

Age discrimination cases taken by workers told to retire 'skyrocket'



1

Privacy

Solicitor Richard Grogan

Anne Marie Walsh

January 6 2020 2:30 AM

- Email

Claims of age discrimination by workers who are forced to retire at 65 are set to skyrocket this year, according to an employment law solicitor.

Richard Grogan said his practice has seen the number of cases taken on these employment equality grounds more than quadruple over the past four years.

He said many workers have inadequate private pensions, while increases in the State pension age mean many need to work longer.

The Workplace Relations Commission does not publish details of the number of cases taken on this basis.

However, a number of recent cases have highlighted the issue. They include an unfair dismissal claim successfully taken by a lorry driver against Longford County Council who said he was forced to retire at 66. The council was ordered to reinstate him in his job and allow him work until 70 in a decision issued last year.

The previous year, the Workplace Relations Commission ordered RTÉ to pay former broadcaster Valerie Cox €50,000 for forcing her to quit her role when she turned 65.

Under Irish law, it is not illegal for employers to set a compulsory retirement age. But there has to be "objective justification" for it or they can face discrimination claims.

"Two years ago, age discrimination claims were very, very, rare," said Mr Grogan. "They were all about workers who didn't get a promotion and a younger person did.

"In the last two years there has been an exponential increase in the number of cases."

He said they are now being taken by workers who claim they were forced to retire.

"They're individuals coming to 65 and told 'it's January 3, you're 65, goodbye'."

Three or four years ago, it would have been about three or four cases a year, now there's someone every month.

"Other employment solicitors are all saying they are seeing a significant increase in this area of work. In my own view, in 2020 we're going to see these cases take off and skyrocket. I believe there is a huge build-up."

He said some people want to keep working and feel they are being thrown on the scrap heap, or their pension took a hit during the recession. He said others have no pension.

Mr Grogan said employers argue retirement is necessary to enable other careers to progress, or claim there are health and safety issues and they "cannot get insurance for 75-year-old scaffolders".

He said most employers settle claims due to fears about bad publicity.

He added that legislation needs to ensure compulsory retirement ages are not lower than the State pension age unless the employer can produce a documented and robust justification.