

Age Discrimination

From 1 October 2006, there is now legal protection against age discrimination. It is no longer lawful to discriminate on grounds of age.

Treating staff fairly and recognising individuals' talents and needs is not just the right thing to, but makes good business sense as well.

These regulations have been introduced because there is a need for age-related employment equality in the same way as we already have equality for sex, race, disability, sexual orientation and religion or belief.

The new laws give individuals important new rights extend existing rights and removed traditional barriers: They apply to all employers, private and public sector, vocational training providers, trade unions, professional organisations, employer organisations and trustees and managers of occupational pension schemes. They cover employees of any age, and other workers, office holders, partners of firms and others. They cover recruitment, terms and conditions, promotions, transfers, dismissals and training. However, they do not cover provision of goods and services.

The regulations make the following changes to the law:

Stop unjustified age discrimination in employment and work-related training:

Employers must make sure that any redundancy policies don't directly discriminate against older workers. They must not discriminate indirectly - for example, by selecting only part-time workers for redundancy, when a large number of these may be older workers. The only exceptions are when an age requirement can be objectively justified. Harassment and victimisation on the grounds of age are also covered by the regulations.

Improve the rights of employees facing retirement:

Your employer can only retire you below 65 where they can show that having a lower retirement age is appropriate and necessary. Whatever age you are, your employer must inform you in writing, at least six months in advance, of your intended retirement date. You also now have a statutory right to request working beyond compulsory retirement, which your employer must consider.

Remove the upper age limit for unfair dismissal and redundancy rights:

The new regulations remove the upper and lower age limits for the entitlement of statutory redundancy pay. The upper age limit on unfair dismissal claims has also been removed. Your employer will have to pay you the statutory minimum redundancy payment even if you are under 18 or over 65 (or after your normal retirement age if this is lower). This means, if you meet all the other requirements, you will receive redundancy pay whatever your age.

Older people experience the most age discrimination. However, it also takes place against young people. It is now unlawful for an employer to impose a lower age limit when recruiting, unless this age restriction can be objectively justified or is imposed by law.

If you think you are suffering age discrimination, it is best to talk to your boss first to try and sort out the matter informally.

If you feel that you are at a disadvantage because of age-related criteria for recruitment or promotion policies, you can bring a claim for age discrimination to an Employment Tribunal.

If you think you have been discriminated against or harassed because of your age, you will also be able to bring a claim to an Employment Tribunal.