



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms. B. Chamay**

**v**

**Société Air France**

**Heard at:** Watford

**On:** 15 June 2023

**Before:** Employment Judge Coll

## **Appearances**

**For the Claimant:** unrepresented

**For the Respondent:** Mr. D. Brown, counsel

## **JUDGMENT**

1. The claimant's claims for direct associative race discrimination under the Equality Act 2010 section 13 and for constructive unfair dismissal are struck out due to no reasonable prospect of success (under Rule 37(1) of the Employment Tribunal Procedure Rules 2013). It was agreed that there was no claim for unfair dismissal by reason of redundancy.
2. The Tribunal finds that the claimant's claims for Direct Age Discrimination and for Victimisation (Equality Act 2010 respectively sections 13 and 27) have little reasonable prospect of success. Under Rule 39(1) of the Employment Tribunal Procedure Rules 2013, the Tribunal will make an order requiring the claimant ("the paying party") to pay a deposit as a condition of continuing to advance those claims.
3. Although reasonable enquiries were made of the claimant at the Preliminary Hearing, sufficient information was not available to enable a decision about the amount of the deposit. The claimant will be directed to provide documentary evidence as to means and both parties will be directed to make submissions on the appropriate amount after which an amount for the deposit on each claim will be determined.

## **REASONS**

4. The claimant has little prospect of success in establishing the Direct Age Discrimination claim because on the evidence before the Tribunal she will have difficulty in showing on the balance of probabilities that the HR Director gave her the incorrect information deliberately, that this was worse treatment

than an actual or hypothetical comparator, that this was because of her age or age group and that this amounted to a detriment, given that her decision to accept voluntary redundancy was based on the correct information and that she declined the opportunity to withdraw from voluntary redundancy.

5. The claimant has little prospect of success in establishing the claim for Victimisation because she will have difficulty in showing on the balance of probabilities that the emails of 14 June and 24 June 2021 were a protected act and specifically that she was targeted by the HR Director and “enticed” to accept voluntary redundancy by incorrect information because of her age or age group.
6. The Tribunal therefore finds that it is proportionate to make a deposit order.

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Employment Judge Coll

Date: ...15 June 2023.....

Sent to the parties on: 29 June 2023

For the Tribunal Office: GDJ

**Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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