" (gov.uk 2013). This statement is misleading. First, people work for as long as they need to, not as long as they want to. The popularity of early retirement schemes (Taylor, 2013a) suggests that, given adequate alternative income, many working people would quit long before they currently do. Second, the decision to remain in work beyond what used to be retirement age is not one that an individual can take unilaterally. Retirement decisions are now negotiated ones and therefore reflect the relative powers of employer and employee. Although the assumption underlying the changes in retirement regulations is that the employment relationship is one between equal parties, this is rarely the case. Even in more egalitarian Nordic countries, Jensen and Øverby (2013) describe people who have no other choice but to retire because they are worn-out and/or rejected by employers.

A common feature of commentary on these developments has been an assumption that, a) extending working lives is a positive, or at least necessary development, b) this is a matter for individual older workers to decide and, c) 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 a recognition, first, that retirement decisions are mediated by workplace employment relations and, second, that the new regime creates flexibility for management as well as workers. In the following sections, we consider the employment relationship and control exerted

by employers before moving on to individual choice and formal equality. Both need to be considered to understand how retirement ‘happens’.

Employer control of retirement

The assumption that retirement is now a negotiated and mutually agreeable decision has not faced any serious challenge, despite existing evidence of changing employer strategy (Rix, 2013). However, since employers can no longer rely on workers either leaving at a predetermined date, or feeling sufficiently financially secure to retire voluntarily, they require a mechanism in order to remove staff who are deemed unproductive. Whilst it would be unlawful to dismiss purely on the grounds of age, employers are able to do so where there is demonstrable under-performance. Performance management (PM) creates the opportunity to identify and ultimately remove individuals who fall below a set benchmark. All abilities decline at some point and employers are now encouraged - indeed forced - to ‘manage-out’ such employees who are incapable of improvement (Beck and Williams, 2015; DWP, 2011; TUC/CIPD, 2007).

There has been a renewed interest in performance management recently, prompted, in particular, by specific management techniques such as the numerous incarnations of ‘lean production’ (Carter *et al.*, 2012; Newsome *et al.*, 2013; Taylor, 2013b). The focus of these studies has primarily been on the role of PM 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. Although management writers have argued for some time for a ‘holistic’ or ‘strategic’ approach to performance management (Armstrong, 2012), the term has most frequently been associated with periodic appraisal interviews. These are usually confined to larger employers and are often treated with disdain by managers and employees alike because they amount to little more than ‘paper’ exercises (Chubb *et al.*, 2011). Although PM is not new, in the sense that management is intrinsically about the wage-effort bargain, the role of individual appraisals has often been unclear, with only an implicit link to higher-level organisational priorities or to formal procedures. In this analysis, widespread scepticism about performance appraisal is justified, because a focus on evaluation is meaningless unless this is aligned with business strategy. Integrated approaches to performance management, on the other hand, promise a range of benefits for employees (e.g. “increased self-esteem”), for the manager (ability to differentiate between good and poor performers) and for the organisation (protection from unfair dismissal claims) (Aguinis *et al.*, 2011).

Management guidance has commonly focussed on the developmental role of appraisal, rather than its consequences. Successive iterations of ACAS guidance (2006: 15), for example, made clear that:

“The main aim of appraisals is to help employees improve their performance.

The appraisal system should not be used to discipline poor performers.”

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 a matter of judgement and some employers may have been reluctant to penalise loyal older workers (Barnes *et al.*, 2009). This

approach has now changed to the extent that actively tackling underperformance, by disciplinary sanctions if necessary, is presented as the fundamental purpose of appraisal. ACAS guidance now promotes this approach, encouraging managers to deal with underperformance, when necessary through disciplinary action potentially resulting in dismissal:

“[When] an employee’s performance consistently fails to reach the required standard ... managers **must not** duck the issue.” (ACAS, 2014: 29 emphasis added)

The role of performance management is thus consolidated as an essential component of the new retirement regime. In the process, a narrow focus on performance measurement has been prioritised over a broader, employee-focussed focus on employee development (Danson and Gilmore, 2012).

Choice and equality

In the case of longer-established areas of equality, such as sex and race, debate has moved from an exclusive focus on equality of opportunity to recognise that fairness may sometimes warrant unequal treatment. Age equality, as currently interpreted, assumes a narrow and relatively unsophisticated formal equality. The new retirement regime is thus the expression of a particular view of age equality: one that focuses on ‘sameness’, not difference (Beck and Williams, 2015). This is founded on the individual’s right to work, a prominent feature since policy turned away from encouraging early withdrawal from the labour market (Taylor, 2013c).

Weller (2007) has highlighted that a conception of discrimination and equality based on individual ‘human capital’ may be more supportive of employer discretion than of

workers' rights. Post-DRA, management discretion is further strengthened by the way in which this individual equality is defined and tested. Formal equality here refers to a situation in which given criteria must apply equally to all. This can be contrasted with an approach that recognises the specific strengths, weakness and needs of different age groups. Fairness over the course of an employment biography might, for example, justify allowing older employees to 'wind-down' in their final months or years at work; this might reasonably be seen as fair reward for long-term service to the employer (compare White, 2012). Such a-synchronous equality is no longer possible as performance is measured via continual comparison (Vickers and Manfredi, 2013; Beck and Williams, 2015). Older workers now have an equal opportunity to be judged alongside their younger colleagues. Performance, measured and compared in a more-or-less transparent manner, is the prerequisite for continued employment. Whilst performance evaluation has always been an integral part of management, it now becomes a central requirement.

Generalised references to performance management apart, there has been very little detail about the specifics of managing the new retirement regime. The legislative approach taken to age equality in the UK has been characterised as 'reflexive' (Conley, 2012; McCrudden, 2007). The assumption is that employers are not in the habit of hiring older workers voluntarily, but neither can equality be achieved by legal force alone. The current approach, according to some accounts, steers a third way, aiming to promote self-regulation, in place of "command and control" (Hepple, 2011; McCrudden, 2007: 258). Flexible retirement creates a degree of complexity that is not amenable to detailed regulation from above. So whereas claims of age discrimination remain justiciable, the reflexive approach accords a greater role to local deliberation (McLaughlin, 2014).

“The benefits that supposedly derive from this ‘third way’ are that it encourages each organization to engage in its own assessment of the problem, but to deliberate with others in reconsidering whether this is adequate and how far this assessment needs to be reconstructed in light of that deliberation.”
(McCrudden, 2007: 259)

Arguably, this involves an acceptance that ‘pluralistic solutions are desirable’ (McCrudden, 2007: 260) and employers are accorded considerable leeway to implement policies, procedures and standards appropriate for their own circumstances. The outcome, though, appears remarkably uniform. PM is the yardstick of equality, but it is a competitive equality, whose criteria are determined by the employer. Thus far, trade unions have not presented an effective challenge to this trend, in part because PM has drawn legitimacy from the age-equality agenda. The result is an extension of management prerogative over the retirement process, which, together with the use of performance management to monitor individual employee contribution, leaves very little space for choice.

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, what are the implications for employment security and employment relations more generally? Before outlining the argument in more depth, we discuss the data on which this paper is based. Following this, the discussion is presented in three sections. The first consideration is: how do we retire when there is no retirement age? Second, recent developments in performance management in the public sector are outlined. And, third, there is an explanation of how the ability to ‘manage- out’ underperforming staff has changed the meaning of retirement. Finally, the implications of these developments for the workforce as a whole are discussed.

Methods

Four 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 was an analysis of Labour Force Survey (LFS) data. Sixteen quarterly LFS sets were included, spanning the period from January 2011 to December 2014. 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, although this now masks a range of possible contexts. Clearly, the process leading to retirement may now be very different, but such developments have not yet been captured in the way that data is presented. To understand how and why retirement happens, the focus needs to be narrowed to the employer and workplace level.

The second part of the study focuses on the local authority library service, selected because of its distinctive age profile. 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% (LGA, 2011). In addition, library services have been a consistent target for 'efficiency savings' with older workers the main targets. As the discussion below highlights, 'retirement' is still often the first option in the search for cost savings and older workers have indeed been severely affected by cuts over the past five years (Beck, 2013). The social value of libraries and the often life-changing effect they have is undeniable (Rooney-Browne, 2011; Goulding, 2006), but this is

not captured by councils' 'metrics' and therefore easily ignored. There remains a statutory duty to provide a 'comprehensive and efficient' service, but the meaning of these words is constantly questioned and tested (Davies, 2010; Casselden *et al.*, 2015), with the emphasis increasingly on 'efficiency'. For these reasons, changes in the library service workforce may serve as an early indicator of a more general tendency.

Our employer survey was conducted in the form of a Freedom of Information (FoI) enquiry. Although the information required in this case was neither sensitive nor costly 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 and the required data are specified precisely, a reasonable response rate can be expected (Savage and Hyde, 2014). In our case, with a response rate of 76%, our survey generated a large amount of usable data. However, this method also has limitations. First, only public authorities are bound by FoI. In cases where library services have been outsourced to private companies or 'social enterprises', information is generally not accessible. This was the case in 4.5% of responses (non-responses might be expected to increase this proportion). Second, not all data was usable for comparative analysis since many questionnaires were incomplete or provided in incompatible formats, making comparisons between responses impossible. With a census of authorities in England, Scotland and Wales, 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 imprecise and say very little about the actual reasons for leaving. In particular, we cannot assume that when a retirement is listed, that this took place entirely voluntarily, that it took place at the

time of the individual's choosing, or that it was permanent (i.e. that the individual did not return to work). The data nevertheless provides some insights into how local authorities have dealt with the changes in the retirement regulations and the central role of performance management.

The third data source consisted of interviews with Unison library stewards and branch officers. Local authorities that had adopted new PM systems were identified from the FoI responses and 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, including library managers. For the purposes of this paper, interviews with ten union representatives and two managers are used. Such a small sample of stewards cannot be representative in any statistical sense. The aim, though, was to throw light on the aggregate picture given by LFS and employer data. Our interviews suggest that the continuing use of the term 'retirement' may be extremely misleading.

How do we retire when there is no retirement age?

Dismissal, whether leading to retirement or otherwise, cannot now be justified on the grounds of age alone and in our FoI data, local authority policy documents note this point assiduously. Staff are not now to be forced, or 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, the categories – including voluntary or ill health retirement – 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, it might be reasonable to expect a decrease in the number retiring, matched by an increase in other categories. Thus far no such trend is apparent. Presented with the option, employees may still categorise their reason for leaving work as ‘retirement’, even if this was a choice between ‘retirement’ and leaving employment by some other route.

With this in mind, the analysis of LFS data (see Graph 1 and 2) highlights the fact that the ending of the DRA has a distinct impact on different groups. For 60 to 64-year olds in higher managerial and professional occupations, early retirement remains the most common category, with around 50% categorising job separation in this way. For those in routine occupations, the picture is far more complex, but with a clear increase in the number of health-related exits from employment. Nevertheless, the LFS categories make it very difficult to explain what is going on here. The labels used are broad and descriptive: 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.

Graphs 1 and 2 about here.

The lack of any immediate impact of abolishing the DRA may partially be attributed to pre-emptive action on the part of employers. In some local authorities, the end of the DRA - intended to promote extended working lives - was the cue for a wave of enforced retirements as employers tried to beat the deadline.

“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 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)

Whilst the aggregate data show little impact, thus far, of abolishing the DRA, the experience of retirement continues to vary considerably for different groups of workers. The following sections explore the process of retirement for public sector library employees and the role played by performance management. By definition, the use of PM to address age equality means that 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

The management of retirement in the public sector needs to be understood in the context of changing employment relations. 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 job content. The management literature has often been critical of this developmental focus, arguing for a more ‘strategic’ approach. The problem, in this analysis, is that appraisal often has little to do with performance and any evaluative element often seems detached from broader organisational concerns. Strebler *et al.* (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 *et al.*, 2011; 5). The attempt to achieve this strategic focus is what is signified by the change of rhetoric: from performance *review* to performance *management*. This terminology describes the attempt to use appraisal for a purpose and to offer developmental options alongside disciplinary ones in enforcing performance norms. 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 FoI responses and interviews reveal three problems with the process of PM: the need to align individual behaviour; the vagueness of standards; and practical problems in implementing PM systems. First, local authority PM policies have 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 towards a ‘harder’ approach: PM is becoming more closely focussed on tackling underperformance and eliminating underperformers. The developmental side still exists, but the process – often depicted in flowchart form – is one driven by results. A common thread is a portrayal of PM as part of a strategic effort to inculcate an engagement with ‘corporate values’ at all levels, including aspirational statements about individual behaviour. 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)

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

As Taylor (2013b) 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 results vary considerably. In some cases ‘individual’ targets are little more than role summaries, such as “Set up and run surgeries on e-books” (Interview, Steward 8). In other cases, cryptic and ambiguous descriptors create ample room for local interpretation.

“Whatever you do, it can be positive or negative... One time 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 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”. For many junior library staff, though, targets take the form of metrics including attendance, punctuality and sickness absence: ‘not quite like time and motion studies, but it’s not far off’ (Interview, Steward 1).

Partly as a result of the attempt to align individual behaviour with such vague standards, a third problem emerges with practical implementation. PM is mainly the responsibility of line managers, who have usually ‘come through the ranks’. They are often sympathetic to more junior employees, partly because they face the same sort of performance targets. In the main, however, standards apply even to the most 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. Reluctance to compare employees may result less from altruism than from the fact that extreme ratings have consequences for managers as well as their staff: they create work. 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). Paradoxically, 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 may reduce the cost of such decisions and make it more likely that problems of day-to-day management escalate. The relationship between employees and line managers 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 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,... 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)

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. 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, “[o]rganisations’ 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” (CIPD, 2014).

‘Managed-out’: Performance managing extended working lives

Public authorities are changing their approach to performance management. Of our FoI respondents, 59% reported that their policy on PM had changed since 2008 and 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 one organisation explicitly mentioned retirement in response to this question and did so by spelling out the requirement of age equality. This stance reflects the official government position, 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: far from targeting older workers, this is the approved method of ensuring age equality. But although performance management is portrayed as

having no connection with the quite separate decision to retire, our 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 stages of the performance management process gives ample scope for managers to suggest retirement as a ‘least-worst’ solution.

Targets themselves may, in principle, apply equally to all ages, but these targets have a particular impact on older workers. Library work is neither as sedentary nor as relaxed as the popular caricature suggests. This, in itself, may not be a problem for many older workers, but at some point remaining in work may not seem a realistic option. This is not the job they signed up for and many feel under pressure to leave.

“Since the reorganisation [the job] has been deskilled. Somebody with twenty 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 over the life course might involve consideration of individual strengths and weaknesses. 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? ... 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 9)

A 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: an important consideration if extended working is a serious policy aim. However, this is increasingly difficult, since employers are now more likely to avoid the favourable treatment of older workers on the grounds that it would be deemed discriminatory (a view encouraged by the CIPD, 2011). Whereas considerations of fairness might have led to concessions to those approaching retirement, the focus is now on a 'synchronous' approach to equality (Beck and Williams, 2015). Equal treatment means equal performance targets, equal work pressure and equal scrutiny. The pressure to retire may be invisible; line managers play a part in it, but not through any formal process. Even before the advent of 'pre-termination negotiations' ('protected conversations', which are not admissible in any subsequent unfair dismissal claim) in 2013, managers used the 'tap on the shoulder' to present the options and allow an employee to make the inevitable choice. As such, conversations about retirement are unlikely to 'naturally arise' (DWP 2011: 13) with employers, especially in workplaces with already antagonistic employment relationships. Where workers choose, or simply need, to remain in employment, their work is more exposed to scrutiny than before. 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 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.” (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 later, is often enough to recruit ‘volunteers’. In the absence of volunteers, the process may still target 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)

Older workers are not only affected in the push towards retirement, but also after retirement. Financial need and an increased tendency towards ‘un-retirement’ (Maestas, 2010) make individuals who have already retired cheap and flexible workers. The early ‘Big Society’ rhetoric in 2010 suggested an expanded role for voluntary involvement in providing public services; in the library service the alternative has often been the complete loss of provision. More common, in our sample, 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 [PM]. Why would you? So if they don’t want to come in, they don’t. 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 left 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. The following discussion explores the implications of the fact that none of these three criteria hold true today.

Discussion: Age equality and fairness as collective issues

As suggested earlier, although workers continue to ‘retire’ from work, this word means 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. This is no different from other aspects of employment relations, but whereas unions might normally seek to build bargaining power by framing grievances as collective ones, the opportunities for collectivising the issue of retirement have been limited. One reason for this is that unions have been unable stem the growth of PM or to influence significantly the way in which schemes operate (see Taylor, 2013b). They have had more success in the workplace in challenging individual outcomes, either on the basis of employment law or with reference to the scheme's own rules. However, in the case of the 'managed exit' of older workers under the guise of retirement, such intervention can be difficult, since individuals may feel that it is in their interest to present this as a voluntary decision.

Responses have also been influenced by the age equality agenda in which the discussion has been couched. Retirement policies need to be discrimination-free and PM provides the mechanism to ensure compliance. This leaves very little room for negotiation. Taylor (2013b) 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. Its role as arbiter between age groups has given PM a renewed legitimacy and this 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 sense of resignation is also apparent at the workplace level, where there is a tendency to

distinguish between the need for some form of performance management and the way in which managers implement particular systems. Stewards complain about iniquitous outcomes, but often accept the need for a mechanism.

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’. As we have suggested, the role of PM is now far more pervasive than this.

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 the 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.

The targeting of workers deemed to be underperforming is indeed non-discriminatory, in the sense that PM systems demonstrably apply the same procedural justice 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 requires 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 acceptance of the idea that equality should be based on synchronous comparison of job performance – in

other words that it should be competitive – reflects the belief that age-related weaknesses can be diagnosed and tackled without this being to the detriment of a particular age-group. Since the prime source of inequity is that resulting from the unequal employer-employee relationship, this reliance on management as the solution appears to be a mistaken one.

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 of young and old to compete on a level playing field – may have been won at the expense of fairness over 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. 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 often 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 above 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 tended not to ‘crow’ about this and in many cases retain the vocabulary of employee development.

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, nor 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 a form of ‘negotiation’ that is opaque and asymmetrical. 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 to engage with it.

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