



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Dus

**Respondents:** First West of England Limited (1)  
Sasse Limited (2)

## JUDGMENT

The Claimant's application dated 5 December 2022 for reconsideration of the judgment sent to the parties on 28 October 2022 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The Claimant has put forward three grounds for reconsideration.

### Ground 1

3. The Second Respondent did not do everything to allow him to return to work while neglecting the investigative activities. The Claimant says that the Second Respondent's evidence was that he was innocent of the act alleged against him, and they failed to inform the First Respondent of his innocence.
4. I do not agree that this was the Second Respondent's evidence. The Second Respondent did say that they themselves would not have dismissed the Claimant for the complaints against him. This is why he was dismissed for some other substantial reason, not for misconduct. However, they made no finding that he was innocent. Two of their witnesses said that they thought that Claimant had done the things complained about, based on the statements provided by the First Respondent.

### Ground 2

5. The First Respondent's employees created lies about him which were an act of bullying (a kind of discrimination) which, regardless of the contract between companies, is scandalous and unacceptable. The Claimant says that he was bullied

by the First Respondent's employees who created false accusations against him. Creating lies for the loss of property or health is unacceptable and should be punished because it creates an environment in which acts of discrimination and intolerance can occur.

6. As noted in paragraphs 48 and 49, I did have considerably sympathy for the Claimant and what happened to him. However, he did not bring a discrimination claim against the First Respondent, which was his employer's client. His claim was for unfair dismissal against the Second Respondent, which was his employer. The caselaw is clear that a dismissal due to a request from a client can be fair, even if a client appears to have acted unfairly.

**Ground 3**

7. Both companies did not take into account the fact that the Claimant is a disabled person.
8. The Claimant did not bring a claim for disability discrimination. The Claimant cannot raise new issues or arguments at this stage. This was not an issue that was raised with the witnesses at the hearing.

Employment Judge Oliver  
Date: 16 December 2022

Judgment sent to the parties: 03 January 2023

FOR THE TRIBUNAL OFFICE