



EMPLOYMENT TRIBUNALS

Claimant: Mr D Mabaso

Respondent: The Commissioners for Her Majesty's
Revenue and Customs

Heard at: Bristol **On:** 24 February 2017

Before: Employment Judge Mulvaney

Representation

Claimant: In person

Respondent: Mr G Rowell, Counsel

JUDGMENT having been sent to the parties on 7 March 2017 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013 for the decision not to strike out or make a deposit order on the claimant's claims of unfair dismissal; wrongful dismissal; direct race discrimination; victimisation; and failure to make reasonable adjustments, the following reasons are provided:

REASONS

1. In a series of cases the appeal courts have highlighted the importance of Employment Tribunals taking a cautious approach to the strike out or ordering of a deposit on discrimination claims. The Judge concluded that the respondent had not met the high test to be applied in respect of the claimant's claims under s13, s20 and s27 Equality Act 2010 and that there were facts in dispute on which evidence needed to be heard.

2. The claimant claimed that his dismissal was for a discriminatory reason, that is because of his race and/or because he had done a protected act. Determination of the discrimination claims will therefore impact on the outcome of the unfair dismissal complaint. For that reason it was not appropriate to strike out or make a deposit order on that or on the wrongful dismissal claim, without first hearing evidence on the discrimination complaints.

Employment Judge Mulvaney
Date 05 April 2017

REASONS SENT TO THE PARTIES ON
06 APRIL 2017 BY EMAIL ONLY
MR JA ONGARO FOR THE TRIBUNAL OFFICE