

Age Concerns

Protection from age discrimination at work



An overview

It is illegal to discriminate against someone at work because of their age. The Age Regulations cover all ages and areas of employment, including recruitment, employment terms and conditions, promotions, transfers, dismissals and vocational training.

How you are protected

The Regulations protect you from discrimination, victimisation or harassment because of your age. In certain circumstances they also protect you after you have left your job. Forces, including police forces may also be responsible for the acts of their agents, as well as those of other workers.

Discrimination

Direct discrimination is when you are treated or would be treated less favourably than someone else because of your age, unless this treatment can be "objectively justified". Indirect discrimination is when your force has a "practice, provision or criterion" that applies to all workers but which puts people of a particular age at a disadvantage compared to others, unless it can be "objectively justified".

Victimisation and harassment

Victimisation is when you are treated less favourably because you have made a complaint or allegation of age discrimination or helped someone else who has. Harassment is behaviour that violates your dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This could be making derogatory comments about your age or excluding or ignoring you because of your age. Harassment does not have to be targeted directly at you: it could include, for example, a culture of telling and tolerating "ageist" jokes.

Objective justification

In certain circumstances your force may be able to justify direct or indirect age discrimination. To do so, your force will have to show that in the different treatment is a "proportionate way of achieving a legitimate aim". This is meant to be a tough test and your force will have to produce strong evidence that the discrimination is justified.

Retirement

The default retirement age under the Regulations is 65. However, since October 2006, the normal retirement age for all Federation members is 60, which the Home Office believes is objectively justified. The Regulations also give officers the right to request to continue working beyond their normal retirement age. This does not apply to the police service, although Home Office guidance requires forces to adopt a similar approach.

Making a complaint

If you think you are a victim of age discrimination, you can complain to the Employment Tribunal. There is no minimum service requirement for bringing a claim, although normally you must claim within three months less one day of the discrimination. You can make your force complete a questionnaire to help you get more information about your complaint.

If the Tribunal agrees you have been discriminated against and the force is responsible, the force will have to justify their behaviour. If they can't, the Tribunal can make a declaration that the force has acted illegally and award compensation. There is no upper limit to the amount that can be awarded.

Contact Us

If you need further assistance, please contact your JBB in the first instance.

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This fact sheet is for general guidance only and should not be treated as a definitive guide or be regarded as legal advice. If you need more details or information about the matters referred to in this fact sheet please seek independent formal legal advice. This information was correct at time of going to press October 2009.