



“Employers must prepare for law changes protecting workers of pensionable age”

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With just over two years before workers can no longer be forced to retire when they hit pension age, Ogier employment lawyer Helen Ruelle says that employers need to start thinking now about how to adapt to the change.

The Discrimination Law will be extended to cover age discrimination as of 1 September this year, but an extra two years have been given to allow employers time to rewrite policies and review contracts in respect of retirement. At present, employees can be effectively forced to retire when they reach pension age without fear of unfair dismissal claims - from 1 September 2018, employers will have to justify the need for employees of any age to retire.

Helen says that employers who don't use the next two years to adapt to the changes could be liable to compensation claims and significant PR damage if they try to force out workers who do not want to retire.

She said: “The next two years will be an important time - if employers do not review and reconsider handbooks, policies and contracts, they could live to regret it.

“It might be that employees approaching pension age have to change duties for health and safety reasons, or because of employee performance, or because of career structuring or promotion opportunities for colleagues.

“Policies and handbooks need to be reviewed with this change in mind, along with the general anti-age discrimination provisions that come into force from the start of next month.”

From 1 September this year, the Employment and Discrimination Tribunal will be able to make awards of up to £10,000 where complaints of age discrimination or discrimination-related harassment are upheld.

From an employment law point of view, because the hearings and judgments of the tribunal are

public, companies also face negative PR and an impact on their reputation as employers and ability to recruit and retain staff if they are found to have discriminated against their staff.

In most cases, companies could be held liable for discriminatory acts by their employees - and in any case, where a complainant names both a manager/colleague and their employing company in their complaint, the tribunal will be able to split any financial award as it chooses between the cited employee and the employer.

The Ogier Employment Team's recommendations are to:

- Amend (if required) employment handbooks, including policies on equal opportunities and harassment, setting out what constitutes acceptable behaviour and what does not.
- Review employment contracts and any relevant policies to ensure they comply with the Law.
- Provide training on equal opportunities and harassment. This may help managers to avoid inappropriate questions at interviews, or to recognise and deal with harassment at an early stage.
- Set up clear procedures for staff to raise concerns and complaints, and for dealing with complaints. Ensure discriminatory behaviour by staff is not tolerated and is dealt with through proper disciplinary measures.

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