

Discrimination damages for insincere job applications

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If a person applies for a job only for the purposes of bringing a discrimination claim, rather than genuinely wanting the job, they will not be entitled to compensation under discrimination law.

A German company, R + V Allgemeine Versicherung AG, advertised for graduate trainees in various disciplines, including law.

Applicants to the legal roles were required to have passed their qualifications, done an employment option, and/or have medical knowledge.

Mr Kratzer applied for a legal position. He stated that he was a lawyer and former manager with an insurance company. He said he was going to do a course in employment law and, as he had dealt with the death of his father, he had experience of dealing with a large medical law file.

Mr Kratzer's application was rejected, after which he wrote to the company demanding compensation of €14,000 for age discrimination. The company invited him to an interview, stating that his application had originally been rejected via an automatically generated response. Mr Kratzer declined and brought a claim for damages for age and sex discrimination.

The Court of Justice of the European Union held that Mr Kratzer was not entitled to compensation. Discrimination legislation is intended to protect those who are victims of discrimination whilst they are seeking employment. As Mr Kratzer was neither a victim nor seeking employment, his claim had no basis.

Kratzer v R + V Allgemeine Versicherung AG (C-423/15)

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