



# Fact Sheet

## Age Discrimination

The final version of the Employment Equality (Age) Regulations will be published in the Spring and introduces comprehensive laws outlawing workplace ageism. The regulations are due to come into force on 01 October 2006.

The regulations are expected to include and cover matters relating to :

- Employment and vocational training. This includes access to help and guidance, recruitment, promotion, development, termination perks and pay.
- Every member of the workforce, young and old alike.
- All employers, providers of vocational training, trade unions, professional associations, employer organisations and trustees, and managers of occupational pension schemes will have new obligations to consider.
- A default retirement age of 65. Anything lower will have to be objectively justified. Higher retirement ages will be allowed. (This will be reviewed in 2011)
- Upper age limits for unfair dismissal claims and redundancy calculations will be removed.
- A procedure for employees to request the right to work beyond retirement age and employers will have a "duty to consider" requests from employees to work beyond age 65.
- Outlawing direct age discrimination in recruitment, including setting age limits or rejecting an applicant on the grounds of age, unless it can be objectively justified
- Indirect discrimination, such as seeking "recent graduates" or preferring minimum or maximum levels of experience, will also be outlawed.
- Outlawing ageist harassment.
- Allowing service related benefits to take account of up to five years' service, if employers can show they can be linked to a legitimate aim.

- Occupational pensions are covered by the regulations, as are employer contributions to personal pensions.
- The regulations do not affect state pensions.

The DTI recommend that employers should act now to ensure they are ready for legislation by starting a review of their employment practices. This will help identify where changes need to be made to enable them to aim for compliance by October 2006.

If you would some help with your review

### **Please contact the Employment Team**

The members of our Team are:

Simonne Melvor	-	Solicitor
Vikki Pratley		Solicitor

Pellys LLP  
The Old Monastery  
Windhill  
Bishop's Stortford  
Herts CM23 2ND  
Telephone 01279 758080

Pellys LLP  
12 Market Walk  
Saffron Walden  
Essex  
CB10 1JZ  
Telephone 01799 514420

Pellys LLP  
Suite 4 Second Floor  
Ravenscroft House  
61 Regent Street  
Cambridge CB2 1AB

**The Pellys LLP web site, its contents and Fact Sheets are protected by copyright and are provided for general information only.**