

Spring 2011

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## Equality Act 2010

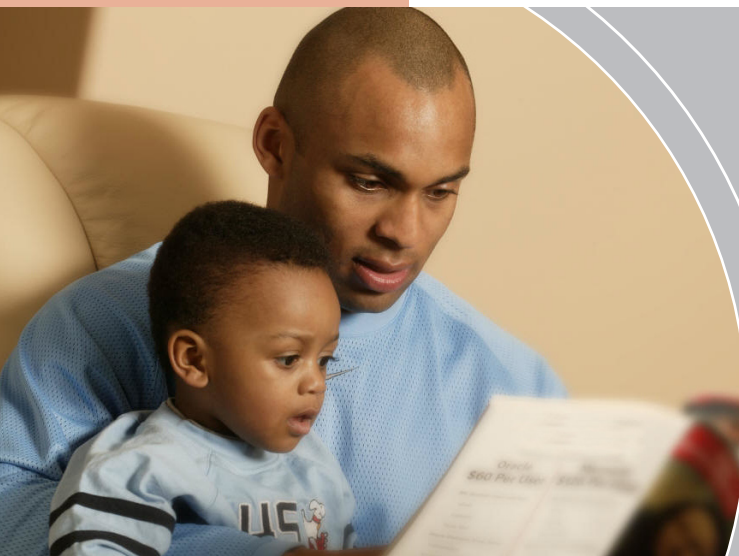
### ...and the default retirement age

**From April 6th 2011 employers will no longer be able to retire employees who reach retirement age by the usual retirement notification process.**

Employers will only be able to dismiss older employees if they can objectively justify it and follow a fair procedure under the ordinary unfair dismissal rules. In these circumstances the dismissal will be deemed to be for “some other substantial reason” under the Employment Rights Act 1996.

In some circumstances a compulsory retirement age can be justified i.e. where there is a proportionate means of achieving a legitimate aim. This is likely to only be used in exceptional circumstances however such as emergency services which require a significant level of physical fitness or other occupations requiring exceptional mental and/or physical fitness such as air traffic controllers.

Any notifications prior to 6 April 2011 may be lawful as long as the employee has reached retirement age before 1 October 2011.



## Additional Paternity Leave Regulations 2010

From 3rd April 2011, biological fathers, or the spouse or partner of the mother (or an adopter), will have the right to take up to 6 months leave to care for a child.

Applicable only if the child's mother returns to work without taking her full maternity leave entitlement, the “father” can take the remaining six months, three months at the statutory rate and the remaining three unpaid.

This is effective for children born or adoptive parents notified of a match after 3 April 2011.