



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Tapera

**Respondent:** (1) Amazon UK Services Limited;  
(2) ICTS (UK) Limited

## RECORD OF A PRELIMINARY HEARING

**Heard at:** Bury St Edmunds **On:** 10 January 2020

**Before:** Employment Judge Postle (sitting alone)

### Appearances

For the Claimant: In person  
For the First Respondent: Mr D Holloway, Counsel  
For the Second Respondent: Mr Choudry, Solicitor

## JUDGMENT on PRELIMINARY HEARING

- (1) The Claimant's claims against the first Respondent are struck out as having no reasonable prospect of success.
- (2) The claims against the second Respondent remain to be determined subject to the Unless Order below.

### Other Matters

- (3) The attention of the parties is drawn to the Presidential Guidance on 'General Case Management', which can be found at:  
[www.judiciary.gov.uk/publications/employment-rules-and-legislation-practice-directions/](http://www.judiciary.gov.uk/publications/employment-rules-and-legislation-practice-directions/)
- (4) The parties are reminded of rule 92: "*Where a party sends a communication to the Tribunal (except an application under rule 32) it shall send a copy to all other parties, and state that it has done so (by use of "cc" or otherwise) ...*" **If,**

**when writing to the tribunal, the parties do not comply with this rule, the tribunal may decide not to consider what they have written.**

- (5) The parties are also reminded of their obligation under rule 2 to assist the Tribunal to further the overriding objective and in particular to co-operate generally with other parties and with the Tribunal.

## **UNLESS ORDER**

**Made pursuant to Rule 38 of the Employment Tribunal Rules of Procedure 2013**

1. On the application of the second Respondent and having considered any representations made by the Claimant, Employment Judge Postle orders that unless by **28 February 2020** the Claimant provides the following further particulars of his claim against the second Respondent, the claims against the second Respondent will be struck out without further notice of hearing. The particulars required are as follows:

### Allegation 1: 6 July 2018 – Indirect Race Discrimination

- 1.1 The Claimant alleges that his holiday was cancelled two days before his last working day, without his permission:
- a. therefore, what is the provision criterion or practice the Claimant alleges that ICTS (UK) Limited applied or would apply to a person who are not black African? and
  - b. how did the provision criterion or practice alleged put black Africans at a particular disadvantage, or person who are not black African?

### Allegation 2: from 8 July 2018 – Direct Discrimination

- 1.2 The Claimant alleges that Alex Ciobanu did not carry out his duties in the way the second Respondent used to expect of him. The Claimant alleges that Alex did not do as many jobs as he did. The Claimant relies upon Imran Iqbal as the alleged perpetrator:
- a. what was the less favourable treatment relied upon by the Claimant?
  - b. how is the less favourable treatment caused by Imran Iqbal connected to the Claimant's race?

### Allegation 3: June 2018 to 8 July 2018 – Indirect Race Discrimination

- 1.3 The Claimant alleges that Imran Iqbal asked Harvey Cirdland, Supervisor, to not support the Claimant with less prevention duties:

- a. what is the provision, criterion or practice the Claimant alleges that ICTS (UK) Limited applied or would apply to people who are not black African? and
- b. how did the provision, criterion or practice alleged put black Africans at a particular disadvantage to persons who are not black African?

Allegation 4: June 2018 – Indirect Race Discrimination

- 1.4 The Claimant alleges that when Simone was on holiday, Paul and Imran of ICTS (UK) Limited discussed with Harvey that she should control the Claimant and give him orders:
  - a. what is the provision, criterion or practice the Claimant alleges that ICTS (UK) Limited applied or would apply to persons who are not black African? and
  - b. how did the provision, criterion or practice alleged put black Africans at a particular disadvantage to persons who are not black African?
2. The Claimant must provide this information on or before **28 February 2020**, sending to the second Respondent with a copy to the Tribunal and unless the Claimant complies with this Order fully by the due date, the complaints of race discrimination under the Equality Act 2010 will stand dismissed without further Order, notice or preliminary hearing.
3. The Judge's reasons for making this Order are the Claimant's continued failure to advance his case clearly and precisely against the second Respondent so that the second Respondents can properly respond to it.
4. A telephone conference has been listed for **20 March 2020** at 10:00am to consider further progress of the claim, if the Claimant complies fully with the Unless Order above.

**5. Other Matters**

- 5.1 The above orders were made and explained to the parties at the preliminary hearing. All orders must be complied with even if this written record of the hearing is received after the date for compliance has passed.
- 5.2 **Public access to employment Tribunal decisions**  
All judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

- 5.3 Any person who without reasonable excuse fails to comply with a Tribunal Order for the disclosure of documents commits a criminal offence and is liable, if convicted in the Magistrates Court, to a fine of up to £1,000.00.
- 5.4 Under rule 6, if any of the above orders is not complied with, the Tribunal may take such action as it considers just which may include: (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.

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**Employment Judge Postle**

Date: 27 January 20

Sent to the parties on:

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For the Tribunal:

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