



THURSDAY, APRIL 5, 2007

## Jobs clinic

### I retired early but now I want my old job back

**Q** I WORKED for the council in the maintenance department for ten years until 2001.

I fell seriously ill in 1999 and had to have four operations. I was off work for just over a year when it became clear that I was unable to go back to my job. The council offered me a small lump sum and pension, which I accepted and was grateful for at the time.

I have now been passed as 100 per cent fit for work by my doctor. Would I be entitled to apply to get my old job back or one like it should any become available?

And also, what would happen to my pension payments if I could go back and work for the council?

**A** AS FAR as getting another job is concerned, you are free to apply for your old position (or any other one, for that matter) with your former employers, but they under no obligation to consider you any differently from any other candidate in the recruitment process.

The question regarding your pension is more difficult to answer and it will depend upon what basis your former employers agreed to pay your pension.

If your pension was based solely upon your service up until the point at which you left their employment and you went back to work for them as a new employee, you would accrue a pension entitlement based on your future service.

Sometimes, an employer is able to pay pensions on an enhanced basis in the case of ill-health, taking into account expected or nominal service.

If this was the case for you, it is likely to have an impact on what you can accrue going forward, but it will not result in your pension being taken back.

When they started paying your pension, your employers should have provided you with an explanation as to how your benefit had been calculated. Once this has been clarified, you should speak to the trustees of the pension scheme about any restrictions on rejoining the scheme and on what basis your pension would accrue.

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■ Do you have a question to put to our panel of experts? Write to: Jobs Clinic, c/o Special Reports, Barclay House, 108 Holyrood Road, Edinburgh, EH8 8AS. Alternatively, e-mail: [jobsclinic@scotsman.com](mailto:jobsclinic@scotsman.com)