Age Discrimination and Retirement
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Colleagues nearing retirement who are keen to work longer – productively – should get in touch with me. I’m trying to persuade the University to interpret the Employment Equality (Age) Regulations 2006, which became law on 1 October, more sensibly. My arguments might carry more weight if I were speaking for others as well. This issue affects many research-active colleagues, and that’s partly why I’m pursuing it resolutely.

The Regulations forbid employers to discriminate on grounds of age, directly or indirectly, but they provide a highly questionable exception for retirement. Employers may maintain mandatory retirement ages, provided that, between six months and a year before retirement, they invite their employees to apply to work longer. Astonishingly, such requests may be rejected without giving any reasons whatsoever.

European Directive

The Regulations are meant to implement European Council Directive 2000/78/EC, according to which “any direct or indirect discrimination based on religion or belief, disability, age or sexual orientation as regards the areas covered by this Directive should be prohibited throughout the Community”.

The part of the Regulations relating to retirement appear to violate the spirit of the Directive, and an organization called Heyday – and offshoot of Age Concern – is therefore challenging them in the European Court of Justice. Meanwhile, even in relation to the existing Regulations, the University’s approach seems unfair and unwise.

Retirement Procedure

The University’s Retirement Procedure is exceptionally well hidden – it isn’t even listed on the Personnel Services web pages among their “Policies, Codes and Guidance”.

In essence, it states that Personnel Services will write to you eight months before your mandatory retirement date inviting you to apply for an extension. If your application is rejected, then you’ll be invited to a meeting with the Pro-Vice-Chancellor (Resources), and if you appeal, then another PVC will make the final decision. You need not be given any reasons.

Planning ahead

The problem is this. Research-active academics need to plan much longer than six or eight months in advance. I’m already unable to do my job as I could and should do it, just over two years from my mandatory retirement date. I can’t apply for a research grant with confidence that I’ll be here to see it through, and I can’t take on a new postgraduate and tell her that I’ll supervise her to the end.

Furthermore, in the Annual Review, if I have no grants and no research students, things like that may count against me. This seems to be discrimination on grounds of age, because I’d have no such handicaps if I were younger. I hope that colleagues who face similar problems will tell me whether or not they agree with me.

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