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Age discrimination and pensions

What employees and employers need to know



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65 – is it just a number?

Implications for employers





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Overview

- European Approach
- Ireland
- Legislative Developments
- Managing retirement ages





- Article 6 of Council Directive 2000/78/EC

“Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if ... they are objectively and reasonably justified by a legitimate aim, including legitimate employment policy, labour market and vocational training objectives, and if the means of achieving that aim are appropriate and necessary.”



- No general mandatory retirement ages
- Unfair Dismissals legislation
- UK position
- Equality Claims
- Objective justification





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Legislative Developments

- The Equality (Miscellaneous Provisions) Bill 2013
 - Objective justification if differing ages
 - Fixed-term contracts
- The Employment Equality (Abolition of Mandatory Retirement Age) Bill 2014
 - Proposing to abolish mandatory retirement ages





Options

1. Continue to enforce contractual retirement age
2. Offer a consultancy arrangement
3. Deferral/ later retirement
4. Offer a fixed term contract
5. Align retirement age with qualifying age for State pension





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Questions?

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