



EMPLOYMENT TRIBUNALS

Claimant: Mr Micardo Thomas

Respondent: Rendall and Rittner Ltd

JUDGMENT

The claimant's application for leave to amend his claim to add complaints of bullying and harassment is refused.

The claimant is granted leave to add a complaint of unfair dismissal.

The claimant's claim is now of direct race discrimination and unfair dismissal.

REASONS

The claimant brought a complaint of race discrimination in the Employment Tribunal on 23 April 2020, following the ACAS early conciliation process. The ACAS certificate was dated 27 March 2020.

In that claim, the claimant set out the narrative of his complaints. At the preliminary hearing on 18 November 2020, EJ Housego considered the contents of the grounds of complaint, the claimant's internal grievance presented on 21 September 2019 and his submissions on the day and decided that the claimant's complaint was of direct race discrimination only.

By letter dated 26 January 2021, the claimant asked for the following complaints to be added to his claim: a complaint of unfair dismissal and a complaint of bullying and victimisation, both as a direct result of bringing the claim of race discrimination to the employment tribunal. No further details were provided.

By letter dated 1 July 2021, the Tribunal gave the claimant an opportunity to expand further and provide details to support the application to amend and to state the basis on which it was made. In response, the claimant submitted copies of the grievance raised with Ms Orezzi of the respondent (which was previously considered by EJ Housego); and correspondence with the respondent in November and December 2020.

Unfair Dismissal

The claimant alleges that he was dismissed on 30 December 2020. The complaint of unfair dismissal could not have been brought at the time the claim was issued because at the time, and at the date of the hearing before EJ Housego, the claimant was still employed.

In this Tribunal's judgment, the complaint of unfair dismissal was brought within 3 months of the alleged date of dismissal, in compliance with section 111(2) of the Employment Rights Act 1996. The claimant raised it in his application of 26 January 2021, which was 1 month after his dismissal. The Tribunal will grant the claimant leave to amend his claim to add a complaint of unfair dismissal.

Bullying and Harassment on the ground of race

The tribunal refuses leave to amend the claim to add complaints of bullying and harassment. Even though, in its letter of 1 July 2021 the tribunal gave him an opportunity to set out the details, the claimant has not set out in writing the grounds upon which he alleges that the respondent subjected him to bullying and harassment because he brought a complaint in the employment tribunal.

Although the claimant attached copies of documents to the application, it is not clear to the tribunal what the claimant is referring to when he states that he has been subjected to bullying and harassment as a direct result of bringing a claim in the employment tribunal. It is not possible to ascertain the dates on which alleged actions occurred, or who is alleged to have bullied and harassed the claimant what actions are said to be bullying and harassment.

For those reasons, it is this tribunal's judgment to refuse the application to amend the claim to add complaints of bullying and harassment on the grounds of race.

Employment Judge Jones

29 October 2021