

“ Plain speaking legal advice ”

Age Discrimination - One Year On

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The Age Discrimination Regulations came into force just over a year ago and yet age discrimination still appears to be prevalent. A recent survey revealed that over half of the people responding were aware of age discrimination taking place in their workforce. This is despite the fact that nearly 90% of those responding were aware that it is unlawful to discriminate against people on grounds of age in their employment. This high level of awareness has not yet translated into the number of discrimination claims that many anticipated.

Some employers may have taken the view that they have seen little in the press relating to successful claims being brought on the grounds of age discrimination and that therefore the whole situation has been exaggerated. I would however urge caution here as the number of claims being brought in the Tribunal on grounds of age discrimination are going to increase. Figures from the Government's Tribunal Service would appear to back this up. By year end 31 March 2007, only 972 age discrimination claims were brought. If you compare this with 28,153 claims for sex discrimination, you can see that it is only a very small number. However, by the end of June, the number of age claims had jumped to around 1,500 and they are now running at roughly 200 a month. It seems clear that this trend is set to continue with the number of age discrimination claims increasing year on year.

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So far many of the claims brought have been in relation to the retirement process set out in the age regulations rather than other blatant ageist behaviour and with the new retirement procedures only coming fully into effect in April this year, it is my view that the claims will continue to grow in number and also that we will begin to see more claims coming through in relation to direct age discrimination rather than simply on the retirement process.

If we draw a comparison with the disability discrimination legislation, that was also very slow to take off but in the year ended 31 March 2007, a total of 5,533 claims were brought in the Tribunal for disability discrimination.

I therefore believe that employers will face more and more age related claims unless they ensure that they take steps now to fully review all their policies to ensure that they comply with the regulations.

For more information on the Age Discrimination Regulations please contact Ashley Holden at Herrington & Carmichael LLP on 0118.977.4045 or by e-mail at aholden@herrington-carmichael.com.

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