



EMPLOYMENT TRIBUNALS

Claimant: Mr R Fontella

Respondent: Tesco Stores Ltd

Heard at: By Telephone **On:** 3th March 2021

Before: Employment Judge R F Powell

Representation:
Claimant: Mr Sawyers, the claimant's brother
Respondent: Mr Brown, Solicitor

JUDGMENT

The Judgment of the Employment Tribunal is:

1. The claimant's application to amend his claim, dated the 25 February 2021, is allowed in part:
 - 1.1 The application to amend the claim to assert victimisation, in respect of events which are alleged to have occurred after the 28th May 2020 is allowed.
 - 1.2 The application to amend the claim to assert four acts of direct discrimination/victimisation which occurred on or after the 22nd January 2021 is allowed.
 - 1.3 The application to amend, as set out in the section 4 of the application to amend are allowed save for those particulars set out below.
2. The following amendments were refused:
 - 2.1 The 2016 allegation.
 - 2.2 The allegation that discriminatory comments were made about the claimant's appearance on the 13 May 2020.
 - 2.3 The allegation of swearing at the claimant on the 17th May 2020.
 - 2.4 The allegation of unspecified "inappropriate comments" on the 1st June 2020
 - 2.5 The July 2020 allegation that the claimant was told that there were no racists in the store in which he worked.

3. Upon withdrawal by the claimant, the claims of sex discrimination, religious discrimination and disability discrimination are dismissed.

Employment Judge

Dated: 8th March 2021

ORDER SENT TO THE PARTIES ON 10 March 2021

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FOR THE SECRETARY TO EMPLOYMENT TRIBUNALS

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