

'Till Death Us Do Part' - Dealing with an Ageing Workforce

Nicola Brown

Pure
employment law



1. Age discrimination

- Unlawful to treat an employee (or worker) less favourably because of their age
- Compulsory retirement is rare (*Seldon*) – only where proportionate and necessary
- Justification (e.g. *Homer*)



1. Age discrimination

- Harassment
- Flexible working for all (time off for grandparents)
- Elder care



2. Employee benefits

- Certain insured benefits will be more costly for staff over 65, especially medical insurance
- Statutory exception – but only if they stop at state pension age?



3. Ill health issues

- Clearly these are more likely to increase as workers continue working for longer
- Definition of disability
- Reasonable adjustments



4. Performance issues

- 'Dignity'
- Apply consistent standards and scrutiny regardless of age
- Training needs



5. Talking about retirement

- Choice rather than compulsion
- Succession planning
- ACAS recommendations
- Resignation



Any Questions?

nicola.brown@pureemploymentlaw.co.uk

01243 836840

www.pureemploymentlaw.co.uk

Pure
employment law

