

View from the Chair; Business Newsletter; Tuesday 17 December 2019 by Dr Michael Wardlow, Chief Commissioner, Equality Commission NI

Talking about retirement – handle with care

At my age, I get asked this question a lot: “Have you retired yet?” or, more often, “Have you **not** retired yet?” Short answer is that although I’ll finish work with the Commission next year, I’ll not be retiring. As one ‘friend’ said – I’ll be re-cycled!

Some people hate the thought of retirement, while others look forward to a new phase of life. Most people now know that the default retirement age was abolished in 2011, and in this context, some employers continue to be worried about whether they can raise the issue of retirement plans with staff without risking a potential age discrimination claim.

Our advice is that, yes, you may indeed raise the issue, but you need to take care about how you do so.

For example, we suggest staying clear of asking age-related questions, such as ‘when are you planning to retire?’ This lessens the risk of the employer appearing to apply pressure on a particular staff member to retire.

If an employee freely tells you that they are thinking about options such as fully or partially retiring, then of course, you and they may discuss that. You may also help them to fully consider and plan for their future.

You should be aware that changing someone’s work duties, downgrading their status, changing their hours of work or withholding opportunities for training, career development or benefits such as overtime because of their age, may also amount to age discrimination.

You should also make sure your staff know they should not be making age-related comments or ‘banter’, such as ‘this is a young man/woman’s game’.

There are positive steps that you can take as an employer, including creating an environment in which all employees feel comfortable discussing their future work plans if they wish.

One such opportunity could be taken during staff performance appraisal meetings, where all employees are asked ‘what are your future work plans?’ Ensure that those doing the appraisal know how to respond when an employee answers that they are considering options such as fully or partially retiring.

Policies are vital, so you need to ensure that your policies make it clear that age discrimination is not acceptable at work and that all members of staff are made aware of this. You should also develop a flexible working policy which sets out your procedure for considering employees’ requests for flexible working arrangements

and for implementing any decisions that you make. Inform all employees about the flexible working policy, and any options it includes around partial retirement.

Employers can contact the Equality Commission's Advice and Compliance team for free confidential advice by emailing edenquiries@equalityni.org or by phoning 028 90 500 600.