

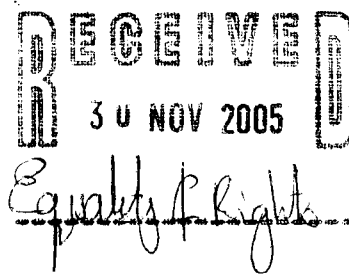


Our Ref: LP/eo/letter

Your Ref:

Date: 29 November 2005

Ms Julie Stephenson
Age Team, Equality and Rights Division
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Dear Julie

Consultation on Draft Employment Equality (Age) Regulations (Northern Ireland) 2006

Thank you for coming with your colleague, David McGowan, to talk to the group of council human resource officers on Monday 3 October about the consultation exercise.

This letter is a summary of the responses from councils who attended the awareness session. It has also been circulated to those councils who were not able to attend to allow them to contribute to this response. The points we would like to raise are as follows:

General

In general, the councils welcome the proposed legislation on age discrimination and are already working to review their policies and procedures in preparation for October 2006.

Current situation re the employment of over 65s

The Local Government Act (NI) 1972 states

- 44 (1) When an officer employed by a council attains the age of sixty-five years he shall cease to be so employed, unless his period of employment is extended under sub-section (2).
- 44 (2) A council may, with the consent of the officer concerned and of the Staff Commission, extend an officer's period of employment for periods not exceeding one year at a time after the officer attains the age of 65 years, if the councils thinks it expedient to do so in the interests of the council.

Councils currently request approval from the Commission to employ people over 65 years to work in posts which are hard to fill, for example, Old Time Dancing Instructors and Part Time Caretakers. This existing legislation may conflict with the proposed legislation in relation to the employer's duty-to-consider procedure.



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Chapter 5 Exemptions

We welcome the blanket exemption for any length of service requirement of five years or less as this would affect salaries, entitlement to sick pay and annual leave.

However there will be implications for some councils which have pay scales with more than five increments. In addition, under NJC conditions, all council employees receive 3 days additional annual leave for 10 years' service.

Chapter 6 Retirement

It is not clear from the consultation document what the term "genuine retirement" means.

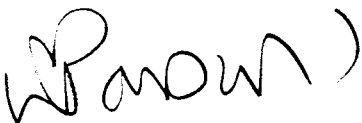
In para 6.25, it states that "we want to encourage employers and employees to extend working life beyond national retirement age of 65". The Councils welcome this concept. However if employees who remain in employment after they are 65 (in line with the duty to consider procedure), are entitled to claim redundancy and unfair dismissal if they believe that the dismissal is for a reason other than retirement, this could act as a disincentive for employers.

Chapter 8 Changes to employment legislation

The proposal in para 8.10 to remove the age multiplier in redundancy calculations will have major implications for the reorganisation of councils under the review of public administration.

Should you require clarification of any of the above points, do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lorna J Parsons', written in a cursive style.

LORNA J PARSONS
Professional Officer