

# judges' pensions rights

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## part-time judges entitlement to pensions

On 28 July the Supreme Court referred a case against the Ministry of Justice concerning its refusal to grant pensions to thousands of part-time judges to the European Court of Justice: *O'Brien v. Ministry of Justice*. Edward Benson and Heather Bragg at Browne Jacobson represented Dermod O'Brien in this case.

He alleges he has been discriminated against and that this is unlawful under European law as set out in the Part-time Workers Directive. The case affects up to about 8,000 part-time judges who have been denied pensions simply because they work part-time and their remuneration is called a "fee" rather than a "salary". The European Court is now asked by the Supreme Court to decide whether it is open to national law to determine which employees are considered as workers for the purposes of the Directive or if this must be determined at European Union level.

## if you're in the same position we can help you

For a fixed fee of £165 plus VAT we can:

- provide you with a pro-forma document for completion
- use the information in the pro-forma to prepare and submit a tribunal claim
- write to the employment tribunal president to have all the claims stayed until the Supreme Court has ruled following the ECJ's decision or the claim is otherwise determined
- keep you informed about progress in the ECJ and progress in the Supreme Court when the case returns from the ECJ

Further advice will be charged separately.

Claims must be brought within three months of the act complained of. In the case of pension provision, the cases so far suggest time runs from the date of retirement. Therefore judges nearing retirement should put claims in now to protect their position.

As well as part-time judges this also applies to full-time judges who have missed out on some years of service while working part-time and will therefore have lower pensions than they should have. They may also want to consider bringing a claim.



## our approach

Our approach is to know our clients, understand their objectives and provide clear, straightforward, practical advice on the employment law issues that arise.

We recognise that clients need to be kept informed and we ensure they receive regular updates on the law through seminars, legal updates and bulletins. Our updates focus on practical issues rather than obscure legal points and our seminars are popular and well attended because of their practical approach.

## our people

Our highly experienced team includes five partners (each with 15 years or more specialised experience in employment law) and five solicitors (with up to ten years' of experience each). This means that, whatever the level of experience required, we can provide the right individual or team. In complex matters we can put together partner-led teams but in all cases, partners retain an involvement, at least strategically and by supervision of junior solicitors.

## our clients

Our clients range from global corporations and public authorities to small businesses and we work in partnership with their people at all levels.

Browne Jacobson is one of the largest law firms in the Midlands, with regional and national reach through our offices in Birmingham, London and Nottingham. We are now over 500 strong, including 67 partners and over 200 other lawyers.

Famous for our friendly and straightforward approach, we deliver first class individual solutions for our clients. Our vision is to be the first choice law firm for clients and employees in the Midlands and we therefore place emphasis on people, both internally and externally. This approach has enabled us to build long-standing relationships with our clients and deliver exceptional service.

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