



EMPLOYMENT TRIBUNALS

Claimant: Mr W Matthaus

Respondents: 1. Equiniti Solutions Limited
2. Shop Direct Finance Company Limited
3. Tim Hughes

Heard at: Manchester (by CVP)

On: 28 February 2024

Before: Employment Judge K M Ross

REPRESENTATION:

Claimant: In person

1st Respondent: Mr Salter, Counsel

2nd Respondent: Ms Amartey, Counsel

3rd Respondent: Not in attendance

JUDGMENT

The judgment of the Tribunal is that:

These claims relate to a period when the claimant worked for the first and/or second respondent from 2 November 2015 and 30 November 2016. His claim to the Employment Tribunal was presented on 2 October 2023.

1. The claimant's claim for unlawful deduction from wages pursuant to section 13 Employment Rights Act 1996 was presented outside the time limit. It was reasonably practicable to present the claim within time. Accordingly, the Tribunal has no jurisdiction to hear the claim and it is struck out.
2. The claimant's claim for breach of contract pursuant to article 7 Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 was presented outside the time limit. It was reasonably practicable to present the claim within time. Accordingly, the Tribunal has no jurisdiction to hear the claim and it is struck out.
3. The claimant's claim for a redundancy payment was not presented within the time limit and the claimant has not taken any of the steps set out at section 164(1) Employment Rights Act 1996. Accordingly, the Tribunal does not have jurisdiction to hear the claim and it is struck out.

4. The claimant's claim for direct discrimination on the grounds of race or religion or sex pursuant to section 13 Equality Act 2010, as identified in his list of issues at the outset of the hearing namely:
- (1) Only males moved to Tim Hughes' team;
 - (2) The claimant was the only ethnic minority within the five moved to Tim Hughes' team, and
 - (3) Tim Hughes' decision to remove the claimant from the project before the other members of the five males moved to his team

were presented outside the time limit and it is not just and equitable to extend time. Accordingly, the Tribunal does not have jurisdiction to hear the claim and it is struck out.

5. The claimant's claim for harassment related to religion or belief and/or race, identified in his list of issues at the outset of the hearing namely:
- (1) The claimant was the first of Tim Hughes' victims due to his race or religion,

was presented outside the time limit. It was not just and equitable to extend the time limit and accordingly the Tribunal does not have jurisdiction to hear the claim and it is struck out.

6. The claimant's claim for victimisation pursuant to section 27 of the Equality Act 2010 as identified in his list of issues at the outset of the hearing namely:

Protected acts the claimant relies on are:

- 1: Did Anthony Roach choose not to believe the claimant's claim his quality was not as bad as the data showed?
- 2: Was the claimant selected by Tim Hughes or other to be moved to Tim Hughes' team knowing that the claimant was being put in danger?

The detriments relied upon are:

- D1: Did Tim Hughes falsify data to have the claimant removed from the project in 2016?
- D2: Was the claimant selected to be moved to Tim Hughes' team?

were presented outside the time limit. It is not just and equitable to extend the time limit and accordingly the Tribunal does not have jurisdiction to hear these claims and they are struck out.

7. The claimant's application to amend the claim to include claims for automatic unfair dismissal pursuant to section 103A Employment Rights Act 1996 and a claim for detriment for making a protected disclosure pursuant to section 47B Employment Rights Act 1996 is refused. The application to amend was on the basis identified in his list of issues at the outset of the hearing namely:

The detriments relied upon are:

D1: Tim Hughes falsified data to have the claimant removed from the project; and

D2: The claimant was selected to be moved to Tim Hughes' team.

The protected disclosures are:

PD1: After the claimant was informed his engagement was terminated, he informed Anthony Roache that he did not think the quality data was correct.

PD2: The claimant, in 2023, is making a protected disclosure that the firms are now aware of the fact that multiple staff were treated unfairly.

8. In the alternative, if I am wrong about my refusal to permit the amendment the claim to include claims for automatic unfair dismissal pursuant to section 103A Employment Rights Act 1996 and a claim for detriment for making a protected disclosure pursuant to section 47B Employment Rights Act 1996, then the claims were presented outside the time limit. It was reasonably practicable to present the claims within the time limit. Accordingly, the Tribunal does not have jurisdiction to hear the claims and they are struck out
9. All claims have been struck out.

Employment Judge K M Ross

Date: 29 February 2024

JUDGMENT SENT TO THE PARTIES ON

12 March 2024

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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.

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:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>