

29 November 2005

Age Team
Equality and Rights Division
Office of the First Minister and Deputy First Minister
Room E3.18
Castle Buildings
Stormont
BELFAST BT4 3SJ

TO WHOM IT MAY CONCERN

Re: Promoting Equality of Opportunity

I am writing to you regarding the current consultation on the draft Employment Equality (Age) Regulations (Northern Ireland) 2006 and to advise you that Belfast Healthy Cities broadly supports the introduction of this legislation in Northern Ireland. We feel it is very important that the position of older workers is protected by law and are very pleased to note the improvements in the legal rights of older workers contained in the proposed legislation.

At Belfast Healthy Cities, we are currently running a significant project on healthy ageing, which involves developing an intersectoral action plan for older people as a concurrent process to the Health and Wellbeing Strategy for Older People being developed by the Eastern Health and Social Services Board. The concept of healthy ageing aims to enable people of all ages to live an active, safe and socially inclusive life, and it encompasses opportunities to continued employment or self employment for those who wish to carry on working past state retirement age.

We are particularly pleased to see that the legislation explicitly outlaws age discrimination and makes it unlawful to apply age related criteria for recruitment, training and benefits. We are also pleased to see the removal of age limits for unfair dismissal claims. The introduction of a formal procedure for requesting delayed retirement also strengthens the position of employees, which contributes to a more balanced relationship between employees and employers. In our view, the key benefit of the legislation is that it sends a clear message about age discrimination and can therefore contribute to changing attitudes about age in wider society.

However, we note with regret that the draft legislation proposes a default retirement age of 65 and makes it possible for employers to retire staff who have requested to continue in employment at this age, provided the employer has followed the 'duty-to-consider' procedure which is final. We feel that it is inappropriate to set a default retirement age, as age in itself will not determine a worker's ability to continue working but such a default will give the general impression that this is the case. In light of recent calls for increasing state retirement age to 67, the default retirement age of 65 further appears arbitrary and unfounded in factual evidence of ability to work.



We believe that setting a default retirement age will make it possible for employers to devise strategies for enforcing retirement at 65. We also note that this age will not apply to certain office holders, which is a potential source of discrimination.

In conclusion, we would encourage the abolition of a default retirement age and regulations that simply require employers to consider an employee's ability to continue carrying on current duties.

Belfast Healthy Cities would urge the Office of the First Minister and Deputy First Minister and the Equality Commission to produce more detailed information and guidance on the 'objective justification' and 'duty-to-consider' procedures at the earliest date possible. The consultation document only provides a brief overview of each, and does not include clear criteria to be used for each. We believe that detailed guidance is required to ensure that employees are able to exercise their rights to the full, and also to ensure employers have full clarity on requirements imposed on them. The guidance to be produced by the Equality Commission should also be written in consideration of employees as well as employers.

As a final remark, Belfast Healthy Cities would urge the Office of the First Minister and Deputy First Minister to publicise the new legislation widely and ensure that employees are made aware of the changes and their new rights, as well as employers.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joan Devlin', written in a cursive style.

Joan Devlin
Programme Director