



EMPLOYMENT TRIBUNALS

Claimant: Mr S Zerehannes

Respondent: Asda Stores Limited

PRELIMINARY HEARING

Heard at: Nottingham (in public)

On: 28 January 2019

Before: Employment Judge Camp (sitting alone)

Appearances

For the claimant: Dr R Ibakakombo, lay representative

For the respondent: Mr A MacMillan, counsel

JUDGMENT & DEPOSIT ORDER

- (1) All complaints of discriminatory harassment and of indirect discrimination are by consent dismissed upon withdrawal.
- (2) The Employment Judge is not satisfied that the associative direct disability discrimination claim has no reasonable prospects of success but is satisfied that it has little reasonable prospect of success. The claimant is **ORDERED** to pay a deposit of **£1000** not later than **21 days** from the date this Order is sent as a condition of being permitted to continue to advance any complaint of associative direct disability discrimination. The Judge has had regard to any information available as to the claimant's ability to comply with the order in determining the amount of the deposit.

REASONS

1. These Reasons are not, technically, written reasons under rule 62(3). Written reasons were requested at the end of the hearing and will be provided separately. These are the "*Tribunal's reasons for making the deposit order*" in accordance with rule 39(3).
2. I made the deposit order because I decided that the claimant's associative direct disability discrimination claim has, at best, little reasonable prospects of success. I note that that is the claimant's only remaining disability discrimination claim and

consists of the series of complaints that are numbered 1 to 6 in the Scott schedule.

3. The problem the disability discrimination complaints have – a problem common to the whole of the claimant’s claim under the Equality Act 2010 (“EQA”), but particularly acute in relation to those complaints – is causation. It appears that there is no proper basis, and will be no proper basis, upon which the Tribunal at the final hearing could decide, even in the absence of any other explanation, that the reason for any mistreatment of the claimant was the claimant’s wife’s disability.
4. During the hearing, I suggested I would send out a single document containing all judgments and orders made at the hearing, together with the full written reasons that were requested. I have changed my mind about this, mainly because I think it is important to get the deposit order out as soon as possible and there will be a significant delay if I wait until the reasons I gave orally at the hearing have been typed up.

Employment Judge Camp

29 January 2019

Sent to the parties on:

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For the Tribunal:

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**NOTE ACCOMPANYING DEPOSIT ORDER
Employment Tribunals Rules of Procedure 2013**

1. The Tribunal has made an order (a “deposit order”) requiring a party to pay a deposit as a condition of being permitted to continue to advance the allegations or arguments specified in the order.
2. If that party persists in advancing that/those allegation(s) or argument(s), a Tribunal may make an award of costs or preparation time against that party. That party could then lose their deposit.

What happens if you do not pay the deposit?

3. If the deposit is not paid the allegation(s) or argument(s) to which the order relates will be struck out on the date specified in the order.

When to pay the deposit?

4. The party against whom the deposit order has been made must pay the deposit by the date specified in the order.
5. If the deposit is not paid within that time, the allegation(s) or argument(s) to which the order relates will be struck out.

What happens to the deposit?

6. If the Tribunal later decides the specific allegation(s) or argument(s) against the party which paid the deposit for substantially the reasons given in the deposit order, that party shall be treated as having acted unreasonably, unless the contrary is shown, and the deposit shall be paid to the other party (or, if there is more than one, to such party or parties as the Tribunal orders). If a costs or preparation time order is made against the party which paid the deposit, the deposit will go towards the payment of that order. Otherwise, the deposit will be refunded.

How to pay the deposit?

7. Payment of the deposit must be made by cheque or postal order only, made payable to HMCTS. Payments CANNOT be made in cash.
8. Payment should be accompanied by the tear-off slip below or should identify the Case Number and the name of the party paying the deposit.
9. Payment must be made to the address on the tear-off slip below.
10. An acknowledgment of payment will not be issued, unless requested.

Enquiries

11. Enquiries relating to the case should be made to the Tribunal office dealing with the case.
12. Enquiries relating to the deposit should be referred to the address on the tear-off slip below or by telephone on 0117 916 5015. The PHR Administration Team will only discuss the deposit with the party that has been ordered to pay the deposit. If you are not the party that has been ordered to pay the deposit you will need to contact the Tribunal office dealing with the case.



DEPOSIT ORDER

**To: HMCTS Finance Centre
 The Law Library
 Law Courts
 Small Street
 Bristol
 BS1 1DA**

Case Number _____

Name of party _____

I enclose a cheque/postal order (*delete as appropriate*) for £_____

Please write the Case Number on the back of the cheque or postal order