

City lawyer in age-discrimination battle

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One of the legal world's most eagerly awaited spectacles for years is to start at an employment tribunal today when a senior City lawyer accuses his former partners of age discrimination.

Peter Bloxham, the 54-year-old former head of restructuring for Freshfields Bruckhaus Deringer, will take the stand at the London Central Employment Tribunal to give evidence against former colleagues in the elite City of London law firm.

Mr Bloxham, who now works for Prudential, the insurer, was one of the first people to file a claim of age discrimination after the introduction of new legislation last October.

More than 1,500 claims have been made since, but Mr Bloxham's is the first issued by a senior lawyer against his former partners. Ronnie Fox, founder of the law firm Fox and an expert on partnership issues, said that the case was "extremely unusual" because "most professional services firms go to great lengths to settle disputes privately".

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After a day of administration, during which the tribunal chairman will decide the order of business, some of London's top lawyers are expected to give evidence.

Freshfields declined to comment on speculation that both Guy Morton and Konstantin Mettenheimer, the firm's joint senior partners, would be two of several heavyweight partners to be called during the nine-day hearing.

As of last week, Mr Bloxham's legal team had submitted only its intention to call one witness: Mr Bloxham himself.

The Times Online

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Neither Mr Bloxham nor his lawyers, Dawsons, would comment on the exact nature of the claim, which relates to changes to Freshfields' pension scheme. It is understood that Mr Bloxham will argue that the changes – which cut the amount that partners would receive in retirement – were discriminatory because they affected partners differently according to their age.

Mr Bloxham was one of about 30 lawyers to retire from Freshfields' partnership after the changes were introduced last year. The majority of them have remained with the firm as consultants.

In a statement, Freshfields said: "This is all about fairness. Everyone – Peter Bloxham included – had to compromise on their future annuity rights, whatever their age."

Although other age discrimination claims have already come before the Employment Tribunal, it is ironic that the first major case involves a claim against a law firm.

Lawyers predict that the Freshfields case will rekindle business fears about age-discrimination claims. A recent survey by Berwin Leighton Paisner (BLP), the law firm, found that almost one in nine employers has received an age-discrimination claim since the practice was officially outlawed last year. Rebecca Harding-Hill, a partner in BLP, said: "The findings suggest that employees are aware of the age regulations and are willing to take action."

According to the Employment Tribunal, 972 claims were made between October and the end of March. Since then, the pace of claims has increased, with 600 filed in the past three months.

Ms Harding-Hill said: "It is still early days for companies to see the full impact of the new legislation and employees' increasingly heightened legal awareness could lead to a dramatic increase in claims."

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Impact by numbers

The Berwin Leighton Paisner survey found that:

— 73 per cent of respondents said that they had already been affected by the new age regulations

— 50 per cent thought the legislation most benefited older employees when, in fact, the regulations protect employees of all ages

— Only 11 per cent felt that the regulations had a negative impact on their business, with 36 per cent believing that they were positive

— 55 per cent felt that the British workplace was overregulated

— Only 68 per cent of businesses had introduced retirement procedures. Of those that had not, a large proportion were small businesses likely to have fewer resources available to deal with the necessary administration

— More than 40 per cent of respondents had received requests from employees to work past retirement age. This suggests that many employees do want to work after age 65, possibly as a result of increased pressure on pensions, according to the law firm