



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. Z Sunsoay  
**Respondent:** Payoneer (UK) Limited  
**Heard at:** Birmingham  
**Method:** By hybrid hearing – Parties by CVP, the Panel in person  
**On:** 13 and 14 April 2026  
**Before:** Employment Judge Smart in public  
Miss R Addison  
Mr. B Allen

**Appearances:**

For the Claimant: Himself  
For the Respondent: Mr. P Sangha (counsel)

## JUDGMENT

The Judgment of the Tribunal is:

1. The Claimant's claims that he was subjected to detriment under s39 Equality Act 2010 because the Respondent committed direct age discrimination against him prohibited by s13 Equality Act 2010 are not well founded and are dismissed.
- 2.

Written summary reasons have been requested in accordance with Rule 60 of the Employment Tribunals Rules of Procedure 2024. These are provided below.

## SUMMARY REASONS

1. The test for s13, is that there is less favourable treatment, as compared to someone from a different age group or who was a different age in circumstances not

materially different to the Claimant's, and the real reason for that treatment was the Claimant's age.

2. The burden is initially with the Claimant to prove facts either actual or by inference from which the Tribunal could conclude that discrimination has taken place. He has to evidence a prima facie case of discrimination. Unreasonable treatment or simply a difference in treatment is not enough, unless there is something more to suggest discrimination because of the characteristic relied upon.
3. If the burden has shifted then it is for the Respondent to prove that in no way whatsoever was age the reason in whole or part for the conduct complained about.
4. Hearsay evidence is admissible in the Employment Tribunal.
5. The Claimant relied on actual comparators in his closing submissions, but these were not identified beforehand as noted in the case management order for Judge Wedderspoon dated 21 July 2025.
6. We have therefore considered hypothetical comparators only.
7. We first turn to allegation one, namely the exclusion from the first day of an offsite event in Tel Aviv in Israel, on 24 July 2023.
8. We find that the Claimant was asked not to attend the learning sessions on the first day of the event, by a manager called Melisa Epand, which was common ground. We heard evidence from Miss Erica Chan and the Claimant about this point.
9. The Claimant says that he was excluded at least in part because of his age. Miss Chan says that she was aware that the Claimant was asked not to go to the first day's sessions because he did not line manage any people and the sessions on day one, were focused on team, trust and morale building because of a recent redundancy situation some months earlier. The Claimant accepted that he did not line manage anyone.
10. The Tribunal has considered all the arguments and evidence and we are persuaded that the real reason why the Claimant was asked not to attend the first day of the event, was because he did not line manage any other people. It was nothing to do with age.
11. There is insufficient evidence that Ms Epand's decision was to do with anything else other than whether the Claimant managed a team or possible performance issues where she identified the Claimant might not have completed his presentation for other days of the offsite. We are not persuaded that any age related concerns can be properly inferred from the background or context to this case.
12. We then move to the second and final allegation. The Claimant alleged that in a phone call on 3 October 2023, he was told by Miss Daisy Miles HR Director that *"we would expect that someone with your tenure should be able to manage stakeholder relationships"*.

13. There is some disagreement about what was said in the call and the context of what was being said.
14. Miss Miles accepted she mentioned “tenure” but was referring to the Claimant’s length of service of 11 months. That was done, she said, in the context of whether the Claimant had been lawfully treated after he raised concerns about being dismissed with no procedure or warning in a phone call. In her mind, she said she was talking about whether the Claimant could bring an unfair dismissal claim with short service.
15. The Claimant says that Miss Miles was referring to his 11 years’ experience in the sector as “tenure” and that this was an age-related criterion.
16. Having considered everything, on balance, we are persuaded that the comment alleged by the Claimant was not said in the way he has alleged. Instead, because the background the Claimant put in his the ET1 suggested, and we find was in concurrence with Miss Miles’ evidence which we accept, that the conversation with Miss Miles took place after the Claimant had been dismissed when he was suggesting he had been treated unlawfully. What was actually said was that a person with the Claimant’s tenure was not able to bring a claim in the tribunal about his dismissal or words to that effect.
17. When considering the general way the Claimant was treated, he was essentially without prior notice or any adequate warning, telephoned by the respondent, fired within 5 minutes of that call starting and that was the end of his employment except for one month of garden leave.
18. That was a very stark way to treat any employee regardless of their length of service and we are sure that no one including Miss Miles or Miss Chan would have either appreciated or liked that treatment. We are not surprised the Claimant was therefore aggrieved at the situation in those circumstances.
19. However, as the Respondent submitted, the “something more” to show that there was any prima facie case for age discrimination is missing. The burden of proof didn’t shift to the Claimant.
20. Even if it had shifted, we accept the Respondent’s reasons for the two allegations put forward and, additionally, we also accept that a person in a different age group or of a different age to the Claimant, but in circumstances not materially different from the Claimant with similar performance concerns and who did not manage any subordinate colleagues, would have been treated the same way.
21. The Claimant’s claims therefore fail and are dismissed. That concludes these proceedings.
22. This decision was unanimous.

Summary Reasons approved by:

**Employment Judge G Smart**

On: 15 April 2026

Under rule 60, either party has the right to request full written reasons within 14 days of these summary written reasons being sent to the parties and a party must apply for them by writing to the tribunal.