



# EMPLOYMENT TRIBUNALS

**Claimant:** A

**Respondent:** University of Birmingham

**Heard at:** Birmingham (by video)

**On:** 2 December 2021

**Before:** Employment Judge V Jones

## **Representation**

For the claimant: in person

For the respondent: Mr E Beever, counsel

## **JUDGEMENT AT AN OPEN PRELIMINARY HEARING**

1. The claimant was at all material times a disabled person under section 6 Equality Act 2010.
2. The claimant's claim of direct discrimination contrary to sections 6 and 13 Equality Act 2010 ("EQA") is struck out under Schedule 1 paragraph 37(1)(a) of the Employment Tribunals Constitution and Rules of Procedure) Regulations 2013 ("Tribunal Rules of Procedure") as having no reasonable prospect of success.
3. The claimant's claim under the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 is struck out under Rule 37(1)(a) of the Tribunal Rules of Procedure as having no reasonable prospect of success.
4. The claimant's claim for breach of contract under paragraph 3 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is struck out under Rule 37(1)(a) of the Tribunal Rules of Procedure as having no reasonable prospect of success.
5. The claimant's claim of direct discrimination because of religious belief, contrary to sections 10 and 13 EQA is dismissed following his withdrawal of the claim.
6. The respondent's application for the claimant's claims of detriment for making a protected disclosure (s47B Employment Rights Act 1996) and victimisation (s27 EQA) to be struck out or, in the alternative, for the tribunal to make a deposit order

under rule 39 of the Rules of Procedure as a condition of those claims proceeding, is dismissed. Those claims will now proceed to a substantive hearing.

Employment Judge V Jones

Date: 8 December 2021

**Note**

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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