

Dismissal for bringing discrimination claim against former employer is victimisation

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In *Bouabdillah v Commerzbank AG*, an Employment Tribunal found that Commerzbank had victimised one of its employees when it dismissed her for bringing a claim against her former employer, Deutsche Bank.

Ms Bouabdillah lodged a claim against Deutsche Bank for sex discrimination and equal pay before joining Commerzbank. In her interview with Commerzbank, she did not mention the lawsuit and she was offered a job. When her claim was reported in the newspapers, she alerted Commerzbank but she was dismissed on the grounds of a breakdown of trust and confidence. Commerzbank said that they dismissed Ms Bouabdillah because she had failed to disclose the proceedings despite ample opportunity and not because she had brought the proceedings.

The Employment Tribunal upheld Ms Bouabdillah's claim for victimisation for the following reasons:

- While she had not provided full answers in her interview, she had not misled Commerzbank or been dishonest;
- She had tried to inform Commerzbank of the proceedings as soon as the article had been published;
- Commerzbank had suffered no reputational damage (as they had alleged) by virtue of the fact that they were mentioned in the article as Ms Bouabdillah's current employer; and
- Commerzbank had made a 'knee jerk' reaction to the article and had not investigated sufficiently to conclude that there was a breakdown in trust and confidence.

A rather unusual set of facts but a reminder for employers to

take a deep breath and investigate before dismissing – whatever the circumstances.

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