



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr C Bruce

AND

Respondent
Brett Martin
Daylight Systems
Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON AN OPEN PRELIMINARY HEARING

HELD AT Birmingham **ON** 4 June 2021

EMPLOYMENT JUDGE GASKELL

Representation

For the Claimant: Ms R Koser (Solicitor)

For the Respondent: Ms K Ayre (Solicitor)

JUDGMENT

1 Pursuant to Rule 29 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013:

- (a) The claimant is refused permission from the tribunal to amend his claim to include Allegation 2(b) as set out in the further particulars of his claim dated 11 March 2021.
- (b) The claimant is granted permission from the tribunal to amend his claim to include Allegation 2(t) as set out in the further particulars of his claim dated 11 March 2021

2 For the avoidance of doubt, the amendment at Paragraph 1(b) above is allowed. But the tribunal has made no finding as to whether it has jurisdiction to hear the claim in Allegation 2(t). It is for the panel at the Final Hearing to determine whether that claim was presented in time or whether time should be extended.

NOTE

3 This case has already been comprehensively case managed by Employment Judge Meichen at a Hearing on 21 February 2021; it is listed for Final Hearing in January 2022. Judge Meichen ordered the claimant to provide further particulars of his claim and listed today's Hearing to determine any consequential application to amend the claim and any objections thereto. Once the further particulars were available, respondent indicated objections to Allegations 2(b) and 2(t). The claimant conceded that to proceed with those Allegations, permission would be needed from the tribunal for an amendment to the claim. I have heard and determined the amendment applications as set out above. The further particulars of claim also make clear that for the Allegations

2(a); 2(b); 2(m) & 2(o) are pleaded as acts of racial harassment as an alternative to direct race discrimination. The respondent has no objections to those allegations proceeding on that basis.

4 The tribunal has allowed the claimant to amend his claim to include Allegation 2(t) as set out in the further particulars of his claim dated 11 March 2021. Permission has been granted on the basis of the following additional information which was provided to the tribunal by Ms Koser at today's hearing: -

- (a) It is the claimant's case that he became aware of the facts which are the foundation of allegation 2(t) at the beginning of February 2021.
- (b) He became aware of those facts in conversation with Mr Malcolm Clifford and Mr Alex Capok.
- (c) The individual making the disclosure of the claimant's confidential information as an active direct race discrimination was Mr Paul Godding.

5 The further particulars having been provided, and the amendment issues having been determined, the parties have agreed to provide updated agreed list of issues.

CASE MANAGEMENT ORDER

6 By 4pm on **16 July 2021**, the parties shall file with the tribunal and updated agreed list of issues.

7 The Case Management Orders made by Employment Judge Meichen on 21 February 2021 remain in force. And the case remains listed for Final Hearing in January 2022 in accordance with Paragraph 1 of Judge Meichen's Order.

Employment Judge Gaskell
4 June 2021

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.