To Professor Debbie Prentice,
Vice Chancellor
Cambridge University

Dear Professor Prentice   7th November 2023

Re Abolition of Employer Justified Retirement Age (EJRA) and the Cambridge Brain Drain

This letter has been signed by Professors at Cambridge University to signal the strength of negative feeling among your senior staff over the unacceptable policy of EJRA.

We call on you to exercise your power as VC **to ensure a vote on the abolition of EJRA before the end of the Easter Term 2024** for the following 10 reasons:

1. Oxford's EJRA was **found to be illegal** by the Employment Tribunal in March 2023 because it was 'not a proportionate means of achieving a legitimate aim', such as greater diversity among staff. The evidence presented at the tribunal suggests that a similar conclusion applies to Cambridge. Gender diversity became worse at Cambridge than at other Russell Group universities that did not force retirement. The Tribunal also found that the effects of Oxford's EJRA on opportunities for younger academics were statistically trivial – only 2-4% – in comparison to the overall harm done by the policy; and that this trivial benefit is at the expense of another group of academics, and so could also not be justified as proportionate.

2. EJRA **contravenes the Equality Act 2010** as amended by the Employment Equality Regulations (Repeal of Retirement Age Provisions) 2011 because, without any adequate justification, it discriminates in a disproportionate manner against a group of staff on the basis of a protected characteristic (age) which under the law should be protected as forcefully as the other 8 protected characteristics (sex, ethnicity, religion or belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity).

3. EJRA **punishes successful senior academics** by preventing them from the age of 63 from applying for five-year research grants or from the age of 65 from supervising PhD students.

4. EJRA creates a **brain drain** of academic talent from Cambridge as senior academics are forced to leave Cambridge for posts elsewhere if they want to stay active in research. Many of these academics are regarded as the best in the UK or internationally in their field.

5. EJRA makes **no business sense**. Cambridge saves approximately £3M per annum when it sacks approximately 30 senior academics per year, but these individuals bring in grant income that exceeds this cost. Many of these senior academics are at the top of their game where they attract research grants of £1M per year. Many funders prefer to award big grants to senior academics because of the evidence of their substantial track record.

6. EJRA directly **causes stress and poor mental health** among its top academics as they face being made unemployed at age 67 and are rendered ineffective from age 63 when they are not allowed to apply for grants. We select University Teaching Officers

who are strongly motivated "to devote themselves to the advancement of knowledge in their subject" as required by Statute; blocking them lowers their self-esteem and self-confidence, often after reaching the highest echelons of their discipline.

7. EJRA **discriminates against University Teaching Officers** because other staff are allowed to keep working past age 67.

8. EJRA is **not supported by any other university** in England except Oxford, and Oxford has lost in employment tribunals in the cases of five officers. Forced retirement was abolished in the US more than 30 years ago because it is unfair. In those universities, retirement is left to the choice of the individual and many academics choose to retire in their 70s. It was also abandoned in other sectors, such as the NHS.

9. EJRA **reduces diversity** among the academic staff because there are almost no staff in the age group 67+. Older academics also play a vital role in providing a longer historical perspective, and in mentoring younger academics.

10. EJRA **impedes hiring** world-class senior academics who are deterred from moving to Cambridge as their careers will be cut short prematurely. EJRA also **impedes retention** of world-class mid-career academics who may be tempted by a university where they will not be cut off in their prime.

We recognize that those who defend EJRA may argue that it opens up jobs for assistant and associate professors. But this has not materialised in practice. In any case, the argument depends on the 'lump of labour' fallacy, which assumes a fixed amount of academic work. In reality, senior faculty can generate new research and opportunities, making the academic labour market far from zero-sum.

As for performance management, EJRA was justified and sold in both the 2010 and 2011 University Discussions and in the 2012 vote of the Regent House with the argument that it would avert the need for a system of performance management. But the Government ruled in 2011 that the avoidance of a satisfactory system of performance management was not a justification for the retention of a mandatory retirement age. Thus the Cambridge EJRA also contravenes the 2010 Equality Act as it rested on a disallowed justification.

In summary, for the above reasons, we the undersigned believe EJRA is immoral, illegal, unfair, uneconomic, and bad employment practice.

We who feel proud of Cambridge's academic excellence also feel ashamed that it blatantly discriminates in terms of ageism as this is as morally offensive as racism, sexism, ableism, etc. As such it is a **reputational risk** for Cambridge.

We hope that you will care about the high levels of dissatisfaction with Cambridge as an employer and that this will be resolved speedily. Your two predecessors have each delayed tackling the issue, and every further year of delay will unfairly target a new cohort of approximately 30 senior academics.

With thanks,

Professor David Abulafia CBE FBA
Professor Ali Alavi FRS
Professor Ross Anderson FRS FREng
Professor Michael Anderson
Professor Shaz Ansari
Professor Jean Bacon FIEEE FBCS
Professor Sir Simon Baron-Cohen FBA FMedSci
Professor Sir David Baulcombe FRS FMedSci
Professor Eyal Benvenisti
Professor Natalia Berloff
Professor Gonçalo J. L. Bernardes
Professor Debopam Bhattacharya
Professor Sarah-Jayne Blakemore FBA FMedSci
Professor Peter Bossaerts FASSA
Professor Richard Bourke FBA
Professor Kevin Brindle FMedSci FRS
Professor Graham J Burton FRS FMedSci
Professor Paula Buttery
Professor Albert Cardona
Professor Krishna Chatterjee CBE FRS FMedSci
Professor Sir Christopher Clark
Professor P John Clarkson FREng
Professor Nicola Clayton FRS
Professor Bill Clyne CEng FREng FIMMM
Professor Alastair Compston CBE FRS FMedSci
Professor David A. Coomes
Professor Diane Coyle
Professor Jon Crowcroft FRS FREng
Professor Meredith A. Crowley
Professor Gabor Csanyi
Professor Philip Dawid FRS
Professor Anthony Dickinson FRS
Professor Elroy Dimson FRHistS
Professor Saul Dubow
Professor Siân Dutton
Professor Manuel Eisner
Professor Matthew Elliott
Professor G.R. Evans FSA FRHistS
Professor Mark Evans
Professor Barry J Everitt FRS FMedSci
Professor Norman A Fleck FREng FRS
Professor Tamsin Ford
Professor Eric French
Professor Matthew J. Gaunt
Professor Nick Gay
Professor Gerry Gilmore FRS
Professor Mark Girolami FREng FRSE
Professor Dino A. Giussani FRCOG
Professor Mark Goldie
Professor Raymond E Goldstein FRS
Professor Susan Golombok FBA FAcSS
Professor Usha Goswami FRS FBA CBE
Professor Sanjeev Goyal FBA
Professor Dame Clare P. Grey FRS
Professor Gillian Griffiths FMedSci FRS
Professor Mark Gross FRS
Professor Hatice Gunes
Professor Matthew H. Kramer FBA
Professor Gregory Hannon FRS
Professor Christopher Harris
Professor Peter Haynes FRS

Professor Anita Herle
Professor David Hodell
Professor Marian B. Holness FRS
Professor Sir Colin Humphreys CBE FRS FREng
Professor Randall Johnson
Professor Paul Kattuman
Professor Adrian Kent
Professor Sir David Klenerman FRS FMedSci
Professor Zoe Kourtzi
Professor Máté Lengyel
Professor Oliver B Linton, FBA
Professor Cecilia Mascolo
Professor Epaminondas Mastorakos FREng
Professor John Mollon FRS
Professor Andrew W. Moore
Professor Brian C.J. Moore FMedSci FRS
Professor Jenny Morton FRSB
Professor Alan Mycroft
Professor David Newbery FBA
Professor Jonathan R. Nitschke
Professor Giles E.D. Oldroyd FRS
Professor Alexey Onatskiy
Professor Susan Oosthuizen FSA FRHistS
Professor Sir Stephen O'Rahilly FRS FMedSci
Professor Andrew M. Pitts FACM
Professor Amanda Prorok
Professor Didier Queloz, FRS
Professor Fernando Quevedo
Professor Lalita Ramakrishnan FMedSci FRS
Professor Akshay Rao
Professor Raghavendra Rau
Professor Randy J. Read FRS
Professor Trevor W Robbins CBE FRS FMedSci
Professor Ian G Roberts FBA
Professor Peter Robinson
Professor David Ron FRS FMedSci
Professor David Rowitch FMedSci FRS
Professor David C Rubinsztein FMedSci FRS
Professor Jochen Runde
Professor Hamid Sabourian FBA
Professor Lucio Sarno
Professor Simon Schaffer FBA
Professor Stefan Scholtes
Professor Wolfram Schultz FRS
Professor Suchitra Sebastian
Professor Peter Sewell FRS
Professor Henning Sirringhaus FRS
Professor Timothy Smiley FBA
Professor Richard J Smith
Professor Nedunchezhian Swaminathan
Professor Simon Taylor
Professor Simone Teufel
Professor Christopher A Tout FRAS
Professor Alexandra V. Turchyn
Professor Michele Vendruscolo
Professor David J. Wales FRS
Professor Alex Webb
Professor Barry Windeatt
Professor Eric Wolff FRS
Professor Giles Yeo MBE