

Employment Newsletter January 2011

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Compulsory retirement to end in October

Despite employers across the nation expressing their concerns, the government has this week confirmed that it will push ahead with plans to end compulsory retirement from October this year.

The current laws mean that employers can dismiss staff aged 65 or over and, as long as they follow the correct retirement procedures, will not face a claim for unfair dismissal.

Under the new rules, confirmed this week, employers will not be able to rely on the default retirement age to retire employees after 5 April this year. If employers wish to force employees aged 65 or over to retire, they will have to act quickly and issue the appropriate notices within the next couple of months!

Some employers may still be able to operate a compulsory retirement age, if they can objectively justify it. This means that it must be a proportionate response to a legitimate aim. However, the test will be a very difficult one to satisfy and is likely to apply in very limited situations only. Most employers should assume that it will not apply to them.

Once the new rules come into effect, employers will have to rely on another reason to dismiss employees aged over 65, such as the employee's capability or conduct. Good 'people management' will be the best way to deal with retirement in future and employers would be well advised to review their practices and procedures for managing performance in readiness for the change.

We shall address these issues in detail, together with other key changes in employment law such as procedures employers must follow to comply with the new Bribery Act and rules relating to agency workers, at the forthcoming Denison Till seminar on 16 March 2011 at the National Railway Museum.

Please go to <http://www.denisontill.com/newsandevents/events/emplaw2011> for further information or to book a place.

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