



# EMPLOYMENT TRIBUNALS

**Claimant**            **Mr S Zeko**

**Respondent 1**    **University of the West of England**  
**Respondent 2**    **Peter Clegg**  
**Respondent 3**    **Sean Watson**  
**Respondent 4**    **Steven Neill**  
**Respondent 5**    **Shay Dare**

Heard at: Bristol

On: 18 April 2018

Before: Employment Judge Street

## Representation

Claimant:            in person  
Respondent:        Mr French-Williams

# JUDGMENT

The following claims are struck out:

1. in respect of associative discrimination on the grounds of disability by way of failure to make reasonable adjustments under section 21 of the Equality Act;
2. in respect of associative discrimination by way of discrimination arising from disability under section 15 of the Equality Act; and
3. unfair redundancy situation and procedure.

# Reasons

## 1.            **Associative discrimination on the grounds of disability by way of failure to make reasonable adjustments.**

- 1.1.        The claim made is in respect of the failure to make reasonable adjustments for Dr van den Anker. The claimant is not disabled.
- 1.2.        By section 20(2) of the Equality Act 2010 ("the Act"), the duty arises in relation to the substantial disadvantage of the disabled person. By

section 21(2), the discrimination occurs if there is a failure to comply with that duty in relation to that person. The discrimination is defined as being against the disabled person.

- 1.3. On the strict wording of those provisions, there is no basis for a claim of associative discrimination and no authority was cited or found that would authorise one.
- 1.4. On that basis the Tribunal has no jurisdiction and the claim was struck out.

**2. Associative discrimination by way of discrimination arising from disability under section 15 of the Equality Act**

- 2.1. Section 15 of the Act addresses discrimination against a disabled person.
- 2.2. There is no room in the express words of the statute to read the provision as authorising a claim of discrimination against someone who is not the disabled person. No authority was found or cited that would authorise a claim in respect of associative discrimination.
- 2.3. On that basis, the Tribunal has no jurisdiction and the claim was struck out.

**3. Unfair redundancy situation and procedure**

- 3.1. The claim appeared to be in respect of unfair dismissal, but the claimant was not dismissed. His employment is continuing.
- 3.2. The claimant was himself clear that this was not a claim for unfair dismissal.
- 3.3. There is no jurisdiction for such a claim in respect of actions falling short of dismissal. The claim under section 111 of the Employment Rights Act 1996 is limited to someone complaining that they have been unfairly dismissed. No general jurisdiction has been conferred by Parliament on these Tribunals to explore unfair processes generally or prior to possible dismissal.
- 3.4. The Tribunal has no jurisdiction and the claim was struck out.

**Employment Judge Street**

Date: 23 April 2018

JUDGMENT SENT TO THE PARTIES ON

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FOR THE SECRETARY TO THE TRIBUNALS