

New Age Discrimination Legislation Commences 1st October 2006



In order to continually ensure we are providing our clients with key information which could effect their business, Cactus Search has created this bulletin to outline how this new legislation could effect you and how Cactus Search proposes to support its clients in ensuring this legislation is adhered to.

What are the new regulations?

Commencing 1st October 2006, employers will no longer be able to lawfully discriminate against employees based on their age. Our society is changing – the working population as a whole is getting older, and by 2016 it is estimated that the number of people aged between 50 and 69 will have risen by 17%. Responding to this change, the new legislation will help to ensure that older employees have the same chance of training and progression as their younger colleagues, and that they are no longer denied jobs based solely on their age.

These regulations will apply to all employers and will apply to employees of any age. They cover recruitment, terms and conditions, promotions, transfers, dismissals and training. They do not cover provision of goods and services.

When the regulations come into force, they will make the following changes to the law:

- Stop unjustified age discrimination in employment and work-related training
- End the right of employers to force people to retire below the age of 65, unless it can be justified (the default retirement age will be 65, but employees will have the right to ask to remain in work after that age)
- Remove the upper age limit for unfair dismissal and redundancy rights

How will this affect your business from a Recruitment Perspective?

Due to the fact that we are an ageing society, these changes could prove very helpful. In the not too distant future employers will no longer have access to a large young workforce with the necessary skills ready to take the place of employees who have taken early retirement. It is therefore essential that employers consider the implications of this and ensure measures are in place to attract, develop and encourage an older workforce.

Recent research shows that age is often a factor when selecting candidates for interview or selecting for a post. To remove this obstacle, employers need to train their existing staff, particularly hiring managers, about age diversity. They should be asked to consider their interviewing techniques to ensure they are not being discriminatory in the language etc they are using.

Key Tips for Ensuring Your Recruitment Practices Meet New Regulations:

- Remove 'date of birth' from all application forms, and also from any candidate databases
- Update your company mission statement/diversity policies to comply with the new legislation.
- Be careful of the language used in adverts – avoid words such as 'young', 'dynamic' and 'mature' as these can be classed as indirect discrimination
- Do not ask for a specific number of years' experience in job adverts – ask that they are able to demonstrate the required skills and experience. For example, write 'candidates must be able to demonstrate experience of managing a team' etc
- Do not ask any age-related questions in the interview
- Give clear feedback to recruiting agencies or direct applicants as to why they have/have not been successful to avoid misinterpretation.

What is Cactus Search doing to support & adhere to these Regulations?

- Cactus Search no longer requests candidates to supply their date of birth when applying for roles.
- We have also changed the way we advertise our roles to ensure there is **NO** discriminative language which may dissuade candidates from applying.
- We do not supply clients with candidate ages when forwarding their profiles.
- We also offer a consultancy service for clients who require more help/information on how to put this new legislation into practice.

If you require any further information please do not hesitate to contact us on:

Tel: 08702 866 904 or E-mail: info@cactussearch.co.uk