



EMPLOYMENT TRIBUNALS

BETWEEN

Claimants: Mr F Da Silva

Respondent: Costa Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD at Birmingham (remotely by CVP)

ON 24 March 2025

BEFORE EMPLOYMENT JUDGE Dimbylow

Representation

For the claimants: In person

For the respondent: Mr T McArdle, Solicitor

JUDGMENT ON A PUBLIC PRELIMINARY HEARING

The judgment of the tribunal is that:

1. The claimant's claim form included a claim for harassment related to race and the claimant provided factual details about 2 of them and confirmed 32 other matters were for background information only in relation to the 2 claims which were the only issues to be adjudicated upon by the tribunal in due course at a final hearing. No amendments to the claim form were required.
2. The claimant's claim form included a claim for whistleblowing detriments. The claimant provided factual details about the claim. No amendments to the claim form were required to include such a claim.
3. The respondent's application to strike out the claims was not pursued, and I dismiss that application.

4. Upon the respondent's application for a deposit order for the claimant's Public Interest Disclosure claim: the application is adjourned and will be heard on **16 June 2025 commencing at 10.am**, with a time estimate of 1 day, via CVP. The hearing should preferably be before me, but if I am unavailable, then any Judge may hear it. I could not make a judgment on the application as no notice of it was given by the tribunal under Rule 53 of the Rules of Procedure 2024, and it was not referred to in the respondent's notice of application dated 28 February 2025.
5. If the claimant wishes to apply to amend this claim to include a claim for constructive unfair dismissal and any other matters related thereto, he must serve notice of the amendment with full information about them upon the tribunal and the respondent by no later than **4pm on 21 April 2025**.

Approved by Employment Judge Dimbylow
on 24 March 2025

Notes:

- (1) Reasons for the judgement were given orally at the hearing; and written reasons will also now be provided as a request was made orally by the respondent at the end of the hearing. These will be provided as soon as reasonably possible.
- (2) All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimant and respondent.
- (3) Recording and transcription. Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:
- (4) <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

Judgment sent to Parties on

26 March 2025