



EMPLOYMENT TRIBUNALS

Claimant:

Mr O Sanodze

v

Respondent:

Abbott Diabetes Care Limited

Heard at:

Reading

On: 4 December 2020

Before:

Employment Judge Anstis (sitting alone; by CVP)

Appearances:

For the Claimant: In person

For the Respondent: Ms E Dennett (solicitor)

REASONS

1. At a hearing on 4 December 2020 I struck out the claimant's claims. Oral reasons were given at the time and a written judgment dated 4 December 2020 was sent to the parties on 9 December 2020.
2. On 12 December 2020 the claimant made a request for written reasons for that decision. This request was first forwarded to me by tribunal staff on 19 February 2021. I am not sure why there was such a delay, but apologise to the parties that they have had to wait so long for these reasons. What follows are the written reasons for my decision.
3. The claimant's claims were identified by Employment Judge Gumbiti-Zimuto at a hearing on 2 August 2019. They were four complaints of direct race discrimination and a complaint of victimisation. The four complaints of direct race discrimination were the decision to terminate his assignment, not providing him with particular training and what has been called a "targeted campaign of discrimination". The claimant also says that he was segregated and required to work in the masher room for 125 days of the 170 days he worked for the respondent on his own and he says that the segregation on racial grounds.
4. It is clear that the employment judge on that occasion did not think he had been able to go far enough in clarifying the claimant's claims, because he ordered the claimant to provide further information of the claims of direct race discrimination in relation to the termination of his assignment, training and the "targeted campaign of discrimination". The claimant was asked to identify all the facts he relied upon in support of his contention that the decision was on the grounds of race and also to identify any comparators.

5. Having received the information from the claimant following this order, the respondent made the application to strike out the claimant's claim which is now (following a series of postponed hearings) before me.
6. I have considered the documents that the claimant produced in response to that order. The essence of his point on termination is that he was doing very well at his work, so the only explanation he can give for and why he lost his job was race discrimination. He said that he was such a good worker he couldn't see any reason other than his race why he would lose his job.
7. I have asked him the same question today and he has referred back to the possible influence of a previous employer regarding his lack of training. One comparator was named, although this seemed to be an individual who, like the claimant, only had training on one particular line of work, so I don't see that that person can be a comparator for the purpose of the training complaint.
8. The fundamental problem that we have with these claims in relation to training and termination of his assignment is that the claimant hasn't identified anything from which a tribunal could properly conclude (in the absence of an explanation from the respondent) that this was race discrimination. That is going to be necessary in a case where there is no obvious element of race discrimination in order to shift the burden of proof. It isn't proper that a claim should go forward to a full hearing where there is nothing from which the tribunal could properly conclude that there was race discrimination.
9. The claimant was asked to provide further information about the targeted campaign of discrimination, specifying what was done and by whom. In his written response the claimant said that this was all contained in his diary, but he did not provide the required information. Despite it now being well over a year since the original deadline he has still not provided those details.
10. The segregation part of his claim needs to be struck out because as with the termination and training claims there is nothing from which an employment tribunal could conclude that that was race discrimination.
11. That leaves the victimisation point. I asked the claimant what protected act he was relying on. That act that he described to me was a complaint that did not contain any allegation of race discrimination, so that claim must be struck out as well.
12. In summary, the claimant's claims are struck out because they have no reasonable prospect of success. For the complaints in relation to termination of his assignment, training and segregation this is because he is not able to put forward anything from which the tribunal could properly conclude (in the absence of any explanation from the respondent) that his treatment amounted to race discrimination. For the complaint in relation to a targeted campaign of discrimination it is because he has not in over a

year given the required details of this, and without any such details the claim is bound to fail. For the complaint of victimisation it is because he has not identified any relevant protected act on which a complaint of victimisation could be based.

Employment Judge Anstis
22 February 2021

Sent to the parties on:

.....
For the Tribunal Office

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.