

Law firm wins age claim case against partner

**By Nikki Tait,
Law Courts Correspondent**

Peter Bloxham, a former partner at Freshfields, yesterday lost his groundbreaking legal claim of age discrimination against the top City law firm Freshfields Bruckhaus Deringer.

A central London employment tribunal said it had reached the unanimous decision that the former insolvency partner's complaint of "discrimination on the grounds of age is not well-founded and is dismissed".

The case had centred on alleged unfairness stemming from changes to the firm's pension arrangements.

In its decision, the three-person tribunal dismissed many of Mr Bloxham's claims of bias, but did agree that a key element of the pension reforms was potentially unfair, given Mr Bloxham's circumstances.

But it then went on to rule that Freshfields' action was justified because the law firm was pursuing a legitimate aim by proportionate means. That justification test was "not merely met but was comfortably passed" by the law firm.

Age discrimination rules differ from those applying to other forms of bias claims, because in "ageism" cases employers are given an opportunity to justify less favourable treatment by showing that this is a "pro-

portionate means of achieving a legitimate aim".

Mr Bloxham's complaint, which was heard in July, was the first high-profile ageism case to be considered by a tribunal since the new laws banning discrimination on age grounds came into force a year ago.

Accordingly, it was closely-watched – not least because it was expected to test the standards required to meet the justification hurdle.

"The real value of this judgment is in relation to the guidance on what constitutes a proportionate means of achieving a legitimate aim," said Ronnie Fox, an employment and partnership law specialist last night.

The tribunal's ruling and reasoning, he added, was likely to provide comfort for both corporate employers and those managing professional partnerships.

Freshfields also said it was pleased with the result.

"It is a pity that this misguided claim was ever brought to the tribunal. We are pleased that the tribunal has recognised that both the reforms to our partner pension scheme, and the procedures through which they were adopted, were fair," said Guy Morton, Freshfields' joint senior partner.

Mr Bloxham was travelling yesterday and not immediately available for comment.