



EMPLOYMENT TRIBUNALS

Claimant: Zoltan Papp
Respondent: Apcoa Parking (UK) Ltd
Heard at: Reading Employment Tribunal
On: 24 to 27 August 2026
Before: Employment Judge Harrison

Representation

Claimant: In person
Respondent: Mr Ishaq, litigation consultant

JUDGMENT

The Judgment of the Tribunal is as follows:

1. The claims of direct discrimination and harassment fail. The respondent did not discriminate against the claimant on the grounds of his race.

FULL REASONS

Background

1. The claim was heard in person at the Reading Employment Tribunal from 24 to 27 August 2026. The claimant brings claims of direct discrimination and harassment against the respondent under sections 13 and 26 of the Equality Act 2010.
2. The claimant commenced his claim as one of breach of contract not knowing or understanding when he did so that, as a white British person, he was protected by the provisions of the Equality Act 2010 pertaining to race. This erroneous understanding was accepted and dealt with at the preliminary hearing on 4 September 2025 when he was allowed to amend his claim to one of direct discrimination and harassment based on race. The claimant describes himself as white British.
3. At the same preliminary hearing, a comprehensive list of issues was produced (44-

47). These comprise a question relating to time limits for submitting a claim, two direct discrimination complaints and seven complaints of harassment.

Procedure, documents and evidence

4. I had a discussion with the parties about a number of preliminary matters at the start of the first day. The claimant was acting in person so I ran through the timetable we would follow. I explained briefly the way in which a discrimination claim is considered and referred to the list of issues and its purpose.
5. On the third day, before submissions, I adjourned to allow time for the parties to prepare these. I explained to the claimant what he could cover in any submissions, specifically mentioning to him the agreed list of issues. I said how I would consider the time point and explained again, briefly, the tests I would apply to decide whether the claims were made out. I referred the parties to the guidance in the EHRC Code of Practice generally and specifically on comparators.
6. I was provided with two bundles for the hearing, the first is the main bundle running to 269 pages. Numbers in brackets in these reasons are references to that bundle. The claimant also produced a supplementary bundle. Where I refer to page numbers from that bundle, I show the letters SB before the page number. I told the parties they would need to direct me to any pages that needed to read as I would not read documents to which I was not referred.
7. There was some dispute about the disclosure of documents at the start of the hearing. This had been a feature of case preparation. I reminded the parties of the overriding objective. The claimant said that an order had been made relating to certain disclosure at the preliminary hearing, but what he had understood was not reflected in the orders made and issued after that hearing. The claimant was acting in person, so I explained to him that he could both question witnesses about missing documents and ask me to draw an inference from any failure to disclose relevant documents. The respondent was able to produce further documents which were added to the bundle. The claimant told me that he thought that following the preliminary hearing he would be permitted to bring claims for harassment and/or victimisation. This was not reflected in the orders made or the list of issues, and I took the claimant to paragraph 47 (p44) which expressly said that permission was not granted to amend the claim to include victimisation. The claimant accepted this.
8. I heard evidence in person as follows:
 - 8.1. For the claimant: from the claimant himself who produced a witness statement and affirmed to tell the truth.
9. For the respondent, from the following: each of whom produced a witness statement and either affirmed or gave an oath to tell the truth.
 - 9.1. Robert Ssekitto, Service Delivery Manager,
 - 9.2. Sean Taylor, Contract Manager, and

9.3. Glenda Lorenc, Operations Manager.

10. The claimant had hoped to call at least one other witness to appear in person, but this was not possible. I explained to the claimant the evidential weight that could be given to unchallenged written witness evidence.

Findings of fact

11. For ease, I make findings of fact by reference to the issues. Before doing so, I record that the claimant's role meant that he could be required to work in one of three areas; the Control Room, the Priority Parking Area and Marshalling. He worked as part of a team. It is also helpful to record the following chronology:

11.1. The claimant was subject to a disciplinary which began with an investigation meeting on 23 April 2024 (the **23 April Meeting**).

11.2. The claimant was issued with a disciplinary warning on 17 May 2024.

11.3. The claimant appealed against this disciplinary warning and received his appeal outcome which upheld the disciplinary sanction on 17 June 2024 (11.1-11.3 together the **Disciplinary**).

11.4. The claimant submitted an informal grievance about harassment allegation 2, on 24 April 2024 which ended when the claimant stated it had been completed to his satisfaction on 25 April (the **Informal Grievance**).

11.5. The claimant submitted a formal grievance against Robert Ssekitto relating to harassment allegations 3 and 4, on 18 May 2024. This was conducted by Mrs Lorenc. The outcome was sent to the claimant on 1 July 2024.

11.6. The claimant submitted a formal grievance against Mrs Lorenc on 30 May 2024. This related to Mrs Lorenc's conduct of the 23 April meeting.

11.7. The claimant submitted a complaint about Mr Ssekitto to Mrs Lorenc on 1 July 2024 about harassment allegation 5.

Direct discrimination

12. The claimant raises two complaints of direct discrimination as follows:

12.1. that he was subject to a disciplinary investigation (23 April 2024) and procedure resulting in a written warning (17 April 2024); and

12.2. that he was dismissed.

13. In respect to the first of these complaints, the claimant was disciplined for wedging open a door to a control room in breach of company Standard Operating Procedures, on 18 April 2024 (the **Control Room Incident**). The door in question

was opened using a code. The claimant admitted the allegation brought against him.

14. The claimant was not told in advance what the purpose of the preliminary investigation 23 April Meeting was; he described this as an ambush.
15. On 9 May he was invited to a disciplinary hearing (115), but he declined to attend telling the operations manager that this was because he was not contesting the charge (112). The Disciplinary Manager, Sean Taylor, encouraged him to attend (113). The claimant replied that he had had ample opportunity to attend but was not contesting the charge so would not be there. The disciplinary went ahead without the claimant, and he was issued with a Stage 2 warning (110).
16. The claimant appealed (SB253). His appeal was in relation to a reference in the disciplinary outcome letter to him being in a supervisory capacity (he was not) and about the sanction.
17. The appeal was heard by Debbie Smith (160). The claimant attended. The appeal was not upheld (157).
18. The claimant has compared himself to Robert Ssekitto, who is not white British, or to a hypothetical comparator. Mr Ssekitto was not in materially the same circumstances as the claimant. He was not in the location of the control room at the relevant time. Mr Ssekitto gave unchallenged evidence, which I accept, that on the day in question he was working in Priority Parking. Mr Ssekitto's manager, Krystof Lewandowski, who was the duty manager and was in the control room at the material time, was disciplined and sanctioned with a Stage 2 warning (246).
19. The evidence advanced shows that in addition to Mr Lewandowski two other employees who were issued with warnings about the Control Room Incident, Radek Holubowski and Richard Hennessy (248-9). They were issued with Stage 1 warnings. The letters to all the disciplined staff, except the claimant, refer to mitigation e.g. prior clean records. Mr Taylor explained, and I accept, that his was because they attended their hearings and their trade union representatives made submissions on mitigation. As the claimant did not do so, this is not referred to in his letter.
20. Mr Taylor imposed Stage 2 warnings on Mr Lewandowski and the claimant as they were respectively the more senior manager involved and the person who wedged open the door giving rise to the issue. He imposed Stage 1 warnings on Mr Holubowski and Mr Hennessy as they went through the open door but did not bear a more serious level of blame.
21. In respect of the dismissal, which is the second allegation of direct discrimination, the claimant was dismissed in person on 30 July 2024 by Mrs Lorenc. She was accompanied at the meeting with the claimant by one of her colleagues, David Cook. This happened at the start of the claimant's shift on 30 July, and the claimant had no prior notice that it would happen. The claimant was paid his notice.

22. The dismissal was not implemented after a formal process of any sort. The claimant was not given an opportunity to make representations about the dismissal before it took place nor to appeal against it. Mrs Lorenc wrote to the claimant at the time to explain the reasons for his dismissal which she set out in her letter. She said her decision was based on:

“the content and response to emails that are inappropriate

attitude towards management making the employer and employee relationship untenable

loss of trust and confidence in you as an employee.”

23. She discussed her decision with HR before implementing it, and she thinks she probably discussed it with her manager, but she was not sure. She has not dismissed anyone in a similar way. When it was put to her that she would not have behaved in the same way with an employee whose race was not white British, she denied this.

24. Mrs Lorenc said in evidence, and I find as a fact, that until the Control Room Incident the claimant was a good employee. Following that, Mrs Lorenc said that the claimant's attitude changed. For a couple of months, she said that the claimant sent constant emails about people, and had lied about his Disciplinary, in that he had said that he did not want to attend or want the meeting rearranged but had subsequently asserted that Mrs Lorenc or Mr Taylor had refused to rearrange the meeting. I asked for a document to support this allegation of lying, but none could be found during Mrs Lorenc's evidence. I subsequently saw that this was recorded in the disciplinary appeal letter to the claimant (157). I took the claimant to this document for his comment before I reached my decision. The claimant gave evidence and stated that his reference to not having the meeting rearranged was not about the disciplinary hearing but about the disciplinary appeal when he had been hoping to have a trade union representative with him. He told me that he did not analyse the letter sent to him by Mrs Smith, so at no time did he notice what had been said or raise the fact that, in his view, he had not made the complaint as it was understood by Mrs Smith (and later Mrs Lorenc). Regrettably, based on this information available to her at the time of his dismissal, I conclude that Mrs Lorenc genuinely believed that the claimant had lied.

25. It was not in dispute at the material time that the relationship of trust and confidence between the claimant and the respondent had broken down and that it was in need of repair. The claimant said this in a message to Mr Barm, the respondent's Contract Manager, on 24 June 2024 (SB232). Mrs Lorenc relied on this breakdown as a reason to dismiss.

Harassment

26. The first complaint of harassment is that the respondent subjected the claimant to a disciplinary investigation (23 April 2024) and procedure resulting in a written warning (17 May 2024). The facts are as I have already set out.

27. The second complaint of harassment is that on 23 April 2024, Robert Ssekitto pointedly informed the claimant that he wanted to show him the Smoking Policy in front of others when the claimant had already been shown it by Mrs Lorenc.
28. It is not in dispute that Mr Ssekitto did try to show the claimant the Smoking Policy. This happened after the claimant's meeting with Mrs Lorenc on 23 April 2024 about the Control Room Incident.
29. On the following day, 24 April, the claimant emailed Mrs Lorenc to raise concerns about what Mr Ssekitto had done. At the time the claimant described himself as feeling uncomfortable with the situation and I accept that he did. Mr Ssekitto said in evidence that he did not know Mrs Lorenc had already shown the Smoking Policy to the claimant. In Mrs Lorenc's reply to the claimant's email of 24 April she gave an explanation for Mr Ssekitto's behaviour (107) which is consistent with what Mr Ssekitto says. In his evidence at the hearing, Mr Ssekitto said that the claimant was the only smoker on the shift who was in the Control Room which was why he had shown him the policy and asked him to sign it. The claimant refused and threw the policy down on the desk.
30. Mr Ssekitto gave unchallenged evidence that he also approached Mr Ellingham, the other member of the team who was a smoker, to take him through the policy and ask him to sign a copy which Mr Ellingham did.
31. Mrs Lorenc's email to the claimant of 24 April states that she also spoke to others who she knew to be smokers and asked them to sign the policy. Again, this evidence was not challenged.
32. The claimant and Mrs Lorenc exchanged further emails following this including Mrs Lorenc sending the claimant the Grievance Policy (106) and finishing on 25 April 2024 with the claimant saying that he was satisfied the Informal Grievance had been dealt with (SB250).
33. The third complaint of harassment is that on 5 May 2024 Robert Ssekitto shouted aggressively at the claimant.
34. It seems likely that this event happened on 18 May 2024. Confusion arose as the claimant inadvertently used both dates. When Mrs Lorenc asked him to clarify which was correct, he said 5 May, as reflected by Mrs Lorenc's manuscript annotation to the grievance (166). I am in no doubt that the parties and witnesses all spoke about the same event even if the date was wrongly stated.
35. Mr Ssekitto denies that he shouted at the claimant. This is corroborated by Mr Mullard's contemporaneous statement given during an investigation into the claimant's grievance against Mr Ssekitto by Mrs Lorenc. Mr Mullard says that Mr Ssekitto "was not aggressive, it was sterner, he was not shouting". Mr Ssekitto explained, and I accept, that he told the claimant to sign into the control room as this was straight after the Control Room Incident and he did not want the claimant to make another error about that environment.

36. On the balance of probabilities and based on these findings of fact including corroborating contemporaneous evidence, I prefer the evidence of Mr Ssekitto and make a finding of fact that Mr Ssekitto did not shout aggressively at the claimant.
37. The fourth complaint of harassment is that on 10 May 2024 Mr Ssekitto insisted on the claimant remaining at the Priority Parking.
38. Mr Ssekitto gave evidence that he did allocate the claimant to Priority Parking, that this was a supervisory instruction and that this was given jointly to both the claimant and his colleague, Ms Cook, to resolve a need for extra resources in the Priority Parking area which was busy. His statement to the tribunal reflected what he said during the grievance (p198). This is corroborated by contemporaneous statements made during the First Grievance by Ms Cook (260) and the Priority Parking Manager, Ian Miley (155). Ms Cook did say that Mr Ssekitto “came across as disrespectful and he was talking down to us.” Mr Ssekitto addressed both Ms Cook and the claimant together and according to Ms Cook, told them, “one of us need to stay [at Priority] and one is enough to do bins”.
39. Mr Miley’s evidence was “I don’t know which way round it was but it was one to do this and the other do that”. Mr Miley also said that Mr Ssekitto was not bullying either Ms Cook or the claimant and that they were arguing with him but if they were told by a supervisor to do something then they should do it. In his oral evidence to the tribunal, the claimant said during the dispute he offered to stay at the Priority Parking Area. Within half an hour, the Duty Manager reallocated the claimant to work elsewhere, which he did.
40. I find that there was a dispute about the reallocation of work between Mr Ssekitto, Ms Cook and the claimant following which the claimant offered to stay at Priority Parking, which he did for around 30 minutes.
41. The fifth complaint of harassment is that on 22 June 2024 Robert Ssekitto failed or delayed in relieving the claimant at the end of his shift.
42. The claimant said that this was because Mr Ssekitto was asleep. The complaint is set out in an email from the claimant to Mrs Lorenc (209). The claimant said he had to wait to be relieved during the night duty until 03:40 on 22 June 2024. Mrs Lorenc supplied the claimant with a printout which showed that he had been relieved by Mr Ssekitto at 02:41 (208). During this hearing, but not before, the claimant explained that his reference to 3:40 was an error. He had meant 2:40.
43. Mrs Lorenc’s evidence was that she answered the complaint put to her at the time and there was nothing in her investigation to support a complaint that the claimant had to wait until 3:40 for relief which was the complaint he made. This is supported by the documents, and I find the evidence to be factually correct.
44. The sixth complaint of harassment is that Mrs Lorenc said to the claimant that he had been harassing Mr Ssekitto in retaliation for Mr Ssekitto’s harassment of him.
45. Mrs Lorenc said in her witness statement that she had noted a pattern of harassment by the claimant and Mr Ssekitto. This part of her witness statement

was not challenged.

46. Mrs Lorenc did raise the potential of retaliation harassment with the claimant, but she did not say that he had been harassing Mr Ssekitto. I find that her words (which included the use of the word 'potential' were a step back from this. The words used during Mrs Lorenc's reply to the claimant about the fifth allegation of harassment are as follows:

"Your email suggests a potential issue of retaliation harassment towards Robert. Retaliation harassment is a serious matter and can have significant implications for both the individuals involved and the workplace environment. It is essential to maintain a respectful and professional atmosphere at all times. I urge you to cease any such behaviour immediately."

47. The seventh complaint of harassment is that the claimant was dismissed. The facts are dealt with above.

Law

48. These claims are brought under the Equality Act 2010, sections 13 (direct discrimination) and 26 (harassment). As the question of time limits was not finally resolved at the Preliminary Hearing, the question whether the claims were brought in time remains to be decided under s123 of the Equality Act.

49. The relevant sections of the Equality Act are as follows:

13 Direct discrimination

- (1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

.....

- (5) If the protected characteristic is race, less favourable treatment includes segregating B from others.

- (8) This section is subject to sections 17(6) and 18(7).

23 Comparison by reference to circumstances

- (1) On a comparison of cases for the purposes of section 13, 14, or 19A there must be no material difference between the circumstances relating to each case.

26 Harassment

- (1) A person (A) harasses another (B) if—
- (a) A engages in unwanted conduct related to a relevant protected characteristic, and
 - (b) the conduct has the purpose or effect of—
 - (i) violating B's dignity, or

- (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

.....

- (4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
 - (a) the perception of B;
 - (b) the other circumstances of the case;
 - (c) whether it is reasonable for the conduct to have that effect.
- (5) The relevant protected characteristics are—

....

Race....

39 Employees and applicants

.....

- (2) An employer (A) must not discriminate against an employee of A's (B)—
 - (a) as to B's terms of employment;
 - (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
 - (c) by dismissing B;
 - (d) by subjecting B to any other detriment.

123 Time limits

- (1) Subject to section 140B proceedings on a complaint within section 120 may not be brought after the end of—
 - (a) the period of 3 months starting with the date of the act to which the complaint relates, or
 - (b) such other period as the employment tribunal thinks just and equitable.
- (2) Proceedings may not be brought in reliance on section 121(1) after the end of—
 - (a) the period of 6 months starting with the date of the act to which the proceedings relate, or
 - (b) such other period as the employment tribunal thinks just and equitable.
- (3) For the purposes of this section—
 - (a) conduct extending over a period is to be treated as done at the end of the period;

- (b) failure to do something is to be treated as occurring when the person in question decided on it.

50. Mr Ishaq referred me to the following cases. In closing submissions, he drew my attention to the point made in each case that he said supported the respondent's position. Where relevant I refer to these in my conclusions save for Hendricks, Abertawe and Adedeji which relate to time points and for the reasons referred to at paragraph 81 I did not need to consider:

Nagarajan v London Regional Transport and others [1999] IRLR 572

Madarassy v Nomura International plc [2007] EWCA Civ 33

Royal Mail Group Ltd (Respondent) v Efobi (Appellant) [2021] UKSC 33

Richmond Pharmacology Ltd v Dhaliwal [2009] ICR 724

Pemberton v Inwood [2018] EWCA Civ 564

Hendricks v Commissioner of Police of the Metropolis [2002] EWCA Civ 1686

Abertawe Bro Morgannwg University Local Health Board v Morgan [2018] EWCA Civ 640

Adedeji v University Hospitals Birmingham NHS Foundation Trust [2021] EWCA Civ 23

51. The claimant referred me to the following three cases and in closing submissions he drew my attention to the point made in Willow that he said supported the respondent's position.

Base Childrenswear Ltd v Otshudi [2019] EWCA Civ 1648

Mrs A Roberts v APCOA Parking (UK) Ltd: 1402867/2019

Willow Oak Developments Ltd (t/a Windsor Recruitment) v Silverwood [2006] IRLR 607

Conclusions

52. In deciding the issues, I apply the burden of proof provisions in section 136 of the Equality Act. That means that the burden is initially on the claimant to show facts from which I could conclude that the alleged breach of the Equality Act had taken place. At that stage I am not making a conclusion just accepting that there may be facts that could lead to such a conclusion. Mr Ishaq drew my attention to the case of Madarassy in support of the proposition that a difference in characteristic and treatment is not enough – there must be something more. If I do find such facts,

then the burden shifts to the respondent to provide an answer which, on the balance of probabilities, proves that the alleged breach was not for the proscribed reason.

53. The claimant originally indicated he was relying on an actual comparator in relation to direct discrimination. He confirmed during the hearing that he was also relying on a hypothetical comparator.
54. In relation to the Control Room, Incident, a hypothetical comparator would be a member of staff identified as being within the control room environment on the relevant day who did not share the claimant's race.
55. In relation to dismissal, it will be a member of staff who had been disciplined and accepted their culpability then been involved in a disciplinary appeal a number of grievances against their supervising operations manager during the period of a couple of months during which they stated that trust and confidence had broken down and who did not share the claimant's race.
56. In respect of the two allegations of direct discrimination, the claimant has shown sufficient facts to shift the burden of proof to the respondent.
57. In relation to the first allegation, I have already made a finding of fact that Mr Ssekitto was in materially different circumstances from the claimant. He was not an appropriate comparator.
58. On the evidence before me, including the fact that the claimant accepted his culpability for the Control Room incident and that three other colleagues involved were also disciplined, I do not find that the claimant was treated less favourably than a hypothetical comparator would have been treated. On the balance of probabilities and based on the facts recited, I find that the respondent would also have disciplined another employee in a materially similar situation to the claimant who did not share the claimant's protected characteristic. The evidence shows that such others were in fact disciplined. The disciplinary and the issuing of a warning were wholly unrelated to the claimant's race and this claim fails. Mr Ishaq submitted that the test set out in Nagarajan was whether racial grounds had a significant influence on the outcome. Here my finding is that it had no influence on the outcome.
59. Whilst the claimant identified Mr Ssekitto as a comparator in relation to the second complaint, he is not in a materially similar situation to the claimant and is not an appropriate comparator. He is not in the same role, had not been disciplined, had not brought grievances and trust and confidence was not in need of repair.
60. Mrs Lorenc made the decision to dismiss. She stands by the decision which she explained at the time. Her evidence remains consistent in explaining her thought process at the time and the reasons why she dismissed. She relies on the reasons set out in her dismissal letter which are supported by the contemporaneous evidence about the respondent's relationship with the claimant in respect of which

I have made findings of fact above.

61. Willow, relied upon by the claimant is a case about unfair dismissal under the Employment Rights Act 1996 (**ERA**), the part of the case to which the claimant drew to my attention was this:

'if the reason [for dismissal] is based on an inadmissible ground such as race, then it will be excluded by section 98(1) ERA.'

The protection afforded in the present case in relation to the claimant's dismissal derives not from s98 ERA but from s13 Equality Act 2010, however as I understand the point the claimant makes, s13 provides the protection he seeks: dismissal on the grounds of race is prohibited.

62. It is undoubtedly the case that the claimant was shocked by his dismissal and that to him it came out of the blue. The question for me is whether it was less favourable treatment on the grounds of race and I do not find that it was. A cogent explanation was provided at the time, based on the circumstances as they were genuinely understood at the time.
63. I find, on the balance of probabilities, that faced with a materially similar comparator, Mrs Lorenc would have taken the same action.
64. The dismissal was for the reasons given at the time by Mrs Lorenc and not because the claimant's race. This claim therefore fails.
65. Moving on to questions of harassment. I remind myself that in deciding whether a complaint of harassment is made out, I must decide if there was unwanted conduct related to the claimant's protected characteristic which did or had the effect of violating his dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the claimant (the section is set out above). I will call this "the **Test**" so I do not have to repeat those words each time I consider it.
66. In considering the Test I was reminded by Mr Ishaq that I must look at the two-stage test set out in Pemberton: Did the claimant genuinely perceive the conduct as having that effect and in all the circumstances was that perception reasonable?
67. In relation to the claims of harassment Mr Ishaq also relied on Richmond to support his submission that unwanted conduct is not necessarily equivalent to race discrimination: there must be a connection he said, i.e. as set out at paragraph 3.3. of the List of Issues (p46) was the conduct related to race?
68. The first complaint of harassment: that the respondent subjected the claimant to a disciplinary investigation (23 April 2024) and procedure resulting in a written warning (17 May 2024). I accept that, from the claimant's perspective, this allegation was unwanted conduct. However, the disciplinary was well-founded and admitted by the claimant. It is possible that, in the claimant's view, the events giving rise to the complaint met the Test, however, in all the circumstances I do not

find that this perception could have been reasonable. The respondent investigated a disciplinary matter and issued a warning about an allegation which the claimant admitted. On this analysis, the claim fails at this point.

69. If I am wrong about this, however, I further conclude that the facts clearly point to this being a matter that was wholly unconnected to the claimant's race and that this claim would also fail for that reason.
70. The second complaint of harassment: that on 23 April 2024, Robert Ssekitto pointedly informed the claimant that he wanted to show him the Smoking Policy in front of others when the claimant had already been shown it by Mrs Lorenc.
71. Again, I accept, as does the respondent, that from the claimant's viewpoint this was unwanted conduct. The claimant said at the time that he felt uncomfortable about what had happened. Mr Ssekitto did not know Mrs Lorenc had taken the claimant through the policy and whether he intended to or not, his conduct met the Test. In the circumstances known to the claimant on the day, this was perfectly reasonable.
72. The next question therefore is whether the treatment of the claimant by Mr Ssekitto was based on the claimant's race? Again, I find it was not. Mr Ssekitto's explanation is simple, and I have found it to be factually true. He did not know that Mrs Lorenc had already done this. It is not in dispute that he and Mrs Lorenc showed the policy to several other employees who smoked. Being a smoker was the critical factor for all involved. Race was not a consideration. This claim therefore fails.
73. The third complaint of harassment is that on 5 May 2024 Robert Ssekitto shouted aggressively at the claimant. I have found as a fact that this conduct did not happen. This claim therefore fails.
74. The fourth complaint of harassment is that on 10 May 2024 Mr Ssekitto insisted on the claimant remaining at the Priority Parking.
75. As a matter of fact, I have found that Mr Ssekitto required either Ms Cook or the claimant to work at Priority Parking. He did not insist that it was the claimant. In his oral evidence the claimant said that he offered to stay at Priority Parking. On that basis, I conclude that the unwanted conduct described by the claimant (i.e. that Mr Ssekitto insisted that the claimant remain at Priority Parking) did not occur in the way alleged.
76. If I am wrong about that, then I further find, based on the evidence, that if the Test was met, this would be reasonable. Ms Cook referred Mr Ssekitto to Mr Ssekitto talking down to her which supports the claimant's position. However, I do not find that the direction given by Mr Ssekitto related to the claimant's race. It was a supervisory direction as corroborated at the time by Mr Miley and given to two people, as corroborated by Ms Cook. The claim therefore fails on this alternative basis.

77. The fifth complaint of harassment is that on 22 June 2024 Robert Ssekitto failed or delayed in relieving the claimant at the end of his shift. I have found as a fact that this conduct did not happen based on the facts that were before the investigators, therefore this claim fails.
78. The sixth complaint of harassment is that Mrs Lorenc said to the claimant that he had been harassing Mr Ssekitto in retaliation for Mr Ssekitto's harassment of him. I have made a finding of fact that Mrs Lorenc did not say this to the claimant. The claim fails at this point.
79. If I am wrong about that then I would accept that this was unwanted conduct and that the conduct met the Test. I do not however find that this conduct related to race. Mrs Lorenc gave unchallenged evidence in her statement that she had noted that the claimant was harassing Mr Ssekitto and she raised this with the claimant. This was the reason she raised the issue. Nothing has been brought forward to displace this explanation and link this unwanted conduct to the protected characteristic. In the alternative, this claim would fail for this reason.
80. The seventh complaint of harassment is that the claimant was dismissed. I conclude both that this was unwanted conduct and that it met the Test. The question is whether it related to race? For the reasons I have already explained in relation to direct discrimination, I find it was unrelated to the claimant's race, and the claim therefore fails.
81. As all the claimant's complaints fail, I did not need to address the issue of time limits. That would only arise if any of the complaints succeeded.

Approved by:

Employment Judge Harrison

22 September 2026

SENT TO THE PARTIES ON
2 October 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written full 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 claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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: www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/