



EMPLOYMENT TRIBUNALS

Claimant: Mr Gary Smith

Respondent: Tesco Stores Ltd

Heard at: Leeds (in private by telephone)

On: 5 February 2021

Before: Employment Judge R S Drake

Appearances

For the Claimant: In person

For the Respondent: Mr C Bhogal (Solicitor)

JUDGMENT

1. The Claimant's claim that he was subjected to unlawful victimisation contrary to and as defined by Section 27 Equality Act 2010 ("EqA") is dismissed on withdrawal of the same by the Claimant with the Respondent's consent.

Reasons

2. At the Preliminary Hearing listed for today's date the Claimant was made aware that in order for him to pursue a valid victimisation claim he would have to establish that he had a protected characteristic as defined by Section 4 EqA and that for the purposes of section 27 EqA he had committed a protected act and have been subjected to detriment because of having done so.
3. He readily admitted that he did not have a protected characteristic and was not arguing that he had been treated detrimentally because of having committed a protected act. Accordingly, when the law was explained to him, he decided and openly agreed to withdraw his claim which is therefore dismissed at his request.

Case Number: 1807109/2020

Signed – 5 February 2021

Sent to the parties on:

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For the Tribunal Office:

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Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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