



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**  
**MR A BONGO**

**Respondent**  
**TOWER TRANSIT OPERATIONS LIMITED**

## OPEN PRELIMINARY HEARING JUDGMENT

**HELD AT: London Central (CVP video audio call)**

**ON: 3 November 2020**

**BEFORE: Employment Judge Russell (sitting alone)**

### REPRESENTATION:

**Claimant: Mr Latinwo, Solicitor**

**Respondent: Mr Ludlow, Solicitor**

### Judgment

1. The correct name of the Respondent is Tower Transport Operations Limited.
2. The Claimant's claims of Unauthorised deduction from Wages and race discrimination are dismissed by withdrawal.
3. The Claimant's claim of Victimisation is dismissed. There is no Protected Act under S 27(2) Equality Act 2010 that could amount to or lead to a breach of section 27(1) Equality Act 2010.
4. The Respondent's application for a strike out and or strike out order under Rule 37 and or Rule 39 respectively be listed for a further one day Open Preliminary Hearing ( Further OPH ) on 22 February 2020 a CVP hearing .
5. The Claimant's application to amend the ET1 is accepted other than in respect of his claimed Victimisation Claim subject to the Further OPH Hearing . In consequence his claims of breach of contract and age discrimination ( direct and indirect ) shall continue , subject to the Further OPH , to the listed full 3-day hearing 14,15,16 July 2021.
6. The Further OPH shall first determine the Claimant's EDT and if the Tribunal has jurisdiction to hear the Claimant's remaining claims under section 111 of the ERA 1996 and or 207 Trade Union Labour Relations ( Consolidation ) Act 1992 ( as amended ) and or 123 of the Equality Act 2010.
7. The Further OPH shall then, to the extent there is jurisdiction, consider which of the Claimant's outstanding claims ( if any ) have no reasonable or little prospect of

success and determine if any shall be struck out or a deposit order made in respect of such claims or claims.

EMPLOYMENT JUDGE

9 November 2020  
Order sent to the parties on

10/11/2020

for Office of the Tribunals