


Job applicant receives settlement due to unlawful age discrimination at interview

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Janice Walsh applied for a job with Domino's Pizza, hoping to secure a role as a Delivery Driver. However things quickly took a turn for the worse during her initial interview, with the very first question that she was asked relating to her age. Ms Walsh was ultimately informed that she had not been successful in her application.

She went on to claim for discrimination against both the specific Domino's Pizza franchise in which she had attended the interview, and the individual that had interviewed her, claiming that she felt her age had been a key reason that she was not offered the role. She subsequently received an apology for the way in which the interview was conducted and was paid £4,250 in settlement.

Whilst Ms Walsh was based in Northern Ireland, the age discrimination provisions within England and Wales are similar. Under the Equality Act 2010, it is unlawful to directly discriminate by treating a job applicant or employee less favourably than others because of age without objective justification. The availability of the objective justification defence is different to the other protected characteristics (sex, race, sexual orientation etc), as usually there is no such potential defence to a direct discrimination claim.

Organisations should be alive to the risks of potential discrimination claims within the recruitment process, and remember that protection extends to job applicants, not just those in employment.

Organisations should ensure all interviewers have had adequate diversity training which includes conscious and unconscious bias.

Questions at interview should focus on skills, abilities and potential. Questions that relate to protected characteristics (for example, age, questions about childcare arrangements, living arrangements, or plans to get married or to have children) should be avoided. Managers may find it helpful to have a checklist of key questions to avoid asking, with suggested alternatives. Where such information is volunteered at interview or during the recruitment process, managers should take particular care to not to allow themselves to be influenced by that information.

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