



NEWS REPORT

Date: 7 July 2010
Expert: Aileen McColgan
Title: Homer v Chief Constable of West Yorkshire Police
Country: United Kingdom
Context
Issue at stake: Application of prohibition on age discrimination
Ground of discrimination: Age
Source: [2010] Industrial Relations Law Report 619
Field: Employment
Legislative provisions: Employment Equality (Age) Regulations 2006

Content

Case: The Court of Appeal rejected a claim that the introduction of a requirement that, in order to be included in the top grade of legal adviser and to receive the pay commensurate to that grade, an employee had to have a law degree, raised a *prima facie* case of indirect age discrimination against workers aged 60 to 65 who did not have a law degree. The claimant had alleged that the requirement placed workers in that group at a “particular disadvantage” as they could not complete the degree course on a part-time basis prior to reaching the employer's retirement age of 65. The Court ruled that “it was not the appellant's age but the temporal proximity of his intended retirement that stood in his way and prevented him from obtaining a law degree and attaining” the pay grade and that “the particular disadvantage complained of results not from age at all, but from the fact of impending withdrawal from the workplace at 65,” this notwithstanding the existence in the UK of a default retirement age of 65 at which workers can be obliged by their employers to retire.

Internet link source and additional information: (no newspaper links)

www.bailii.org/ew/cases/EWCA/Civ/2010/419.html