

# Pensions Law for Employment Lawyers

## Understanding recent developments

Friday 19 June 2009  
Millennium Knightsbridge  
Hotel, London



**Conference devised  
and chaired by:**

**MICHAEL RUBENSTEIN**  
Editor, *Industrial Relations  
Law Reports*

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*“Good level of technical  
detail, delivered in a  
concise, practical and  
user-friendly manner.”*

Clare Fletcher, Solicitor,  
Ashurst LLP (Pensions Law for  
Employment Lawyers, June 2008)

### Conference sessions and expert speakers:

- **The Pensions Act 2008**  
**Naomi Ling, Outer Temple Chambers**
- **Discrimination and occupational pensions**  
**Andrew Short, Outer Temple Chambers**
- **Early retirement pension applications**  
**Andrew Stafford QC, Littleton Chambers**
- **TUPE and occupational pensions**  
**Melanie Tether, Old Square Chambers**
- **The role of member-nominated trustees**  
**James Rickards, Outer Temple Chambers**
- **Consulting and communicating on pension changes**  
**Geoffrey Mead, Eversheds LLP**
- **Pensions and equal pay**  
**Ijeoma Omambala, Old Square Chambers**
- **Calculating pension loss for compensation purposes**  
**Jane McNeill QC, Old Square Chambers**

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# Pensions Law for Employment Lawyers

## Why you should attend this conference

In recent months, there has been a barrage of new legislation, regulations and case law affecting occupational pensions that every employment lawyer needs to understand.

- **The Pensions Act 2008** currently being brought into force **sets out new duties on employers to automatically enrol eligible jobholders into a pension scheme.** Agency workers are covered by this new duty, and there is a new right not to be unfairly dismissed or suffer detriment on grounds related to the new duties on employers. Changes are also made to the internal disputes resolution provisions.
- Recent well-publicised developments in the banking sector have brought into sharp focus the **complex employment law issues that can arise in respect of pension arrangements when senior executives take early retirement.**
- The Administrative Court will now be considering the implications of the **European Court of Justice's decision in the Heyday case** and the challenge to the UK's default retirement age.
- The EAT's judgment in ***Seldon v Clarkson Wright & Jakes* sets out guidelines on justifying a mandatory retirement age for non-employees**, such as partners in professional firms.
- **The Government has been consulting on changing the law to facilitate flexible retirement** by exempting certain practices from the age discrimination regulations. Draft regulations have been issued.
- The **litigation on pension rights for part-time workers** continues, with new case law on time limits for bringing a claim and on the burden of proof.
- **Regulations requiring employers to consult employees before making major changes to their pension schemes are now in force**, and the Department for Work and Pensions has issued guidance explaining how the Regulations apply.
- **The Transfer of Employment (Pension Protection) Regulations** require a transferee to offer a transferred employee who was a member of an occupational pension scheme with employer contributions access to a scheme which provides equivalent benefits, or make contributions to a money purchase or stakeholder pension.
- The EAT's decision in ***First West Yorkshire v Haigh* reminds employers dealing with employees on long-term sick leave of the importance of considering ill health retirement before dismissing.**
- In accordance with the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2005, at least one-third of trustees of almost all occupational pension schemes now have to be member-nominated trustees. Trustees are required to have knowledge and understanding of the law relating to pensions and trusts and the principles relating to the funding of schemes and the investment of scheme assets. **As a recent case has highlighted, trustees can be personally liable for a breach of their duties.**

This highly-acclaimed conference has been specially devised to put these important developments in an employment law context. Eight leading experts in both pensions law and employment law will explain what you need to know, in a language you can understand.

## What they said about this conference in 2008

*"Very useful overview of the pensions considerations that may potentially arise when advising in the employment law context – therefore met the aims of the course."*

Shazna Begum, Treasury Solicitors

*"Highly relevant programme dedicated to a specialised area of law."*

Linda Goldman, Barrister

## PROGRAMME – Friday 19 June 2009

09.00 Registration and coffee

### 09.30 **The Pensions Act 2008**

- Automatic pension scheme enrolment rights for “jobholders”
- New duties on employers
- Employee protection rights

**NAOMI LING,**  
**Outer Temple Chambers**

### 10.15 **Discrimination and occupational pensions**

- Flexible retirement and age discrimination
- Implications of the Heyday judgment on mandatory retirement
- Disability discrimination and occupational pensions

**ANDREW SHORT,**  
**Outer Temple Chambers**

11.00 Coffee

### 11.15 **TUPE and occupational pensions**

- Pension protection on a TUPE transfer: what is excluded and what is not
- Achieving equivalent pension provision
- Public/private sector transfers and pension rights

**MELANIE TETHER,**  
**Old Square Chambers**

### 11.55 **Early retirement pension applications**

- Rights for early leavers
- Ill health retirement and unfair dismissal
- Backdating ill health benefits: recent case law

**ANDREW STAFFORD QC,**  
**Littleton Chambers**

12.35 Lunch

### 13.35 **The role of member-nominated and independent trustees**

- Appointing member-nominated trustees
- Duties of member-nominated and independent trustees
- Scope of the trustee knowledge and understanding provisions

**JAMES RICKARDS,**  
**Outer Temple Chambers**

### 14.15 **Consulting and communicating on pension changes**

- Disclosure of information requirements
- Which changes must be consulted on
- Meaning of consultation

**GEOFFREY MEAD,**  
**Eversheds LLP**

14.55 Tea

### 15.10 **Pensions and equal pay**

- Recent case law on equalising benefits
- Public sector equal pay claims and pension benefits
- Part-time workers and pension rights: the latest position

**IJEOMA OMAMBALA,**  
**Old Square Chambers**

### 15.50 **Calculating pension loss for compensation purposes**

- The “simplified approach” to calculating loss
- The “substantial loss approach”
- Loss of pension rights and loss of earnings: implications of *Aegon UK Corporate Services v Roberts*

**JANE MCNEILL QC,**  
**Old Square Chambers**

16:30 Close of conference

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\*The early booking discount is only available when you register before 24 April 2009

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### Forthcoming events

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- Immigration Law for Employment Lawyers**, 28 April 2009, Radisson Mountbatten Hotel, London
- Employment Law Issues in the Credit Crunch**, 29 April 2009, Radisson SAS Portman Hotel, London
- Financial Services and Employment Law**, 30 April 2009, Holiday Inn Bloomsbury Hotel, London
- Certificate in Discrimination Law**, 6 – 8 May, Lion Court Conference Centre, London
- Settling Employment Claims**, 6 May 2009, Radisson Mountbatten Hotel, London
- Boardroom Employment Law**, 14 May 2009, The Guoman Cumberland Hotel, London
- Disciplinarys, Dismissals & Grievances**, 4 June 2009, Radisson Mountbatten Hotel, London
- Employment Contracts MasterClass**, 16 June 2009, Central London
- Age Discrimination**, 26 June 2009, Central London
- Employment Law Summer School**, 14 – 16 July, Oxford

For more information visit [www.conferencesandtraining.com](http://www.conferencesandtraining.com)

### You can still benefit from the day – even if you can't make it!

Naturally, nothing matches the experience of coming to the conference, but if you really can't make it, you can still benefit by ordering a set of course papers. Available for £250, this will give you a permanent record of the subjects covered, which you can share with your colleagues.

To order call on 020 7347 3573 or return the booking form.

## Administration

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**FEE**  
Your one-day fee includes attendance, refreshments, lunch and course documentation. Full payment, including VAT must be received prior to the conference. Please post a cheque for the full amount with your completed registration form or complete the credit card payment details. Once payment has been received a VAT invoice/receipt will be issued.

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**CANCELLATIONS**  
A refund of fees will be made only for cancellations received in writing at least 14 days before the event (less a 25% cancellation fee to cover administration costs). No refunds will be made for cancellations received within 14 days of the event and failure to attend after confirming a booking will be subject to the same terms. We regret that the transfer of a booking to another event cannot be made but a substitute delegate will be accepted at any time before the event.

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