

European Anti-discrimination Law Review

No. 6/7 - 2008

United Kingdom

Case law

Dismissal on the ground that an employee is too young held to be unlawful age discrimination.

In the case of *Wilkinson v Springwell Engineering Limited*²⁰⁰, Ms Wilkinson, 18 years old, was employed by Springwell Engineering as an administrator, having taken over the post from her aunt. She was informed in February that she was only achieving 90% of her duties and told that she would need to improve her work rate. Another, older administrator was assigned to cover some of Ms Wilkinson's work. On 16 March 2007, Springwell terminated MS Wilkinson's employment. Ms Wilkinson claimed she was told that she was too young for the job and that the employer had discriminated against her on the basis of her youth.

The tribunal found that the employers had made stereotypical assumptions about the experience, age and capabilities of Ms Wilkinson. In this case they had assumed that her age meant she had insufficient experience and therefore insufficient capability to do the job. The tribunal concluded that the evidence clearly established that the employers had applied these stereotypes, and then proceeded to find that Springwell Engineering had not been able to discharge the burden of proof and establish that age was not the reason for the claimant's dismissal. The tribunal awarded Ms Wilkinson a total of £16,081 sterling. This case is the first age discrimination case in the UK that has been decided by a tribunal on the basis that discrimination on the grounds of the youth of the victim had taken place.

Internet link, source and additional information: <http://www.practicallaw.com/0-380-9782>

²⁰⁰ ET/2507420/07, published on 5 March 2008.