

EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate D: Equality
Unit D.1: Equal treatment legislation

Brussels, 30/10/2012
JUST/D1/PL CHAP(2011)734

Mr Clive Henry
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Nottingham
NG3 6JX
United Kingdom
E-mail: clivehenry1@sky.com

Subject: Your complaint under reference CHAP (2011)734

Dear Mr Henry,

Thank you for your complaint of 14 March 2011 stating that you have been discriminated in the United Kingdom in employment on the basis of your race. At national level, you have already referred the matter to the Employment Tribunal and then appealed against its ruling. You consider that your evidence has been ignored and the proceedings at national level have been biased. You also ask for the judge's conduct in your case to be looked into.

In my reply, I would refer to our previous exchange of letters in 2010-2011 prior to submission of the present complaint, since the previous exchanges concerned the same matter, but took place at the time when the national proceedings were still pending.¹ In those previous exchanges we already informed you that in the EU law, Directive 2000/43/EC (Racial Equality Directive) prohibits discrimination on grounds of race or ethnic origin in a number of areas, including employment. However, we underlined that our task is primarily to ensure that the Member State has correctly transposed the Directive into national law. In the UK Directive 2000/43/EC has been transposed by the Equality Act 2010. Once the EU law is correctly transposed into national law, legal proceedings in case of discrimination should be initiated under national law and before the national courts, as you did. We also advised you to take contact with the national equality body, which among its other tasks, provides assistance to victims of discrimination. I will not repeat the contact information of the UK equality body (Equality and Human Rights Commission) here, since we have already provided you with this information.


¹ Your letter of 28 September 2010 and subsequent follow-up mails between us. Our replies of 18 and 26 November 2010, 21 December 2010, 6 January 2011 and 11 February 2011.

In the context of the submission of the formal complaint registered under reference CHAP(2011) 734, you also provided us with a full file of documents related to your matter and you have complemented this file later on. Following the submission of your complaint, we have exchanged a number of mails in this matter.

We have now finalised the examination of your complaint. We have not been able to identify any breach of EU law by the United Kingdom in your matter. It is for the national authorities to apply national law in your individual case and the Commission is not able to interfere in national court proceedings. Therefore, I regret to tell you that we are not able to take any further action in this matter.

If we do not receive any further elements from you which could indicate a breach of EU law within four weeks of sending this letter, we will close the file related to your complaint.

Yours sincerely,

p.o. 
Andreas Stein
Head of Unit