



EMPLOYMENT TRIBUNALS

Claimant: Mr R Rimmer

Respondent: The Secretary of State for Work and Pensions

PUBLIC PRELIMINARY HEARING

Heard at: Leeds

On: 11 October 2022

Before: Employment Judge Shepherd

Appearances:

For the Claimant: Ms Callan

For the Respondent: Mr McHugh

JUDGMENT

1. The respondent is an employment service provider pursuant to section 55 and 56 of the Equality Act 2010 and the Employment Tribunal has jurisdiction to hear the claims of discrimination brought by the claimant.

REASONS

1. The claimant was represented by Ms Callan and the respondent was represented by Mr McHugh.

3. I had sight of a bundle of documents numbered up to page 80 and a supplemental bundle numbered up to page 29.

4. This Public Preliminary Hearing was listed to consider whether the respondent is an Employment Service provider under section 55 and 56 of the Equality Act 2010.

4. The claimant is profoundly deaf and his first language is British Sign Language. His allegations of discrimination are that the respondent arranges regular appointments for claimants of Jobseekers' Allowance at their allocated Job Centre Plus.

5. It is alleged that the discrimination has been ongoing since 2015 and on numerous occasions the claimant has had interviews or meetings which were unable to take place or were ineffective due to the failure to provide a British Sign Language interpreter. This

6. The claimant has issued proceedings in the Employment Tribunal and the County court. The case is pleaded in the alternative on the basis that claims relating to the provision of an employment service fall under Part 5 of the Equality Act and, also that claims relating to the provision of public services fall under Part 3 of the Equality Act 2010 and that such claims fall within the jurisdiction of the County Court under section 114 of the Equality Act 2010.

7. Section 55 of the Equality Act 2010 provides:

Employment service providers

(1) A person (“an employment service -provider”) concerned with the provision of an employment service must not discriminate a person –

(a) in the arrangements the service provider makes for selecting persons to whom to provide, or to whom to offer to provide, the service;

(b) as to the terms on which the service-provider offers to provide the service to the person;

(c) by not offering to provide the service to the person...

8. Section 56 provides

Interpretation

(2) The provision of an employment service includes –

... (d) the provision of a service for finding employment for persons;

(f) the provision of a service in pursuance of arrangements made under section 2 of the Employment and Training Act 1973 (functions of the Secretary of State relating to employment) ...

9. The Employment and Training Act 1973 provides:

2. Functions of the Secretary of State

(1) The Secretary of State shall make such arrangements as he considers appropriate for the purpose of assisting persons to select, train for obtain and retain employment suitable for their ages and capacities or of assisting persons to obtain suitable employees (including partners and other business associates).

10 I had sight of letters to the claimant dated 5 May 2021 and 15 December 2021 in which it was made clear that the purpose of Jobcentre Plus is to help the claimant to find a job and stay in work.

11. I also had sight of the guidance provided in the Equality and Human Rights Commission Code of Practice Chapter 11 in which it is provided that:

Employment service includes:

...services for finding people employment, such as employment agencies and headhunters. It also includes the services provided by, for example Jobcentre Plus, the Sector Skills Council and intermediary agencies that provide basic

training and work experience opportunities such as the Adult Advancement and Careers Service and other schemes that assist people to find employment...

12. In the circumstances, I am satisfied that the Employment Tribunal has jurisdiction to hear these claims. This was not disputed by the respondent.

13. I have issued separate Case Management Orders in respect of the continuing claims as agreed by the parties representatives.

Employment Judge Shepherd

Date: 11 October 2022