

## Draft Age Discrimination Regulations are Published

The draft Age Discrimination Regulations were published this morning but are in draft form and subject to consultation. The consultation period is due to end on 17 October 2005 and subject to the approval of Parliament the legislation will come into force on 1 October 2006.

A summary of the draft Regulations provide the following:

- They will prohibit unjustified age discrimination in employment and vocational training. The definition of age discrimination is essentially the same as that established in other discrimination legislation. The draft regulations also make provision for discrimination by way of harassment and victimisation.
- They require employees who set their retirement age below age 65 to justify the reasoning of having a retirement age below 65 or to amend the contracts of employment to provide for a retirement age of 65.
- The Regulations will introduce a duty on employers to consider an employee's request to continue working beyond retirement.
- They will require employers to inform employees in writing, and at least six months in advance of their intended retirement date of their forthcoming retirement to allow people to plan for their retirement.
- The Regulations will remove the upper age limit to claim unfair dismissal, which will give older workers the right to claim unfair dismissal. The Regulations will also remove the age limits for redundancy payments and therefore will provide younger and older workers with the opportunity to obtain redundancy payments.

RadcliffesLeBrasseur will be inviting clients to a seminar dealing with age discrimination when the Regulations have been finalised early next year. If you have any questions then please contact either Sejal Raja ([sejal.raja@rlb-law.com](mailto:sejal.raja@rlb-law.com) / 0207 227 7410) or Lara Crane ([Lara.crane@rlb-law.com](mailto:Lara.crane@rlb-law.com) / 0207 227 7478).

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If you would like any information on any of these or other employment matters, then please contact Lara Crane ([lara.crane@rlb-law.com](mailto:lara.crane@rlb-law.com)) or Kerry Scott-Patel ([kerry.scott-patel@rlb-law.com](mailto:kerry.scott-patel@rlb-law.com)) or telephone on 020 7222 7040.

Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

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