

The Employment Equality (Age) Regulation 2006



Work place discrimination on the grounds of age has been outlawed since 1 October 2006.

How might your organisation be affected and how prepared are you?

From this date it has be unlawful for employers, vocational training providers, trade unions, professional organisations, employer organisations, trustees or managers of occupational pension schemes to:

- Discriminate directly or indirectly against anyone on grounds of age unless objectively justified
- Subject anyone to harassment on grounds of age
- Victimise someone because they make or intend to make a complaint or give evidence in respect of a complaint of discrimination on grounds of age

These regulations affect almost all aspects of the employment relationship including recruitment, training, pay, promotion, dismissal and retirement.

For example recruitment must be based on skills required for the job. As well as the obvious of not stating things such as '20-25 year old sought' there may be less obvious discriminations such as use of terms with particular implications such as 'recent graduate required' or 'person with 5 years experience'. You could be challenged if you only advertised in publications aimed at people of a particular age.

There is a default retirement age of 65 (to be reviewed in 2011). Any retirement age below this will have to be objectively justified. Employees will have the right to request to continue working beyond their retirement date and employers have to consider such requests. There are transitional arrangements for those retiring before 1st April 2007.

If a person makes out a prima facie case it is then for the employer to prove it did not discriminate. Unlimited compensation can be awarded.

For further advice and guidance please feel free to contact us at BQM Consulting.

Further information can also be obtained from:

The Employment Equality (Age) Regulation 2006

<http://www.opsi.gov.uk/si/si2006/20061031.htm>

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