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EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr C Ononye

and

Respondents

1 Man Commercial
Protections Limited

2 Amazon UK
Services Limited

Held by CVP on 18 March 2021

Representation

Claimant:

In Person

Respondents:

1 Miss H Groves,
Senior HR Officer

2 Mr B Mitchell,
Counsel

Employment Judge Kurrein

Statement on behalf of the Senior President of Tribunals

This has been a remote hearing that has not objected to by the parties. A face to face hearing was not held because it was not practicable and all issues could be determined in a telephone hearing.

JUDGMENT

The Claimant's claims against the Second Respondent are struck out because they have no reasonable prospect of success.

REASONS

- 1 On three March 2020 the claimant presented a claim to the tribunal alleging that he had been discriminated against because of his race. He set out a number of incidents that he relied on. He named his employer, the first respondent, and the operator of his place of work, the second respondent as the respondents.
- 2 The second respondent put in a response in which it asserted that the claimants claim against it had no reasonable prospect of success and should be struck out. It is that application that has come before me today.

- 3 I read the respondents skeleton argument and heard the claimant submissions. I concluded that the claimants claim had no reasonable prospect of success for the following reasons : dash
- 3.1 The claimant was employed by the 1st respondent and worked in the second respondents Peterborough fulfilment centre.
- 3.2 The claimants claims are of direct discrimination and harassment. The only identified perpetrators of the conduct he alleges are employed or contracted to the first respondent.
- 3.3 There is no allegation in the claim concerning the conduct of the second respondent or any of its employees or contractors.
- 3.4 It is clear from the authorities, in particular Ministry of Defence v Keme [2014] ICR 625, that a person in the position of the Second Respondent will not be an agent for the purposes of S.109 Equality Act 2010 in the above circumstances.

Employment Judge Kurrein

Date: 18/03/2021

Sent to the parties and
entered in the Register on 28 : 03 : 2021

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For the Tribunal

Public access to employment tribunal decisions Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.