The Case for the Employer-Justified Retirement Age (EJRA)

Background

In 2011, following two rounds of consultation with divisional boards, the UCU and all staff, and after extensive amendments to reflect the views expressed, an EJRA of 67 was introduced for those in grade 6 and above, in place of the default retirement age of 65. The necessary legislative changes were published to Congregation in the normal way and no objections were received.

In 2014, Dame Janet Smith, sitting as the University's internal Appeal Court, criticised the EJRA while ruling on an individual case in which a member of academic staff sought to continue working beyond the EJRA. Her concerns about the EJRA's exceptions procedure and *Aims* were addressed by changes which came into effect in 2015. The procedure Dame Janet criticised has not been in use since September 2015. Her comments about the policy were considered by the Review Group which reviewed the EJRA after five years of operation and were taken into account in their recommendations.

This Review Group comprised senior academics from across the University. It began its work in early 2016. In May 2016, Congregation rejected a proposal to suspend the EJRA pending the outcome of the review, a decision confirmed in a postal ballot.

The meetings of Congregation in Trinity term 2017

On 2 May this year, Congregation voted overwhelmingly to retain and adapt the University's EJRA policy in accordance with the recommendations of the Review Group:

- to restrict its use to those in grade 8 and above (broadly those eligible for Congregation)
- to raise the retirement age to 68
- to remove the Aims where there is less evidence that the policy is having an effect, and
- to improve the support and guidance available for staff and managers.

Congregation met again on 16 May and voted against abolishing the EJRA. Several members of Council and the Review Group explained why they see it as a proportionate means of achieving legitimate and important objectives – and therefore justified.

The Aims of the EJRA policy

The policy aims, by the creation of vacancies, to safeguard the high standards of the University and assist it in maintaining its position on the world stage by supporting career progression, inter-generational fairness, refreshment, diversity and succession planning.

At the Debate on 16 May, evidence from the United States was set out to show that without a retirement age many senior Faculty choose to stay in their roles for many years beyond the EJRA, thus slowing turnover. Data from the University's exceptions procedure supports this: more than half the statutory professors who reach retirement age seek to stay in employment, and up to 79% of vacancies in the grade in a year are created by retirement. Similar patterns can be seen in the Associate Professor and most senior research grades.

Since the EJRA was introduced in 2011 and thus retirement at 67 came into effect in 2013, the Review Group only had data from 2013, 2014 and 2015 to analyse. This was never going to allow it to reach conclusions with statistical significance. Nevertheless, the trends suggest that the EJRA is having a positive impact on our ability to deliver on the policy's aims.

The EJRA offers a necessary means to maintain turnover, ensuring the fair distribution of employment opportunities for increasing numbers of young academics in precarious employment. This was a benefit enjoyed by those now in their late careers. It is our duty – and a policy that will work to our benefit by ensuring that we attract and retain the brightest and best – to ensure that those who have not benefitted from maintenance grants and free tertiary education and who will find it hardest to buy houses and build sufficient pension benefits can compete for the secure roles that will allow them to flourish.

The EJRA also provides a vital means of improving diversity at the University. For example, only 15% of the statutory professor grade are women, yet of those we have recruited to chairs in the last three years 38% have been women. There are many initiatives aimed at improving gender diversity in the University but they can only be effective if we can increase the proportion of women by maintaining our rate of recruitment.

The transcripts of the Debates on 2 and 16 May provide many other examples of the contributions made by the EJRA to our ability to succession plan, refresh our Faculty, respond to external pressures and maintain the vitality of the academic community. They can be viewed at: https://www.admin.ox.ac.uk/councilsec/governance/congregation/.

Conclusion

The Review Group report made clear that the EJRA must be operated flexibly, allowing for employment beyond the EJRA in some exceptional circumstances, and in a manner that ensures that all staff are treated with dignity as they come towards the end of their careers. The procedures that support the policy must be fair and transparent, and the guidance must make clear what alternatives to extended employment exist. A number of improvements to the procedures and supporting paperwork, including revised deadlines, training for managers and less generic paperwork, have been agreed and will be implemented.

The signatories to this flysheet believe that the amended EJRA is a vital tool to allow us to balance the needs of the generations and look after the interests of all our staff.

Please vote to maintain the EJRA.

1. Professor Helen McShane, Nuffield Department of Medicine, Harris Manchester College
2. Professor Anne Trefethen, IT Services, St Cross College
3. Dr Judith Maltby, Corpus Christi College
4. Professor Irene Tracey, Nuffield Department of Clinical Neurosciences, Pembroke College
5. Professor Karen O'Brien, Humanities Division, University College
6. Mr Richard Ovenden, Bodleian Libraries, Balliol College
7. Professor Jeremias Prassl, Faculty of Law, Magdalen College
8. Professor Gideon Henderson, Department of Earth Sciences, University College
9. Professor Simon Benjamin, Department of Materials
10. Professor Rebecca Surender, Department of Social Policy and Intervention, Green Templeton College
11. Mr Boyd Rodger, Bodleian Libraries
12. Dr William Allan, Faculty of Classics, University College
13. Professor Andrew Wilson, Faculty of Classics, School of Archaeology, All Souls College
14. Dr Kate Blackmon, Saïd Business School, Merton College
15. Professor Lionel Tarassenko, Department of Engineering, St John's College