



EMPLOYMENT TRIBUNALS

Claimant: Mr M Ithia

Respondents: (1) MUFG Securities EMEA Plc (2) Michael Conway

Heard at: (hybrid hearing, CVP & Victory House)

On: 13, 14, 17 & 18 January 2022

Before: Employment Judge Adkin

Appearances

For the Claimant: Claimant in person

For the Respondent: Ms T Barsam, Counsel

JUDGMENT

1. The Claimant was not a disabled person within the meaning of section 6 of the Equality Act 2010 (“EqA”) by virtue of suffering headaches (eye strain, neck ache or shoulder pain) at the material time between 27 March 2019 and 15 July 2020.
2. The Claimant’s application to amend his pleaded case on disability to include other conditions including anxiety, depression, stress, bradycardia is refused.
3. All disability discrimination claims are dismissed.
4. The following claims are dismissed upon withdrawal:
 - a. Claims brought under TUPE 2006 and section 103(1)(b) of the Employment Rights Act 1996.
 - b. Equal pay claim brought under section 65, 66 EqA by comparison with Lydia Ho, Maura O’Sullivan, Belinda Hudson.
 - c. All claims of direct age, race and sex discrimination under section 13 of the Equality Act 2010:
 - i. Claims based on lack of promotion in comparison with Luke Corrie, Mandy Latter, Kristian Moller-Butcher, Karen Owen, David Tillings, Elizabeth Bumpus, Vanessa Soh, Mathew Smith, Chris Nicholson, Francesca Birkby, Paul Fenton, Tony Syson, Ian McCall, Filippos Niforas, Karen Owen, Nicolette Fourie;

- ii. (Race) claims based on lack of severance package on 15 July 2020 in comparison with Jonathan Gully, Deborah Cowles, David King, Sarah Cawthra, Angus MacGregor, John Davies, Gareth Butler, Martin Ward & Vanessa Soh;
 - d. Issue 4(c) direct age discrimination reducing pension contributions from 1 July 2019;
 - e. Issue 7(g) direct race discrimination in relation to voluntary redundancy between 31 May 2019 – 31 August 2019;
 - f. Issue 9(g) direct sex discrimination in relation to voluntary redundancy between 31 May 2019 – 31 August 2019;
 - g. Issue 9(h) direct sex discrimination in relation to severance package 15 July 2020;
 - h. Issue 18(a) harassment in relation to an email dated 14 January 2016.
5. The following claims are struck out as having no reasonable prospect of success pursuant to rule 37(a) of the Employment Tribunal (Constitution & Rules of Procedure) Regulations 2013, Schedule 1 ("the Rules"):
- a. Issues 44 & 45 - unauthorised deductions from wages – claim for overtime;
 - b. Equal pay claim brought under section 65, 66 EqA by comparison with Employees A, B & C [names anonymised, key provided to the Claimant in correspondence] in relation to years 2014, 2015 and 2016 only.
6. Deposit orders under rule 39 of the Rules have been made in a separate order.
7. No order is made in respect of the following allegations:
- a. EqA equal pay claim by comparison with
 - i. Allison Lacey Norris;
 - ii. Cheryl Bagot from 1 January 2017 onward;
 - iii. Alexia Sidders from 1 January 2017 onward;
 - iv. Misako Brown; Vanessa Illich;
 - v. Carrie Williams;
 - b. Issue 7(i) race discrimination – ignored requests new equipment;
 - c. Issue 22(e) victimisation – severance package;
 - d. Issue 22(f) victimisation – delayed appeal;
 - e. Issue 26(a) health & safety detriment – failure to carry out risk assessment for 8 months from April 2019 – 14 January 2020;
 - f. Issue 33(b) protected disclosure detriment – deprived of severance package;
 - g. Issue 46 - claim for holiday pay.

Employment Judge Adkin

19.1.22

Sent to the parties on:

19/01/2022

For the Tribunal Office:

Any written reasons for decisions given orally should be requested within 14 days of the date that this order is sent to the parties (rule 62).