

The Employment Equality (Age) Regulations 2006

The following information is taken from the Age Positive website (www.agepositive.gov.uk).

Equality and Diversity: Age Discrimination in Employment and Vocational Training

From 1 October 2006, new laws protect workers from age discrimination. The Employment Equality (Age) Regulations make it illegal for employers to discriminate against employees, trainees or job seekers because of their age and ensure that all workers, regardless of age, have the same rights in terms of training and promotion.

What the regulations cover

The regulations cover direct discrimination, indirect discrimination, harassment and victimisation; and include all workers and those taking part in or applying for employment-related training including further and higher education courses.

- A national default retirement age of 65 means that employers can no longer force someone to retire before then - unless objectively justified where there is a genuine occupational requirement. For example, the role of a character in a play or film, or the serving of alcohol. The test is not an easy one, but it means that in some circumstances there may be practices, policies or procedures that have an age related aspect to them, but it will be proportionate and legitimate to do so. It will be necessary for employers to provide evidence if challenged; assertions alone will not be enough.
- All employees will have the right to request to work beyond the age of 65 or any other retirement age (if there is one) set by the company, and employers will have a duty to consider, although not to accept, such a request. This will involve an employee meeting with their employer to discuss the request. An employee will have a right of appeal if they are dissatisfied with the outcome of the meeting. This policy will be reviewed in 2011.
- Employers must give at least six months notice to employees about their intended retirement date so that individuals can plan better for retirement, and be confident that "retirement" is not being used as cover for unfair dismissal.
- There is no longer an upper age limit for unfair dismissal and redundancy. Older workers have the same rights as younger workers to claim unfair dismissal or receive a redundancy payment, unless there is a genuine retirement.
- The regulations allow pay and non-pay benefits to continue which depend on length of service requirements of 5 years or less or which recognise and reward loyalty and experience and motivate staff.
- Age limits are removed for statutory sick pay, statutory maternity pay, statutory adoption pay and statutory paternity pay, so that the legislation for all four statutory payments applies in exactly the same way.
- Lower and upper age limits in the statutory redundancy scheme are removed, but will leave the current age-banded system in place.
- The regulations provide exemptions for many age-based rules in occupational pension schemes. The regulations do not affect the age at which people can claim their state pension. Update: [Additional two months for pension schemes to adjust to age discrimination rules](#)