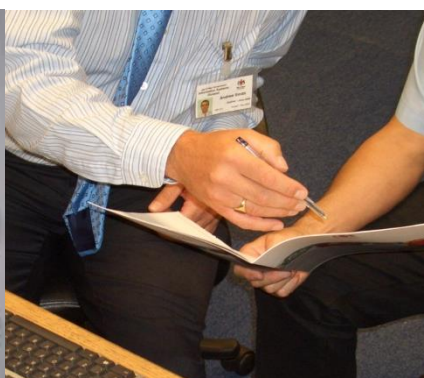




**Isle of Man
Government**

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Isle of Man Government

Retirement Policy

1st December 2018

Isle of Man Government – Retirement Policy 2018

1. Introduction

This policy sets out the approach of Isle of Man Government to the retirement of its employees and aims to provide a fair and uniform approach to the management of retirement in accordance with the requirements of the Equality Act 2017.

The introduction of the Isle of Man Equality Act 2017 makes it unlawful to discriminate on the basis of certain protected characteristics. Whilst the provisions in relation to age discrimination are not due to be introduced until January 2020, the Council of Ministers has determined that its policy on retirement is to be revised before the 2020 deadline.

From January 2020, people in work will be protected from being subjected to 'prohibited conduct' (including direct and indirect age discrimination, harassment and victimisation) to do with the 'protected characteristic' of age. (However, employers can justify direct and indirect age discrimination to achieve a legitimate aim through proportionate means).

To avoid allegations of age discrimination, employers should not operate a compulsory retirement age unless it can be objectively justified. For example, employees in some jobs where a high level of fitness or agility is required to undertake the role may be subject to an "employer-justified retirement age" for health and safety reasons.

2. Policy Statement

The Government is committed to ensuring compliance with the Equality Act 2017 and to treating its employees in a fair, transparent and equitable way.

The Government does not apply a compulsory or default retirement age to its employees, except in certain prescribed occupations, e.g. Police officers and Firefighters. This means that, where a default retirement age does not apply, employees will be able to choose when they wish to retire.

3. Purpose and Objective

Purpose

The purpose of this policy is to set out the Government's approach to the retirement of its employees, in accordance with the provisions of the Equality Act 2017, and confirms its commitment to a positive approach to equal opportunities in the employment of its staff irrespective of their age.

Objective

The objective is to enable employees to retire when they are ready to do so and to avoid discrimination on the grounds of age.

4. Principles

All employees irrespective of their age should be treated fairly and consistently.

A set or default retirement age is effectively a dismissal, and this will no longer be permitted unless it can be demonstrated that it is a proportionate means to justify a legitimate aim. Employers will be required to demonstrate this in any instance where they wish to apply a fixed retirement age.

There will no longer be a set retirement age for the majority of Government employees and this means that those employees can choose when they retire. Voluntary retirement is, in effect, a resignation and an employee's contractual notice will apply. Employees intending to retire are encouraged to give as much notice to their employer as possible, so that succession planning can be put in place. However, managers should not openly ask staff about their retirement plans as this could be deemed to amount to direct discrimination.

5. Pensions

Retirement age differs from Normal Pension Age, which is the age at which an employee can retire and have their pension paid without reduction or enhancement. The actual age which applies will depend on the terms of the employee's membership of the Government Pension Scheme.

Employees who have reached Normal Pension Age and have the required qualifying service for their occupational pension scheme are able to voluntarily retire from Isle of Man Government at a time of their choosing by providing written notice to their manager as per their terms and conditions of employment.

For advice and information on pensions, employees should contact the Public Sector Pensions Authority.

6. Managing performance and avoiding discrimination

Managers should not assume that poor performance is more likely to be associated with older workers.

Managers should not use the disciplinary or capability process as a means to remove someone from the workplace *solely* because of their age. Neither should they ask staff of a particular age to attend Occupational Health for an assessment *solely* based on their age, as to do so, could constitute age discrimination. Equally, failure to address poor performance in older workers because, or in the expectation that they will be leaving soon to draw their pension, may also be discriminatory.

If an employee, irrespective of age, is performing poorly, managers should discuss this with them to establish the causes and manage the employee in line with the relevant disciplinary or capability process.

7. Flexible or part-time working/Job Share

All employees are entitled to ask their employer to work more flexibly or work part-time. Whilst it is not a right to be granted a change in working pattern, the employer should give proper consideration to the request. This is underpinned by a statutory right to request flexible working.

Isle of Man Government is committed to encourage flexible, part-time working/job share and will ensure that training is provided to managers to develop a culture that supports flexible working for the workforce wherever this can be supported.

Resources and Further Reading

ACAS – Age and the Workplace

<http://www.acas.org.uk/media/pdf/e/4/Age-and-the-workplace-guide.pdf>

Equality and Human Rights Commission: Your rights to equality at work: dismissal, redundancy, retirement and after you have left a job:

<https://www.equalityhumanrights.com/en/publication-download/your-rights-equality-work-dismissal-redundancy-retirement-and-after-you-have>

Further help and information

Office of Human Resources

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Fax: 01624 685736
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Fax: 01624 685761
Website: <http://www.pspa.im/>

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