



EMPLOYMENT TRIBUNALS

Claimant: Alex Minin

Respondent: Ringway Hounslow Highways Ltd

Heard at: London South (by video)

On: 15-18 September 2026

Before: Employment Judge Anna Corrigan

REPRESENTATION:

Claimant: In person

Respondent: Mr S Sanders, Counsel

Russian Interpreter: Ms N Yachmeneva

JUDGMENT

1. The complaint of victimisation is not well-founded and is dismissed.

REASONS

1. By his claim dated 26 February 2025 the claimant had claimed age discrimination. On 16th October 2025 the claim was amended by consent to include, amongst others, a claim of victimisation as set out at page 73 of the hearing bundle. By the reserved judgment dated 26th March 2025 (page 102) all other claims were dismissed on the basis they had no reasonable prospects of success. The only claim remaining to be determined at this hearing was the victimisation claim.

Issues

2. The issues were set out at pages 80-81 of the hearing bundle.

3. The act complained of is set out at paragraph 9 on page 80 “At a meeting on 7 August 2025 Tim Hurley...informed the claimant that he would be transferred from ward-based operations with varying routes and start points to a fixed cleaning route operating from the [respondent’s] primary depot”, despite the Claimant’s objections.
4. The issues were:
 - 4.1 Did the Claimant’s complaint about [his route team leader] made on 9 January 2025 (“the complaint”) amount to a protected act?
 - 4.2 Did the Claimant’s transfer amount to a detriment?
 - 4.3 If so ,did the Respondent undertake the Claimant’s transfer because the Claimant had made the complaint?

Hearing

5. I heard evidence from the claimant on his own behalf and from Mr Hurley, Service Director, on the respondent’s behalf. There was a hearing bundle and I had written submissions from both sides. The claimant’s submissions were across three documents, all of which I considered. Further documentation in the form of emails from the claimant were uploaded during the hearing, with the assistance of the respondent’s representative. Both parties made oral submissions.
6. I confirmed at the outset that only the evidence relating to the issues above was relevant. The extensive history in the claimant’s statement was not relevant and I did not consider it. I discussed with the parties which paragraphs/parts were relevant.
7. A Russian interpreter was provided to assist the claimant. Most of what the claimant said was in Russian and interpreted. The claimant was also able to choose when he wanted comments from the Employment Judge and Mr Sanders interpreted, and whether he wanted Mr Hurley’s evidence to be interpreted. He was able to read documents in English. The judgment and reasons were interpreted. At his request the claimant’s pre-prepared cross examination questions for Mr Hurley were read out by the Employment Judge, in so far as she agreed they were relevant. The claimant was also able to ask further questions that he had in respect of Mr Hurley’s evidence that arose as that evidence was given, and follow up questions in respect of his pre-

prepared questions. The claimant objected to the inclusion of the minutes of the 7 February 2025 meeting as they had not been signed by him or provided at the time. I nevertheless considered they were relevant and that any disagreement in respect of their accuracy should be addressed by way of questions to Mr Hurley. The claimant had an overnight break to consider his questions and produced an email stating how he disagreed with the minutes. At his request I asked Mr Hurley questions about these points, again in so far as I considered them relevant to the issues.

8. Where staff are mentioned who have not given evidence I have described them here by their role or title as these reasons will be published.
9. Based on the evidence I heard and the documents before me I found the following facts.

Facts

10. The claimant raised a complaint about the conduct of his route team leader on 9 January 2025 (p409). The subject header says “complaint regarding unacceptable behaviour by my supervisor [name of route team leader] on 9 January 2025”. He requested initiation of a grievance procedure “on the fact of unequal treatment”. He described how the route team leader had responded to him in a rather rude manner and a raised voice, and shouted at the claimant that he (the team leader) refused to listen to the claimant. The claimant explained why he considered it unequal treatment. It was because he had worked with him for many years and he did not respond to any other employee that way. He also said the route team leader said he did not care if the claimant complained.
11. He added to this complaint in subsequent days as further incidents occurred (pages 409-411).
12. He said in an email to the investigating manager that the route team leader had become frequently rude to him. He said of the behaviour on 9 January “he began to harass me”. On 14 January he referred to his complaint about harassment. He went into some more specific details (412).
13. He wrote again on 16 January 2025 to add to his complaint because “the route team leader [had] been trying to provoke [him] into a harsh conflict in recent days”. He said he was singled out and put in stressful conditions. He also referred to “blatant bullying”. He said a stressful work environment was being created and if the route team leader harassed him again he would leave

his route and seek medical attention due to the constant stress at work (p419).

14. There had been a meeting in November 2024 to discuss the relationship of trust between the parties due to a history of previous litigation and other behaviour by the claimant (see p 458). Follow up meetings scheduled for 17 and 23 January 2025 were initially postponed at the claimant's request because of the grievance, but then because of sickness absence.
15. On 4 February 2025 the claimant wrote to Mr Hurley an email entitled: "About unequal treatment". He said "today's case of unequal treatment" was about the fact he alone had not been told about a meeting that all the others were attending. He requested to be treated equally (pp423-424). Mr Hurley responded well within an hour to apologize and say he would investigate urgently (p423). Within hours the investigating manager had taken statements from all at the meeting point confirming the claimant had been briefed about the meeting (p425).
16. The claimant added to his complaint later that day that he had also not been told about a change in place of issue of work tools and that when he and the route team leader were the first people at the location the route team leader ignored him (p431).
17. Mr Hurley said he would ask that this was taken into account in the investigation and that he anticipated the investigating manager would be seeking some time with him to gain a greater understanding (p432). From 19 February 2025 the claimant was absent from work, which persisted until August 2025.
18. The grievance outcome was sent to the claimant on 4 March 2025, without having interviewed the claimant. That referred to the grievances on 9 and 16 January 2025. It was accepted the interaction took place on 9 January 2025, but it was found that the route team leader had not been unreasonable or inappropriate. It acknowledged a breakdown in communication but said there was no evidence to suggest he was intentionally hostile or his actions were unequal treatment. They did not find an intention to create a stressful environment, though they did find a further misunderstanding.
19. Ultimately they decided that there were misunderstandings but not deliberate. They said they were committed to a fair, inclusive, respectful and supportive work environment and suggested mediation.

20. The claimant then wrote in reply on the same day, pointing out they had not interviewed him and raising other issues and questions.
21. The respondent then moved to a formal grievance procedure and invited the claimant to meet (p448).
22. The claimant responded to say a further procedure was pointless and referred to this claim and the fact the respondent had been given time by the tribunal to respond. There had been other tribunal proceedings previously and the respondent did not understand the claimant had brought this new claim at that point (p453).
23. No further action was taken in respect of the grievance.
24. The claimant who remained absent was invited to a welfare meeting in relation to his absence/return to work and also to pick up on the consultation that had taken place in November 2024 (see paragraph 14 above). Further communication reassured him the proposed meeting was not disciplinary in nature (page 470), but to ensure they were aligned on the current situation and to discuss support. They discussed possible adjustments to assist him with the meeting itself. Further clarification was provided (page 472) saying the meeting was to support his wellbeing and facilitate his return to work (the claimant was saying he would soon be in a position to return). He was also told they would be revisiting the consultation on 22 November 2024 to bring that matter to an end. They confirmed no disciplinary action had been mentioned or intended by the reference to that consultation.
25. The meeting took place on 7 August 2025. The notes in the bundle are the respondent's notes. The claimant did not agree to them or sign them at the time. He was not sent them at the time. He says there are matters missing or that he does not believe he said certain comments. Nevertheless it is a relevant document. It is clearly not a full account as the meeting was 1.5 hours and much is in note form.
26. I note the following extracts: At the bottom of page 480 the claimant is recorded as saying "big stress, feb mar apr. deeply humiliated. All my attempt to normalise relations with my [boss] and office was useless. For young person in my past, just a joke. But I'm old man I start receiving general state pension...Mr Hurley said he could keep working past retirement age in the UK but a personal choice...The claimant said "I need physical activities. During my absence it's not been good for me. My GP told me to keep fit..."

27. When asked about the cause of the stress the claimant said "After December after several weeks I was subject to harassment again...affected me very much." He explained in detail again about the incident of 9 January 2025 involving the route team leader along with the other matters he had raised afterwards. The claimant said in evidence that he also talked about the company's failure to deal with his grievance. The notes recorded Mr Hurley then saying the relationship between you and the route team leader is the work related stress." The claimant was also recorded as suggesting the manager was encouraging the route team leader to provoke him.
28. The claimant did say he was happy working with the route team leader, but he thought it was not his idea to do the alleged harassment. Mr Hurley is recorded as saying it was ok for the team leader to say "you can make a complaint". He said the claimant had been off for 6 months and now wanted to return and on his old route. He said he needed to know if the claimant has trust with the people he would be working with, including the route team leader, the relevant supervisor, and Mr Hurley himself.
29. The claimant confirmed he did have trust and had worked for 5 years with no problem. Mr Hurley said again that it was a fair statement that the claimant can put in your complain[t]. Although he said the respondent would prefer to resolve matters there and then.
30. I accepted Mr Hurley's evidence that the idea of not putting the claimant back on the same route with the route team leader was an idea which evolved during the meeting because of what the claimant said. He said "I'm inclined not to put you back on the route with [the route team leader]. It may be better to take you off and put you on a different route."
31. The claimant responded that he felt comfortable with the team and there would be additional stress to move. He said they have mutual respect and good relations. He said during 5 years there were 2 cases with the route team leader. Mr Hurley said "in 5 years, you've been absent for 2 years due to incidents with the supervisor or [the route team leader]. Is it wise to put you back in that situation?" He made reference to the recent allegation not being concluded. He went on to say "I need to know [you are] in an environment that [you are] safe. I don't believe putting you back on that route will be good for you...I am considering moving you off your normal route. You've had 2 years of absence and incidents with the same member of the team. We have other routes you can do that has no interaction with [the route team leader]."
32. The claimant is recorded as responding "I have to plan and put more attention to keep the route in good standard. It needs time to put good experience. I

know where I can stop and where I have to work harder...” Mr Hurley said he agreed the work is not simply pushing a barrow and said “but we have had a couple of instances with the same people. I will reserve the right to review. You said it is stress over 2 years, to do the same again is madness”.

33. The claimant suggested changing over the team leaders instead. Mr Hurley said this was an option but queried the fairness to the others. He said the relevant route team leader worked with 49 other colleagues with no issues. The claimant said it would be a punishment to move him, that the team respected him and he felt comfortable with those routes. Mr Hurley said he would still work with them but he had been off sick for a long period due to interaction with one individual. He was concerned with the best solution long term and thinking long-term about the claimant’s well-being. He also said someone else had been covering the route for 6 months and he would have to move them. The claimant agreed he would think about it and the potential benefits but also said it would be “non-stop stress”.
34. He followed up his concerns in the email at page 488 saying it would look like pressure after his complaint about harassment by the route team leader and also saying he had been on the route since 2018.
35. A return to work meeting took place on 15 August (incorrectly dated as the note says 7 August). In that the claimant was informed of the new route and that he would be doing route 10 on a trial basis. The route had been reviewed and this was to improve services. There was further discussion about whether it was fair. The claimant is recorded as saying: “I worked here 19 years and worked different routes. The routes are significant miles but doesn’t matter about the routes. Changing the workplace after conflict with [the route team leader] and me is the reason...route is similar...”
36. An Occupational Health report was obtained dated 21 August 2025 after a telephone assessment the same day. That said “[the claimant] reports to enjoy his role and responsibilities and has enjoyed his return to work...[the claimant] reports to be present at work and completing his full substantive role and duties without limitation...[he] reports that meetings have supported a resolution and return to role”. There is nothing in the OH report suggesting he was disadvantaged by the new route.
37. I therefore find that although the claimant says that changing the route itself was disadvantageous to him, that view is not supported by what he was recorded as saying at the time.

38. Later in December 2025 the claimant objected to a further move to another route, to which Mr Hurley said he would override that instruction and keep him on that route.
39. Route 10 has a different supervisor. It starts and ends at Jubilee House, the main depot, where there are a number of facilities such as wash facilities, a kitchen, and toilets. It is closer to the claimant's home. The claimant perceives this as a disadvantage as it has stopped him cycling as much, but this is a personal choice. The closer proximity gives him extra time in the morning and at the end of the working day when previously he would have been travelling to work. He is free to do whatever he wants with that including cycling.
40. Significantly, access to support is at Jubilee House as that is where Mr Hurley himself is based and also the supervisors. There is an opportunity to see many more colleagues at the beginning and end of the day but the claimant can also see his old team at routine meetings. In any event on his previous route he used to start and end the day at Jubilee House once a week. Although it takes time to be familiar with a route, on route 10 the claimant is just responsible for one route whereas previously he was on a two-week cycle with 10 different routes and different start and end points each day.
41. By the time of the decision to transfer the claimant had a very high absence rate: 4 weeks in 2020; 8 weeks in 2021; roughly 80 days a year in 2022 and 2023; and more in 2024. He had not actually been back at work that long before the incidents with the route team leader leading to further extended absence.
42. Following the transfer the claimant did successfully return for 8 months before any further absence.

Relevant law

43. Section 27 of the Equality Act sets out the definition of victimisation:

- (1) A person (A) victimises another person (B) if A subjects B to a detriment because—**
- (a) B does a protected act, or**
 - (b) A believes that B has done, or may do, a protected act.**
- (2) Each of the following is a protected act—**
- (a) bringing proceedings under this Act;**

- (b) giving evidence or information in connection with proceedings under this Act;**
- (c) doing any other thing for the purposes of or in connection with this Act;**
- (d) making an allegation (whether or not express) that A or another person has contravened this Act.**

44. It is the making of an allegation (whether or not express) that there has been a contravention of the Equality Act that is the relevant category of protected act here.
45. The respondent referred to the cases of *Beneviste v Kingston University* EAT 0393/05 and *Durrani v London Borough of Ealing* UK EAT/0454/2013 as set out in paragraph 17 of the respondent's skeleton argument.
46. The respondent also cited paragraphs 9.8-9.9 EHRC's Employment Statutory Code of Practice at paragraph 13 of the skeleton argument. I considered the key parts as follows, though I had regard to the whole extract provided by the respondent:
- "Generally, a detriment is anything which the individual concerned might reasonably consider changed their position for the worse or put them at a disadvantage....However, an unjustified sense of grievance alone would not be enough...."
47. The respondent also cited the following principles: a detriment has to be treatment which a reasonable employee would or might consider detrimental or take the view he had thereby been disadvantaged in the circumstances in which he had thereafter to work. It is all the circumstances which are relevant, not just one factor. (*Derbyshire v St Helens Metropolitan Borough Council*; and *Shamoon v Chief Constable of the Royal Ulster Constabulary*-full citations listed in paragraphs 14 and 15 of the respondent's skeleton argument).
48. I was also referred to the principle that where an employer takes action in response to a relevant complaint they are not treated as acting because of that complaint if the true reason for their action is not the complaint itself but some other genuinely separable feature such as the manner in which it was made (paragraph 18-21 of the respondent's skeleton argument).
49. I also had in mind the reverse burden of proof but this case did not turn on that in my view.

Conclusions

Did the claimant's complaint about the route team leader, made on 9 January 2025 amount to a protected act?

50. As said above the relevant question is whether the claimant made an allegation (whether or not express) that the alleged perpetrator contravened the Equality Act (s27 (2) (d)).
51. I took into account there must be some indication that the claimant is alleging a contravention of the act rather than unfair treatment (as per the case of *Beneviste*). It is not enough to just refer to "discrimination" (or by analogy "harassment"), the complaint must be of conduct which interferes with a characteristic protected by the act. There must be something sufficient about the complaint to suggest that at least potentially the Equality Act applies.
52. In the complaint itself and in subsequent documentation the claimant did not mention the Equality Act or that he was being treated differently or harassed because of his age. He believes he did not need to for the respondent to know what he meant nevertheless he accepts it was not referred to in the documents. There is a history of previous complaints of age discrimination/harassment which have been unsuccessful in the ET and EAT (no reasonable prospects).
53. The claimant says he does not have to spell it out in legal terms- he is correct. Nor does he have to keep repeating it but he must complain of conduct, interfering with a protected characteristic, which at least suggests there may have been conduct to which the Equality Act applies. It is not obvious that a later complaint will be the same type of complaint just because previous complaints were age discrimination/harassment. This is especially the case where the previous complaints were found to have no reasonable prospects.
54. It is not until well after the complaint that the claimant made the connection between the 9 January 2025 complaint and his earlier complaints in 2020—saying harassment "again" in the welfare meeting. This was not said as part of the process dealing with the 2025 complaint.
55. At most in the complaint made on 9 January 2025 and his following emails the claimant made reference to harassment and unequal treatment. Outside of the process he referred to "harassment again" though in that same welfare meeting he suggested the conduct he complained of affected him more because of age not that it was age-related conduct (see quote at paragraph 26 above).

56. I did not consider this enough for the complaint to contain an indication that there was a potential contravention of the Equality Act or that the protected characteristic of age was engaged.

57. I therefore did not find the complaint was a protected act.

Did the claimant's transfer amount to a detriment?

58. The claimant said in evidence that changing such a well settled route was detrimental so close to retirement, though the change was from a 2 week cycle of a different route each day, one of which started and ended at Jubilee House, to a settled fixed route starting and ending every day at Jubilee House. In fact the comments at the time suggest he was not that concerned about the route change. Nothing was highlighted by the OH report on 21 August 2025 in which he was recorded as enjoying his return. He said it would increase stress but the OH report on 21 August did not specify the route being a problem and in fact made positive comments about the recent return.

59. He has said in this case that starting and ending nearer his home was a detriment as it meant he no longer had a 20-30 minute cycle to and from work but I do not consider it reasonable to find that detrimental. The new location gave him a shorter journey to work and therefore more personal time to do with as he chose- cycle or otherwise.

60. Although there was a change in team the new route gave access to more colleagues. He still has an opportunity to see his former team at regular meetings. In any event the role involves minimal interaction with the team. They meet up at the start and end of the day and share occasional breaks. Most of the time it is a lone route. He had had significant absence over the last 2-3 years anyway so had not seen his former team very much.

61. Whether or not he used them there were better facilities at Jubilee House. He also had better access to support and a new supervisor with whom he had had no issues. It was an opportunity for a fresh start.

62. It also did mean he did not need to work with the subject of his complaint and the relevant supervisor.

63. On balance the transfer was to his benefit and not a detriment.

64. In my view the claimant's unhappiness with the transfer was an unjustified grievance based on what he perceived was unlawful as he felt he was being

blamed as victim of the route team leader's conduct, and that it was the route team leader who should have been the one to move.

If so did the respondent undertake the claimant's transfer because the claimant had made the complaint?

65. In any event I did not consider that the transfer was a response to the complaint. It was not done as part of the process in response to the complaint. The complaint was addressed though I accept that it would be usual to interview the complainant. It was not ultimately fully concluded for that reason (the fact the claimant had raised the fact he had not been interviewed but then declined the further process offered). The Investigating Manager accepted there were misunderstandings and communication breakdowns in the initial grievance outcome. There was no suggestion in the response to the complaint that it should not have been brought. Both Mr Hurley and the route team leader confirmed to the claimant he was entitled to complain. Mr Hurley said in the meeting on 7 August that the 2025 complaint process was not concluded.
66. There was no suggestion during the complaints process that the claimant should be punished for bringing it.
67. I accepted that Mr Hurley's concern in the welfare meeting was to ensure the claimant, a good worker when present but with very significant low attendance, was able to successfully return to work after extended absence. He was looking to the future trying to address what the claimant said was the stressor. Irrespective of the complaint, the claimant was still talking about the way he had been treated by the route team leader, and his suspicion that the treatment had been instigated by his supervisor, as part of the reasons for his stress-related absence. It was not the first issue he had raised relating to the route team leader. Mr Hurley considered there were many benefits to the new route- including access to support for the claimant. Operationally it was also less disruptive than swapping the route team leaders and moving the person who had covered the claimant's absence for 6 months. Route 10 was available following a review of that route. I accept Mr Hurley's motivation was to give the claimant the best chance at a successful return to work. He thought it was "madness" to put the claimant back working with individuals where their interactions had led to his absences more than once. It was not at all motivated because the claimant had made the complaint and was not even a response to the complaint, but to the claimant's health and absence.

Approved by:

Employment Judge Anna Corrigan

21st September 2026

Judgment and Reasons sent to the parties on:

28th September 2026

For the Tribunal Office

Notes

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