

Age Discrimination Regulations

Retirement – transitional arrangements applicable up to 1 April 2007

Transitional arrangements apply to retirements from 1 October 2006 to 31 March 2007 because the DTI recognises that:

Where an employee is due to retire soon after 1 October 2006, the new procedures cannot always be applied – eg at least 6 months notice of the planned retirement date. Therefore the following arrangements apply to employees who are due to retire between October 2006 and April 2007.

Notice to Retire is given before 1 October 2006

If the employee is given notice before 1 October that they are to be retired after 1 October 2006 but before 1 April 2007:

- the notice must be at least the period required by the contract of employment;

or

- where the employee is already serving a long period of notice required by the contract that exceeds four weeks, the employer must give at least four weeks notice before the 1 October 2006 to ensure the employee is aware and given the statutory minimum period of notice for retirement

On 1 October, or as soon practicable afterwards, the employer must write to the employee telling them of their right to request working longer.

The employee can make such a request after their contract has been terminated but not more than four weeks afterwards.

A meeting to discuss the request, and any subsequent appeal meeting, must be held within a reasonable period. The employee can ask to be accompanied by a companion.

Notice given after 1 October 2006

If the employee is given notice after 1 October that they are to be retired before 1 April 2007 the employer must:

- write to the employee notifying them of the intended retirement date, giving the longer of contractual or statutory notice (this is one weeks notice for each complete year of service, up to a maximum of 12 weeks notice); and
- tell them in writing that they have a right to request working longer.

An employee who wants to exercise this right should make a written request:

- where possible, four weeks before the intended retirement date; or
- as soon as reasonably practicable after being notified of the 'right to request'.

The request can be made after the employee's contract has been terminated but not more than four weeks after termination.

A meeting to discuss the request, and any subsequent appeal meeting, must be held within a reasonable period. The employee can ask to be accompanied by a companion.

Anyone retiring on or after 1 April 2007 will be subject to the full retirement procedure set out in the Employment Equality (Age) Regulations 2006 and described in the article.