

## Compulsory retirement age still hitting the headlines

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The tribunal had to consider whether the university's rationale for retirement justified the discriminatory effect. The university argued that it introduced the policy in a bid to bring in younger and more diverse employees. In response, however, Professor Ewart presented statistical evidence demonstrating that the policy did not actually achieve this aim because only a few vacancies would be created. The Tribunal concluded that the university was unable to demonstrate that this aim was justified. The university is considering whether to appeal.

Professor Ewart is the fourth academic at the university to make an age discrimination claim. Two previous claimants were successful but notably the university was able to justify the policy in a third case based on the same rationale as considered in this case.

Whilst having a compulsory retirement age remains potentially lawful, it is clear that there are still significant problems when trying to justify such a policy and in the vast majority of cases justification will simply not be possible.

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