

Royal Mail Group Ltd (Respondent) v Efobi (Appellant)

Case ID: UKSC 2019/0068

Case summary

Issue

In a claim for discrimination contrary to the Equality Act 2010, which party bears the burden of proving that discrimination has or has not occurred?

Facts

The appellant, Mr Efobi, is a black Nigerian and a citizen of the Republic of Ireland. He has graduate and postgraduate qualifications in information systems. From August 2013, he was employed by the respondent, Royal Mail Group Ltd ("RMG"). He worked as a postman in the operational department but wanted to be employed in the management/IT service area. He applied for many posts but was unsuccessful. He brought proceedings in the Employment Tribunal ("ET") for harassment, victimisation, and direct and indirect race discrimination in relation to his failure to obtain 22 of these posts.

The ET rejected his claims of discrimination, but his harassment and victimisation claims succeeded in part. Mr Efobi successfully appealed the ET's discrimination findings in the Employment Appeal Tribunal ("EAT"). The EAT concluded that the ET had erred in its approach to the burden of proof. RMG successfully appealed the EAT's decision to the Court of Appeal. Mr Efobi now appeals to the Supreme Court.

Judgment appealed

[\[2019\] EWCA Civ 18](#)

Parties

Appellant(s)

Efobi

Respondent(s)

Royal Mail Group Ltd

Appeal

Justices

Lord Hodge, Lord Briggs, Lady Arden, Lord Hamblen, Lord Leggatt

Hearing start date

27 Apr 2021

Hearing finish date

27 Apr 2021

Watch hearing

27 April 2021 [Morning session](#) [Afternoon session](#)