

Government review of default retirement age

UCU has a policy position against the default retirement age but is fully supportive of the TUC position that everyone should have the right to retire with dignity and a decent pension.

Prior to the recent Heyday ruling UCU received many enquiries about default retirement, mostly from within the HE sector. These were from people who had no wish to retire, generally because of a desire to continue with their lifelong research interests and ongoing working relationship with students. Oxford Brookes, commissioned by ECU with HEFCE funding, published a report on December 2008 focusing on the experience of age equality in HE <https://mw.brookes.ac.uk/display/agediversity/Research+Report>.

More recent enquiries received by UCU equality unit continue to support the finding that institutions in both HE and FE are generally following the law by issuing letters offering a conversation about retirement at least 6 months prior to the default retirement age, but these increasingly stipulate a fixed date for retirement and do not offer more than the legally required 'conversation'. The number of complaints about inflexibility has increased since the start of 2009, complaints coming from adult, further and higher education employees.

Some people who have worked past the age of 65 have received information from employers that new review processes have been implemented and in a couple of cases this has included a 3 year post 65 extension entitlement. This indicates that in some cases employers are introducing new limits to a tradition of flexible retirement as a result of economic conditions.

E mails received by the equality unit over the past few months reveal that age is being used as a way of cutting costs – this is most often by way of

- closing previously available extended employment including those with periodic reviews,
- not allowing reduction in hours on permanent contracts
- allowing re employment after a break on a hourly paid basis, or
- not having any provision for work beyond the age of 65.

An example is that a full time lecturer on reaching 65 may be forced to retire and then a short while later, maybe as little as a couple of days, be taken on again to teach the same courses but on an hourly paid contract.

In a celebrated case students demonstrated their support for a lecturer continuing past an enforced retirement age by launching a campaign on Facebook. UCU provided casework support for continued employment and it was granted by the employer. UCU continue to provide support on a case by case basis across the country, these cases often involving regional officials and the national equality unit as well as local representatives. A couple of enquiries clearly identified that it is at departmental management level that the decision is taken to not allow flexibility. The variation in practices across and between institutions is often frustrating for employees and creates a basis for unequal treatment with some people working beyond the default retirement age and others not being allowed to do so depending on which institution they work for, and in some cases the department within which they teach.

In a case where there are many redundancies within one institution employers are specifically targeting people approaching retirement age. Thereby using default retirement as a way to justify discrimination on the basis of age.

On the whole evidence received through the UCU equality unit clearly indicates that many employees in the post school education sectors would benefit from the removal of the default retirement age. This would alleviate the sense of being stripped of value on the sole basis of age, and enable constructive working relationships to continue without unnecessary stress and interruption. Those who have experienced being relieved of their full time posts only to find that at some later point they can be acceptable if hourly paid in a similar post would continue to feel valued and the opportunity would be greater for discussion of reduced contracts if so desired. The experience of uneven opportunity on the basis of age validated by a statutory provision would also be removed.

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