



EMPLOYMENT TRIBUNALS  
London Central Region

Heard by CVP on 27/7/22

Claimant: Mr A Beckles

Respondent: Veolia ES (UK) Limited

Before: Employment Judge Mr J S Burns

Representation

Claimant: In person

Respondent: Mr Jones (Counsel)

**JUDGMENT**

1. It is declared that the only Respondent is as stated above. (Reason: The names of Christine Joyce and Dominic Lynch were not mentioned on the ET1 form and the spaces for second and third respondents were left blank. No addresses or EC certificate numbers for these persons were given. The proceedings were accepted by the Tribunal as presented against the employer company only and served on it only).
2. The Claimant's application made in June 22 to add Christine Joyce and Dominic Lynch as additional respondents is refused. (Reason; The Claimant's grounds of claim fail to set out separate causes of action against Christine Joyce and Dominic Lynch. New claims against individuals would probably be out of time now. No good reason is shown for not including them in the first place. As confirmed today by Mr Jones, the Respondent does not take the statutory defence in section 109(4) Equality Act 2010 - hence the Respondent company will be liable for any discriminatory acts which may be proved against the individuals. Hence it is not necessary for the protection of the Claimant's interests that they be joined. Having regard to the provisions of Rule 34, I do not regard it as in the interests of justice to join them.)
3. The Claimant's informal application to add a new dimension to his direct race discrimination claim by comparing the response of Christine Joyce to the Claimant's complaints (about the TOIL project) with her response to Peter Dobbs and Victoria Berry on the same subject, is refused. (Reason: this would involve consideration of new primary facts which if true would have been within the knowledge of the Claimant when he issued his claim, and no good reason is shown for not making this allegation in the first place. This does not appear to be a strong point for the Claimant in any event as he told me that Peter Dobbs and Victoria Berry "*made less noise about TOIL*" than did the Claimant, and hence they are not good comparators in any event. I have applied the Selkent principles.
4. (By consent) the Claimant's application to add an unfair constructive dismissal claim is allowed. (Reason: the Claimant resigned the day after he presented his claim. Hence, he had no accrued cause of action for dismissal when he presented his claim. However now he is still in time to present such a claim in a new ET1. It is more convenient to allow him to include his UD claim in the extant proceedings).

J S Burns Employment Judge

London Central

27/7/2022

For Secretary of the Tribunals:

Date sent to parties: 27/07/2022