



*Eatons*

## Age Discrimination – Young Workers

The Employment Equality (Age) Regulations 2006 make direct and indirect age discrimination illegal in an employment context, unless the treatment can be objectively justified. The legislation applies to discrimination against young as well as older workers.

Recently, a woman who claimed that she was dismissed for being ‘too young’ won her claim of age discrimination (*Wilkinson v Springwell Engineering Limited*).

Leanne Wilkinson was 18 years old when she began working for Springwell Engineering Limited, in Newcastle upon Tyne, as an office administrator. She was dismissed without notice during a three-month probationary period and was asked to leave the premises immediately.

Miss Wilkinson claimed that her employer told her that it needed an older, more experienced person to do the job. Springwell Engineering claimed that she was dismissed on grounds of capability.

The Employment Tribunal upheld Miss Wilkinson’s claim. The company had relied on a ‘stereotypical’ assumption that capability equals experience and experience equals older age. There was also a lack of any ‘orthodox procedures’ when recruiting Miss Wilkinson and when her employment was terminated.

Miss Wilkinson was awarded £5,000 for injury to feelings, approximately £5,000 for loss of earnings and two weeks’ pay because the company had failed to provide her with full written particulars of her employment. The award was increased by 50 per cent because the employer had failed to follow statutory procedures. In addition, the company was ordered to provide any prospective employers with a truthful reference stating that Miss Wilkinson’s dismissal was due to a breach of the age discrimination regulations, not that she was dismissed on capability grounds.

**CONTINUED...**

### EATONS SOLICITORS

THE OLD LIBRARY,  
34 DARLEY STREET,  
BRADFORD,  
BD1 3LH.

T: 01274 728 327  
F: 01274 305 056

ASPECT COURT,  
47 PARK SQUARE,  
LEEDS,  
LS1 2NL.

T: 0113 246 0444  
F: 0113 394 4101

49-51 PEGHOLME,  
WHARFEBANK BUSINESS  
CENTRE, ILKLEY ROAD,  
OTLEY, LS21 3JP.

T: 08456 446 006  
F: 08456 446 005



*Eatons*

## Age Discrimination – Young Workers

Employers are reminded that employees do not have to have worked for a specified period before they are entitled to bring a claim for discrimination. Equal opportunities training should be given so that stereotypical views linking age with competence do not go unchecked, leaving you open to a claim.

**Contact Maureen singleton, Head of Corporate and Employment Law on Tel: 01274 728 327 for advice on any employment law matter.**

### EATONS SOLICITORS

THE OLD LIBRARY,  
34 DARLEY STREET,  
BRADFORD,  
BD1 3LH.

T: 01274 728 327  
F: 01274 305 056

ASPECT COURT,  
47 PARK SQUARE,  
LEEDS,  
LS1 2NL.

T: 0113 246 0444  
F: 0113 394 4101

49-51 PEGHOLME,  
WHARFEBANK BUSINESS  
CENTRE, ILKLEY ROAD,  
OTLEY, LS21 3JP.

T: 08456 446 006  
F: 08456 446 005