Basing an ill health early retirement pension on part-time salary was not disability discrimination

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The Claimant, Mr Williams, who worked at Swansea University for 13 years, took ill health retirement at age 38 due to disability and became entitled to his accrued pension as well as an enhanced pension. Yet, both pensions were based on the final salary he received while working part-time for last three years in the period leading up to his retirement, after his employer had reduced his hours as an adjustment to accommodate his disability. The crux of the argument was that the pension should have been calculated on the basis of the

full-time salary Mr Williams had received for ten years prior to changing to part-time hours.

The Supreme Court identified the relevant treatment as the award of an “enhanced pension”, which was advantageous treatment arising from a disability and not available to someone without one. Therefore, the complaint of unfavourable treatment could not stand even if the employee wanted a greater advantage.

Williams v The Trustees of Swansea University Pension & Assurance Scheme and another [2018] UKSC 65

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