

Age Discrimination

Since 1st October 2006 age discrimination has been unlawful. Employers now have to carefully consider what is said or written when advertising, recruiting, selecting new employees, promoting and retiring existing employees.

Retirement

The default retirement age is currently 65, but be aware of the following issues that may arise for your employees?

- What if you have a lesser retirement age? What can / must you do?
- What if you have a greater retirement age but
 - the employee wishes to retire early?
 - you want him to go early - an unfair dismissal claim by a 65+ yr old will then be possible (not so now)
- What if the employee wants to carry on working beyond 65 or your company retirement age - perhaps his pension provision is not looking so good!
- What if the employee wants to start drawing his pension, but continue working for you?
- What if the job requires a certain level of physical fitness - who wants to be flown by a short sighted 69 year old pilot, operated by an elderly surgeon with hand tremors or rescued from a burning building by geriatric firemen?
- What if the job requires a long period of training and you want to get a good few years work out of the employee, before he decides to improve his golf handicap?

Recruitment

A proper methodical approach is a critical factor in creating a robust recruitment policy. Set criteria and measure the applications against them. Have 2 or more team members sift applications to ensure a fair and consistent approach.

Watch out for phantom applications - two applications in different names but details all the same, apart from the date of birth. Give the younger applicant an interview but not the older applicant could result in a Tribunal.

If one application is in a 'non-English sounding' name and the other one is from 'Mr Smith' [or one from a woman and the other from a man] but are otherwise identical, you have another two potential discrimination claims against you!

To devise a recruitment procedure or help plan your workforce for the future telephone Michael Breeze, Kaslers Solicitors LLP on 07 900 195 195.