

## **Age Discrimination – New Legislation Comes into force from 1 October 2006**

From 1 October 2006, organisations need to be aware of the new Age Discrimination Legislation and how it affects them.

Organisations should review all of their policies and procedures to ensure that they are not discriminating against employees on the grounds of age.

In particular, the following areas require special attention.

- Recruitment – Job advertisements must not mention words such as young, dynamic, mature for example. In addition a requirement for a certain level of qualification and experience must be justifiable in terms of the content of the job. Application forms need to be scrutinised to ensure that questions do not require information on the age of a candidate, and a date of birth for example should now form part of the equal opportunities monitoring information not given to interviewers.
- Training and Development – Unless there is insufficient time for training to be completed before a planned retirement, training and development opportunities should be offered to all staff regardless of age.
- Service Related Benefits – Most benefits that relate to service of up to 5 years are considered to be acceptable, however if the service requirement is longer than 5 years, then organisations must be able justify an legitimate aim e.g. rewarding loyalty
- Retirement – A retirement age of under 65 will now need to be justified. There are new statutory procedures to be followed when staff are to be retired including the need to write to staff at least six months (but no more than a year) before retirement to notify them of the company's intentions and invite them to a meeting. The employee has the right to request to work beyond retirement; however the organisation is under no obligation to agree.
- By and large Pensions schemes are exempt
- There have been changes made to Statutory Redundancy Payments.

The new legislation and interim arrangements are complex and we would recommend that any organisation seeks advice on areas of difficulty.