



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Frantisek Havelec

**Respondent:** University Hospitals Sussex NHS Foundation Trust

**Heard at:** Southampton                      **On:** 26 August 2021

**Before:** Employment Judge Self

## Appearances

For the Claimant: In Person (with Czech Interpreter)

For the Respondent: Ms R Snocken – Counsel

## JUDGMENT

1. The Claimant's application to amend his Claim so as to include claims of public interest disclosure detriment, public interest disclosure unfair dismissal and further acts of race discrimination is refused and dismissed.
2. Upon consideration pursuant to section 6 of the Equality Act 2010 (the Act) as to whether the Claimant was a disabled person in respect of various physical and mental impairments it is found that:
  - a) The Claimant was a disabled person pursuant to the Act as follows:
    - i) Knee injury – From 1 January 2017 to the date hereof;
    - ii) Depression/ Anxiety – From 1 December 2018 to the date hereof;
    - iii) Rheumatoid Arthritis – From 15 March 2019 to the date hereof.
  - b) The Claimant was not a disabled person on account of his Diabetes as at material time.
3. Upon consideration of the Respondent's application to strike out all or part of the Claimant's claims as having no reasonable prospect of success or alternatively for a deposit order to be made for all or some of the Claims:
  - a) All race discrimination claims are struck out as having no reasonable prospects of success;

- b) The Respondent's application fails in respect of the unfair dismissal claim and all of the Disability Discrimination Claims.
- 4. Upon consideration of the pleaded case and the previous List of Issues it is Ordered that the matters listed at 6.2 and 6.3 of the previous list of Issues be considered as claims pursuant to section 15 of the Act as well as pursuant to section 13 of the Act.

Employment Judge Self

Date: 27 August 2021

Sent to the parties: 14 September 2021

For the Tribunal Office