

Case law review

Mohammed v Bloomsbury Bowling Ltd 2200410/2012

The case of *Mohammed v Bloomsbury Bowling Ltd* is a good example of why an employer should have a recruitment policy and managers conducting interviews should receive training on how to conduct the interview and questions to avoid.

In this case, Bloomsbury Bowling (the Company) wanted to recruit a pizza chef. The Company's Head Chef had found the Claimant's CV online via the Gumtree website and invited him for an interview.

The Claimant's CV did not disclose his age and he alleged that, having disclosed his age (40) to the Head Chef, he was subsequently told that the application had to be rejected because the Company's General Manager thought that he was too old. The Claimant also alleged that the Head Chef also made a comment to him about having grey hair.

The successful candidate selected was 30. The Claimant complained that the Company had discriminated against him because of his age. The Head Chef disputed saying anything about the General Manager's comments around the Claimant's age but did admit to making a joke about grey hair, explaining he had wanted to put the Claimant at ease in the interview and the comment was linked to the stress of working in kitchens. The Head Chef also told the Tribunal that the reason the Claimant had been unsuccessful in his application was that he had doubts as to the Claimant's ability to work in a busy kitchen.

The Tribunal could not make a decision of fact around whether the General Manager had or had not instructed the Head Chef not to appoint the Claimant on the basis of age. However, in the absence of any clear recruitment procedure, the comment about grey hair, the fact that the successful candidate was ten years younger and the contradictory evidence provided by the Company, the Tribunal found it was sufficient for to draw an adverse inference of age discrimination. This

moved the burden to the Company to prove that discrimination in recruitment had not taken place which it failed to do.

For any queries or further information on recruitment and interviewing, please contact Jo Cullen Head of Employment at Edwards Duthie Shamash for a free initial discussion – Josephine.Cullen@edslaw.co.uk or 020 8475 7401