



EMPLOYMENT TRIBUNALS

Claimant: Mr C Olatunji

Respondent: Sodexo Ltd

JUDGMENT

The Claimant's application dated 21st February 2020 for reconsideration of the case management decisions made at the hearing on 30th January 2020 sent to the parties on 7th February 2020 is refused.

Note: the preliminary hearing booked with the parties for 11th May 2020 currently remains as listed. It will take place as a telephone hearing. The parties are reminded to try to agree a draft list of issues and a proposed case management timetable and send these to the Tribunal in advance, so that these can be discussed.

REASONS

There is no reasonable prospect of the original decisions being varied or revoked, for the following reasons.

1. The Claimant's application for reconsideration (para 14) cites a failure to give reasons for the decision on the Claimant's amendment application dated 7th November 2019 decided at the hearing on 30th January 2020. Oral reasons were given at the hearing (as referred to in para 8 of the case management summary) and the parties have now been sent those as written reasons, the reconsideration application having been treated as including a request for written reasons.

2. The Claimant's claims for (a) notice pay and (b) holiday pay did not require an amendment. It has now been clarified that in relation to (a) the claim is one for (up to) two weeks' notice pay (particulars dated 21st February 2020, paras 3 and 7, though dependent on what the final payment made to the Claimant in fact represented) and (b) for unpaid holiday pay (if due, depending on what the final payment made to the Claimant in fact represented, para 6). These claims were already raised in the Claimant's ET1 (para 35). No amendment was therefore required and the notice pay and holiday pay claims therefore proceed

as now clarified in the further particulars. The reference in para 7 of the case management summary about the Respondent's position, was recording their position should the Claimant's analysis of the March payslip provided at the hearing claim something different to the matters already raised in the ET1, which has not proved to be the case.

3. The Claimant's application for reconsideration is in other respects a request for reconsideration of the decision on the amendment application for the Equality Act 2010 claims referred to in the amendment application (para 4) under s13 (direct discrimination), s19 (indirect discrimination) and s26 (harassment). I decided that the s27 (victimisation) claim was already contained in the ET1 so that no amendment was in fact required and the Claimant has now provided further particulars as directed. The indirect discrimination claim was not identified or in any event pursued at the preliminary hearing on 3^{0th} January 2020.

4. As set out in the written reasons (para 7) I was not provided with draft amended particulars of claim for the s13 (direct) and s26 (harassment) Equality Act 2010 claims. The acts complained of in these claims were clarified at the hearing as set out in para 5 of the written reasons. In that context an amended draft of the particulars attached to the Claimant's ET1 was necessary for the Respondent to be able to respond properly to the Claimant's 7th November 2019 amendment application. It was on this basis that the Claimant's application to include claims under s13 and s26 Equality Act 2010 was decided, not on a consideration of the merits of any such application under the *Selkent* principles.

**Employment Judge Reid
24th March 2020**