

alert

AGE – NO “COMPLIANCE WINDOW”

1 INTRODUCTION

The DWP has confirmed it will **not** be giving pension schemes more time to get ready for age discrimination. This disappointing news means schemes and employers may be exposed to the risk of claims if members or prospective members believe they are being discriminated against on age grounds from 1 December 2006 onwards (if no exemption or objective justification applies).

2 KEY POINTS

- Despite industry appeals for more time, the anti-age discrimination laws will apply to pension schemes from 1 December 2006 (but still only in respect of service from this date).
- The DWP believes it has no power to further delay the UK's implementation of the EU Directive¹ but notes that the revised age legislation² substantially improves the exemptions available to pension schemes. Unfortunately, this is cold comfort given the short time left before 1 December 2006.
- Schemes must conclude their age discrimination reviews as swiftly as they can, deciding where they can operate within the law by appropriate use of their discretionary powers, and where changes will be needed.

For help complying with the anti-age discrimination laws, please get in touch with your usual Sackers' contact.

¹ The EC Framework Directive for equal treatment in employment and occupation

² The Employment Equality (Age) Regulations 2006 as amended, specifically by the Employment Equality (Age)(Amendment No.2) Regulations 2006