



## EMPLOYMENT TRIBUNALS

**Claimant**  
Mr C Okeke

**Respondent**  
First Bus Central Services Ltd

### JUDGMENT

1. Pursuant to Employment Tribunal Rule 39(4) the complaints of race discrimination and religion/belief discrimination are struck out for non-payment of a deposit.
2. The complaint of unfair dismissal and the claim for a redundancy payment have no reasonable prospect of success and are struck out.
3. The hearing in November 2022 is cancelled.

### REASONS

1. I made a deposit order on 5 August 2022 explaining why in my view the complaints of race discrimination and religion/belief discrimination had little reasonable prospect of success. I ordered the Claimant to pay deposits by 19 August 2022 as a condition of continuing with them. He has not done so. Those complaints are therefore struck out in accordance with Employment Tribunal Rule 39(4).
2. I warned the Claimant that I was also considering striking out his remaining complaints – a complaint of unfair dismissal and a claim for a redundancy payment – because they had no reasonable prospect of success. He worked for the Respondent for around three months. I explained that under s 108 Employment Rights Act 1996 employees are not entitled to bring a complaint of unfair dismissal unless they were employed for two years or more, except in certain specific circumstances. The Claimant had not relied on any of the exceptions in his claim form and in discussion at the preliminary hearing he was not able to identify any applicable exception. He suggested that this was a whistleblowing (protected disclosure) case, but in discussion he identified his claim form itself as the whistleblowing (protected disclosure) because he had

ticked the box asking for his claim to be referred to a regulator and because he had set out the background to his complaints. A complaint that he was unfairly dismissed for whistleblowing clearly could not succeed if the dismissal took place before the whistleblowing.

3. I also explained that under s 155 Employment Rights Act employees are not entitled to a redundancy payment unless they were employed for two or more years. There are no equivalent exceptions.
4. I gave the Claimant until 19 August 2022 to set out his reasons why his claim should not be struck out or to request a hearing at which to give those reasons. He gave an explanation in writing on 9 August 2022. He simply said that this was a whistleblowing case and that the dismissal took place after the whistleblowing. He gave no explanation of when he made a protected disclosure (i.e. when he was a whistleblower), what he said or why that caused his dismissal. Nor did he identify any basis for bringing his claim for a redundancy payment. In those circumstances, his complaint of unfair dismissal and his claim for a redundancy payment have no reasonable prospect of success.

**Employment Judge Davies  
30 August 2022**