

## ECJ ruling raises chances of UK enforced retirement

By Pippa Stephens | 16 July 2012 |

**A recent European Court of Justice ruling in Sweden could make it easier to force retirement in the UK.**

In the Hörnfeldt vs Posten Meddelande case, the ECJ upheld the Swedish law allowing an employee's contract to be terminated on the sole grounds of their reaching age 67, taking no account of the employee's pension.

The ECJ ruled on the case of postal worker Mr Hörnfeldt, who said he could not afford to retire at age 67.

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He lost his age discrimination case when the Swedish court sought guidance from the ECJ, which agreed Sweden could justify the '67-year rule' on various grounds.

These included considering demographic conditions and labour shortages, and making it easier for young people to be employed.

James Hall, associate at Charles Russell, said: “The case is of great interest in the UK as employers here are looking to Sweden for guidance on objective justification — how you can justify forcing someone to retire at a certain age.”

He said the ruling would appear regularly in cases where people have been forced to retire, as it made it easier for employers in the UK to force retirement where it could be justified.

Jennie Kreser, partner at Silverman Sherliker, said while any retirement age must be justifiable, the case highlighted the ability for employers to encourage retirement if justified on the grounds of employment, or labour market policy.

“The ruling does perhaps highlight the fact there was no real EU imperative to remove the default retirement age, but other pressures closer to home may have made it inevitable,” she added.

The UK eliminated the default retirement age of 65 in October 2011.