



EMPLOYMENT TRIBUNALS

Claimant: Mr B Bhurabhai

Respondent: Bucherer UK Limited

RECONSIDERATION JUDGMENT

1. The tribunal's Judgment dated 8 December 2022 and sent to the parties on 8 December 2022 is varied as follows:

1.1. The amount required to be paid under the Deposit Order is reduced to £100

1.2. Paragraph 2.1.1.1 of the List of Issues is amended to read as follows:

'WhatsApp messages to Hoda Michael in September 2021. Emails to Adrian Maronneau, Richard Clement and Hoda Michael in September and October 2021 relating to posts on LinkedIn by Martin Boulden.'

2. The remainder of the claimant's application is refused.

REASONS

3. The claimant's representative submitted a request for reconsideration of my Judgment of 8 December 2022, which had been reserved in part following a preliminary hearing on 23 November 2022, conducted by CVP. The claimant's request is wide ranging and runs to 60 pages. Many of the issues he raises are not within the scope of a request for reconsideration. Of those that are relevant to a request for reconsideration, I understand that he is asking for the following decisions to be reconsidered:

3.1. the decision not to postpone the hearing;

3.2. the decision to make a deposit order, which should be revoked on the following grounds:

- 3.2.1. t the claimant was disadvantaged because the tribunal did not take the claimant's documents into account and these documents should have been accepted as protected disclosures;
- 3.2.2. the claimant was disadvantaged because he did not prepare written submissions;
- 3.2.3. the tribunal failed to take note of the evidence of 'home invasions and gang stalking' as being detriments suffered by the claimant.

3.3. the amount of the deposit order is too high;

3.4. the decision not to allow some of the claimant's amendment application on the following grounds:

- 3.4.1. the claimant was disadvantaged because the tribunal did not take the claimant's documents into account and these documents should have been accepted as protected disclosures;
- 3.4.2. the claimant was disadvantaged because he did not prepare written submissions;
- 3.4.3. the tribunal failed to take note of the evidence of 'home invasions and gang stalking' as being detriments suffered by the claimant.

3.5. the decision not to order specific disclosure;

3.6. there is an error on the description of the protected disclosure set out in the List of Issues.

Postponement application

4. The claimant requests a reconsideration of my decision not to grant a postponement in accordance with his request made after the lunch break, part-way through the hearing. There is no reasonable prospect of me revoking the decision not to grant a postponement. To the extent that the request related to the lack of reading time I had before starting the hearing, this would be similar in any relisted hearing as Judges do not generally receive papers until the day before, or the morning of, a hearing. I received both bundles shortly before the start of the hearing. I was able to read all the documents that the parties directed me to. To the extent that the request related to the claimant not having time to prepare written submissions, as the respondent's counsel had done, there is no prospect of me varying my original decision not to grant a postponement. Written submissions were not ordered and are not required in order to make submissions. I am satisfied that I understood the representations made by the claimant's representative.

Amount of the deposit order

5. At the time the deposit order was made, I did not have details of the claimant's financial situation, only an overview. As a result of representations made on behalf of the claimant, I vary the amount of the deposit order to the reduced sum of £100.

Making the deposit order

6. However, there is no reasonable prospect of me revoking the decision to make a deposit order as I am satisfied I took into account the relevant factors in reaching my decision. The claimant has not provided any reasons for me to change my original decision.

Amendment application

7. There is no reasonable prospect of the decision not to allow the amendment application in full as I am satisfied I took into account the relevant factors in reaching my decision. The claimant has not provided any reasons for me to change my original decision.
8. The documents that the claimant's representative refers to repeatedly are documents which allege wrongdoing by the respondent but these were not documents communicated to the respondent and so they are not protected disclosures. EJ Stout and I have explained to the claimant's representative that making disclosures of wrongdoing to the tribunal is not relevant to the claimant's whistleblowing claim and it is not the role of the tribunal to investigate the wrongdoings alleged by the claimant.
9. The claimant relies on 'home invasions and gang stalkers' as a detriment and he does not believe that this was properly reflected in the decision. I saw CCTV footage of three occasions when there is someone at the claimant's front door. The claimant states that there have been further instances. However, he has failed to make any link between the people seen on CCTV outside his house and the respondent. He has also failed to make any link between these incidents and any protected disclosure. I see no reason to revoke or vary my decision on this basis.

Specific disclosure application

10. There is no reasonable prospect of me revoking the decision not to order specific disclosure of employer's liability insurance certificates, the commercial agreement between the respondent and Rolex or the respondent's accounts. I understand that he wants to draw the tribunal's attention to the wrongdoings he believes have been carried out by the respondent. However, as was explained to him by EJ Stout and by me at the hearing, repeated in the Judgment, it is not the role of the employment tribunal to investigate any wrongdoings of this nature. These documents have been requested by the claimant to evidence the wrongdoings of

the respondent. Investigating such matters is not the role of the tribunal and the documents are not relevant to the issues which are before the tribunal.

NOTE

11. There are parts of the claimant's reconsideration request which I have not addressed as they are outside the scope of a reconsideration request. This includes:

- 11.1. previous decisions made by another Judge,
- 11.2. complaints about tribunal staff members,
- 11.3. alleged data breaches,
- 11.4. the administrative processes of the tribunal office,
- 11.5. issues surrounding preparation of the bundle,
- 11.6. alleged failures to comply with case management orders,
- 11.7. interim relief (continuation of salary) application.

Employment Judge Davidson

Date 19 January 2023

JUDGMENT SENT TO THE PARTIES ON

19/01/2023

FOR EMPLOYMENT TRIBUNALS

Notes

Public access to employment tribunal decisions: Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.