

Hung Out to Dry

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The claim centred on complaints that Superdry failed to promote Rachel Sunderland, grant her the job title of Lead Designer, and overworked her, and that younger individuals were recruited, promoted and recognised which undermined her standing (or perceived standing) in the team.

Having decided that Superdry had unfairly dismissed Rachel Sutherland, the Employment Tribunal concentrated on the reason for the treatment. It found that Superdry had treated Rachel Sutherland unfairly in significant part because of her age and, in particular, management's assumption that her flight risk was low compared to younger employees.

The message to employers is clear. Do not act on an assumption. Implement fair, clear, and transparent processes, including in relation to performance reviews.

Since posting about her claim, Rachel Sunderland messaged "Reading the comments (of messages she received) it's very clear that age discrimination is widespread and isn't solely a woman's issue." More age discrimination claims seem set to follow.

Contact



Raymond Silverstein

Partner

raymond.silverstein@brownejacobson.com

+44 (0)207 337 1021

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