

In Brief

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S O L I C I T O R S

## Heyday

For those of you following the challenge by the branch of Age Concern, Heyday, it seems we will have to wait a little longer for some absolute decisions.

To recap: The challenge by Heyday was on the grounds that the forced retirement age of 65 allowed under the Employment Equality (Age Discrimination Regulations) 2006 was incompatible with the EU Equal Treatment Directive.

The Advocate-General last September held that:

- it was legitimate to allow a general justification defence and that it was not necessary to define specific categories of justification
- Dismissing an employee at 65 or over if the reason for dismissal is retirement is not incompatible with the EU Directive provided there is justification within the context of national law

As expected, the ECJ has followed the ruling of the Advocate-General. The matter will now go back to the High Court to decide whether the ability to lawfully discriminate on grounds of retirement at 65 is a proportionate means of achieving a legitimate aim.

We will update you with any further news.

For further information on this or any employment issues please contact the coleman-ctts [Employment Team](#) or Telephone – 0208 296 6878