



EMPLOYMENT TRIBUNALS

Claimant: Kayvyn Dollin

Respondent: Celeris Partners

Heard at: ET London South

On: 11 April 2022

Before: EJ Swaffer

Representation

Claimant: In person (assisted by French Language interpreter)

Respondent: Owen Kessack, Hallet & Co

RESERVED JUDGMENT

1. The claim for blackmail is struck out on the basis that the Tribunal has no jurisdiction in this matter.
2. The claim for a rebate of a personal tax allowance is struck out on the basis that the Tribunal has no jurisdiction in this matter.
3. The claims for harassment and wrongful false accusations do not proceed.
4. The claim for pension contributions is dismissed on the basis of withdrawal by the claimant.
5. The claims for unpaid wages and holiday pay will proceed to a full hearing.

REASONS

6. The claims for blackmail and rebate of a personal tax allowance are struck out as the Tribunal does not have jurisdiction in relation to these matters.
7. The claims for harassment and wrongful false accusations do not proceed. Discrimination was not ticked by the Claimant on the claim form. After discussion with the Claimant, the Tribunal finds that the Claimant did not intend to make a discrimination claim as he was unable to point to a protected characteristic or any fact in terms of the allegations he made about the Respondent's behaviour which were specific to him, apart from the accusation of theft made against him on 17 January 2021. The Tribunal noted that similar allegations had been made against other employees at other times.
8. The Claimant did not suggest that the accusation of theft was linked to any of the protected characteristics, but related to the Respondent acting on what he believed to have happened, and there was no evidence of any consequences specifically linked to the accusation.

Case No: 2302060/2021

9. In the Tribunal's view, and with no disrespect to the Claimant, the Claimant is referring to harassment in the colloquial sense of the word, not in a legal context. This view relates to both the general claim of harassment and the specific claim of wrongful false accusations. The Claimant is unable to point to a protected characteristic, and does not suggest that "something more" in relation to the conduct complained of, rather it would appear to related to the Claimant's view of the general culture at the Respondent and alleged behaviour of the Respondent.
10. The Tribunal does not find that harassment in the legal sense is a pleaded head of the claim, and notes that it is not included as a head of claim in the form. If the Tribunal is wrong on this point and harassment is sufficiently pleaded, this is an exceptional circumstance for the reasons set out above, and the claim for harassment/wrongful false accusations is struck out.
11. The claim for pension contributions is dismissed on the basis of withdrawal by the Claimant as all outstanding sums in relation to pension contributions have since been paid by the respondent.
12. For the sake of completeness, the Tribunal notes that the Claimant had ticked box 10.1 of the claim form. However, there is no suggestion that there is any element of whistleblowing in his claim.

C Swaffer

Employment Judge

Date: 14 April 2022