

## Retirement

Workers in most jobs can choose when to retire. There is no default retirement age, except for a small number of jobs. This applies to all workers.

Some employers offer options like phased retirement – workers should check to find out if their employer has a policy on this. Even if they do not, anyone can make a request to reduce hours or change their working pattern but an employer isn't obliged to agree.

[Find out more about making a flexible working request](#)

## Claiming a pension

Workers can claim a pension only when the pension scheme allows it. Pension schemes need to follow Equality Act 2010 rules.

A worker does not need to retire when they reach their State Pension age. Those intending to work past the age at which they could claim a state or private pension should check how working will affect their pension.

## Talking to workers approaching retirement – how to do it

Rather than asking older workers directly about retirement, employers should have regular discussions with all their workers about future plans and aims. The conversation might include:

- what the worker would like to be doing in one year's time and in 3 years' time
- how they would like to develop their skills and experience

These discussions can help all workers to improve and develop, as well as helping with business planning. They can also lead to discussions about retirement without asking directly. It is fine for employers to talk to workers about retirement if the worker introduces the subject and wants to explore it. But they should raise the subject themselves first.

It's important that all workers are treated in the same way in these discussions.

## Talking to workers approaching retirement – what not to do

Putting pressure on someone to retire is likely to be age discrimination. In some circumstances, asking someone when they intend to retire can put them under pressure.

Unless there is a good business reason, employers should not ask directly about retirement plans. It's best to leave it to workers to raise the subject. Employers should remember that any worker can resign at any time and it would not be normal to ask workers if they intend to resign. Treating someone differently because they are a certain age could lead to discrimination.

However, employers might sometimes feel they need to know when someone intends to retire. It can help with business planning, especially for senior or specialist jobs. If an employer does ask about retirement they must make it very clear that there is no pressure to retire or to make any decision about retiring. They must not ask the question as part of any discussion about problems such as

performance or attendance.

Workers do not have to answer any questions about their retirement plans and must not be pressured to do so.

## Example of how asking about retirement could be age discrimination

Pat is 64 and is a specialist engineer working for a small business. Their contractual notice period is 2 months. The employer knows that it will take longer than this to recruit and train a replacement. They ask Pat to let them know about any plans for retirement, explaining the reason. They make it clear that there is no expectation of retirement and that the decision rests entirely with Pat. At the moment Pat has no thought of retirement but agrees to let the employer know if their plans change. The employer's actions are unlikely to be age discrimination.

A year later the employer begins to be unhappy with Pat's attendance. Pat has a back problem which is getting worse and causing periods of absence. They ask again about Pat's retirement plans, thinking that retirement would be an easy solution. Pat is waiting for an operation which should help with the back problem, so again says they do not intend to retire. The employer raises the subject again at the next attendance review meeting. Pat is starting to feel pressured to retire. The employer's actions are likely to be age discrimination.

## Set retirement ages

Most workers have the right to decide at what age they will retire. For most jobs there is no legal set retirement age. This ended in 2011. Exceptions include the police and fire service, which still have set retirement ages.

However, an employer can still set a retirement age if it can legally prove the need, but this can be difficult to do. To find out more about this, read about [objective justification](#).

An employer could try to set a retirement age – this would be age discrimination but can be justified if it is an 'objective justification' and a 'proportionate means of achieving a legitimate aim'. This means there is a business need which is more important than the discriminatory effect. This can only be determined by an employment tribunal following a discrimination claim.

Find out more about:

- [objective justification](#)
- [age discrimination](#)

## Ill health

There is no legal entitlement to take ill health retirement – it depends on the pension scheme rules. Workers should check with their employer or pension provider.

No-one can be forced to retire because of ill health.

## Age discrimination

Workers and job applicants are protected against discrimination because of age. Age is a protected characteristic, so age discrimination is against the law. This includes protection against unfair treatment because the worker or job applicant is:

- a different age or in a different age group from another job applicant or worker
- thought to be a particular age
- associated with someone belonging to a particular age group

An employer must not treat a worker detrimentally because they are thinking or asking about retiring, or could already take their work pension or State Pension.

[Read more about age discrimination and the law](#)

## Giving and withdrawing notice

If a worker decides they are going to retire, but has not given their employer formal notice of when, they can change their mind. This might be so they can retire on the planned date or shortly after. Or, for example, the worker might now have decided they want to carry on working.

In most jobs, an employer cannot force a worker to retire if they do not want to.

However, if a worker has given their employer formal notice of their intention to retire on a certain date, the employer does not have to let them withdraw their notice.