



EMPLOYMENT TRIBUNALS

Claimant: Mr J Zimmermann

Respondent: University and College Union

PRELIMINARY HEARING

Heard at: Midlands (West) (in public; by video)

On: 21 September 2023

Before: Employment Judge Camp

Appearances

For the claimant: in person

For the respondent: Mr M Dannourah, solicitor

JUDGMENT

1. The claimant's entire claim is struck out on the grounds that it has no reasonable prospects of success.
 - a. The Tribunal has no jurisdiction to hear the following types of claim brought by the claimant trade union member against his trade union: detriment for making protected disclosures; breach of contract; "*violation of Competition Act/Cartel-like conduct – Improper coordination / collusion between UCU and former employers*"; "*Professional Negligence/ Violation of Duty to Care*"; "*Acting in Bad Faith; Violation of UCU Policies and Regulations – UCU Mandate*"; "*Violation of UK GDPR; Violation of Data Protection Regulations*"; "*Violation of NMWR/NMWI and UCU Regs related to NMWR/Living Wage*" [phrases in quotes taken from the claim form].
 - b. The claimant confirmed that he meant detriment for making protected disclosures by each of the following phrases used in the claim form: "*Reporting of Wrongdoing*"; "*Detrimental treatment due to reporting wrongdoing; Discriminatory treatment due to reporting wrongdoing – whistleblowing*"; "*Violation of ERA*".
 - c. The only identifiable type of claim under the Trade Union and Labour Relations (Consolidation) Act 1992 that the claimant said he was making or wanting to make that the Tribunal might have had jurisdiction to hear was a claim for unjustifiable discipline under sections 64 to 66 of that Act.
 - d. The other claims the claimant said he was making or wanting to make that the Tribunal might have had jurisdiction to hear were under the Equality

Act 2010 (“EQA”): direct and indirect race discrimination; race-related harassment; victimisation.

- e. So far as concerns all the claims for unjustifiable discipline and under the EQA: no particular complaints could clearly be identified in the claim form; for any complaint to proceed, the claimant would need to apply to amend successfully; no application to amend was made; the Tribunal was unable to ascertain with precision what amendment application the claimant might want to make and was unable to make the application for the claimant, even if it were appropriate for the Tribunal to do so. What follows is based on the Tribunal’s best understanding of the complaints the claimant is wanting to pursue.
 - f. The unjustifiable discipline complaints are misconceived because even on the facts as alleged by the claimant he was not disciplined in accordance with section 64(2) at any relevant time. All but one of these complaints would be out of time in any event.
 - g. There are only two discernible indirect discrimination complaints the claimant is wanting to pursue. Both are misconceived because there are no reasonable prospects of the claimant being able to show particular disadvantage in accordance with EQA section 19. One of them is also out of time.
 - h. As to the direct race discrimination, racial harassment and victimisation complaints: most are out of time; the claimant has no reasonable prospect of being able to show that the reason for the treatment complained of was anything to do with his race or with any protected act he did.
2. Reasons were given orally at the hearing. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

Employment Judge Camp

24 September 2023