

IPEBLA

International Pension & Employee Benefits Lawyers Association



Workshop 7: “Equality Issues in Benefits Schemes”

This workshop will explore the persisting inequalities still present in Benefit Schemes, for instance as a result of transitional arrangements. While transitional ‘grandfathering’ policies (plan changes only apply to future entrants) are usually justified as a way of keeping promises, they may result in age discrimination and/or unequal pay. The workshop will discuss the pros and cons of various forms of transitional arrangements and their effect under the laws against age discrimination and unequal pay. The workshop will also try to find common ground for alternative measures. Further, the workshop will discuss discrimination issues resulting from corporate restructuring (M&A) and the pressure to harmonize the different Benefit Schemes existing afterwards within a company. Finally, the workshop would like to examine if we can use pension plans as a tool to motivate older employees to continue working longer without creating age discrimination issues.

Topics will include:

- various forms of transitional arrangements, battle of generations
- legal perspective: transitional law and its basics · jurisprudence and its (possible or likely) development
- alternative measures
- possible discrimination issues in a M&A context and how to resolve them
- possibility of ‘positive’ age discrimination of older employees
- comparison between the different legal systems