



Tiptoeing through the minefield of employment legislation



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Topics Covered

- Age discrimination – the big one!
- Maternity rights (agghh.....!)
- Flexible working for carers of adults

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Age Discrimination

- 1st October 2006
- Covers all ages
- Affects all employers

What is age discrimination?

Treating a person less favourably on grounds of their age than they would treat another person, in a comparable situation & no objective justification for doing so.

Key Points

- Recruitment, promotion & training
- Service-related pay & benefits (5 year cut off)
- Enforced retirement
- Unfair dismissal & redundancy rights now > 65 years

Framework of the law

- Direct discrimination
- Indirect discrimination (LIFO)
- Harassment on grounds of age

When can you legally discriminate?

- Legal requirement e.g. bar workers, aged 18
- GOQ e.g. acting profession – child actors
- Applicant over normal retirement age or within 6 months of NRA (65 years)
- Retirement at 65 years ***IF*** proper procedure followed

Recruitment

- Date of birth on application forms
- Asking for qualifications relating to age
- Length of experience which cannot be justified
- Medicals for older workers
- Looking for “young”, “dynamic”, “mature”, “graduates” – all imply a generation band

Retirement!

- 65 years default retirement age (reviewed in 2011). Younger retirement age if it can be justified – *very difficult*
- Staff have the legal right to ***request*** to stay on after 65 years

So how do you retire a person legally?

- Notify person in writing not more than 12 months & not less than 6 months before retirement age AND
- Inform of their right to request to work after age 65 years

The Procedure

- Meet with the employee (who can be accompanied) to discuss request
- You must seriously consider request
- Give decision but don't have to give the reason (*this is bizarre*)
- Employee can appeal against the decision

Check List for Practices

- Recruitment adverts
- Application forms
- Selection criteria & interview questions
- Equal opps & dignity at work policies
- Promotion, pay & benefits & training
- Design a retirement policy & procedure & stick to the dates!