

New retirement age provisions now in force

The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 are now in force. The new Regulations abolish the default retirement age of 65 as well as the statutory retirement notice process. Under these regulations any termination of employment on the grounds of age will be unfair unless it can be objectively justified as a “proportionate response to a legitimate aim.”

There are complicated transitional provisions for the retirement age regulations and employers will need to consider whether to have a set retirement age. If a set retirement age is decided upon the employer must be able to justify it and follow a fair procedure to minimise the risk of claims for unfair dismissal or age discrimination. We suggest that you speak to one of our employment lawyers or email Roger Cheves at roger.cheves@sleblackwell.co.uk if you are in any doubt about your position.