

Unlawful Age Discrimination in Selection Process

A County Down man has won the first ever case of ageism in Northern Ireland brought under legislation introduced last October. Terence McCoy from Newtownards brought the case after being turned down for a job of salesman with Belfast timber firm James McGregor and Sons.

An employment tribunal concluded that but for his age Mr McCoy would "more probably than not" have been selected. Mr McCoy, then 58, said he felt as if he had been "flung on the scrapheap". "I know that my experience and knowledge of the timber trade made me a strong candidate for one of these posts," Mr McCoy said. "I was convinced that I was passed over because of my age, and felt as if I had been flung on the scrapheap. "I am very pleased that the tribunal has made this finding which confirms that I was subject to unlawful age discrimination."

Mr McCoy had applied for one of two salesmen posts with the firm and, after two interviews, was told he was unsuccessful.

The tribunal drew an inference of discrimination from the use in the recruitment advertisement of the phrase "youthful enthusiasm".

It also concluded that there was a link made between the issue of age and the concept of what has been variously referred to as "enthusiasm", "motivation" and "drive".

The tribunal also said that Mr McCoy was asked age-related questions.

Eileen Lavery of the Equality Commission, which supported the tribunal, said the decision highlighted the fact that discrimination on grounds of age was unlawful.

"The tribunal determined that the company, and those involved in the recruitment, took account of Mr McCoy's age as being a relevant factor in the selection process, and that this constituted unlawful discrimination," she said.

"This empathises the need for everyone involved in recruitment exercises to guard against making decisions based upon assumptions that the age of applicants might mean they would be less likely to have certain qualities. "

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