



Forced to Retire at 65

It seems like it's out with the old, in with the new. Hit 65 and you are forced to retire. Surely, when people are living longer and the recession is affecting many, forcing people out of work because of their age is discrimination? If age is just a number, then why are people being forced into a life of leisure before they are ready?

Age discrimination in employment was made unlawful in October 2006. However, employers are allowed to force workers to retire when they reach the default retirement age of 65 as long as they give their workers the correct notice of their retirement date. A worker has the right to request to continue working beyond that date, but the employer can refuse such a request if the worker is aged 65 or over.

Tribunal claims challenging the default retirement age are likely to be dismissed after the High Court ruled that employers can force workers to retire at 65. However, the High Court judge did say that the default age needed to be reviewed. It was due to be reviewed in 2011 but it has been brought forward to 2010.

The Court's decision could raise difficulties over the legal test which employers have to meet to justify direct age discrimination. More cases will need to be taken through tribunals before that test is clarified. If you think you have been discriminated against because of your age and are unclear where you stand with the law then contact us and we may be able to help.