

Age Concerns

Protection from age discrimination at work

Overview

It is illegal to discriminate against someone at work because of their age. Age discrimination is unlawful under the Equality Act 2010 ("The Act"). The Act covers all ages and areas of employment, including recruitment, employment terms and conditions, promotions, transfers, dismissals and vocational training.

The Act protects you from discrimination, victimisation or harassment because of your age. In certain circumstances it also protect you after you have left your job.

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

There is no longer a default retirement age applying across the UK workforce. In general if employers wish to impose a retirement age they would have to objectively justify it.

Since October 2006, the normal retirement age for all Federation members is 60, which the Home Office believes is objectively justified.



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. 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 cannot, the Tribunal can make a declaration that the force has acted unlawfully and award compensation. Compensation can include awards for injury to feelings, injury to health and financial losses suffered which were caused by the unlawful discrimination. The tribunal also has the power to make recommendations.

If you need further assistance, in the first instance please contact your local Joint Branch Board.

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