



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms H Kalaya

**Respondent:** Wimbledon Broadway Specsavers Limited (1)  
Mr. A Kemp (2)  
Miss Jayasena (3)  
Ms Yates (4)  
Specsavers Optical Group (5)  
Mr Sandiford (6)  
Mrs. Mann (7)  
Miss Kashmiri-Ali (8)  
Ms Desai (9)  
Mr. Perkins (10)  
Mrs Perkins (11)

**Heard at:** London South Croydon

**On:** 19 April 2017

**Before:** Employment Judge Sage

## Representation

Claimant: In person

Respondent: Mr. Pipkin Solicitor

**JUDGMENT** having been sent to the parties on **18 May 2017** and written reasons having been requested by the Claimant in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

## REASONS

1. The Claimant pursued claims against eleven Respondents in a lengthy claim form that was 138 pages long. The Respondent in their ET3 at paragraphs 4-5 applied to have the claims against the 5<sup>th</sup> and the 10 and 11<sup>th</sup> Respondents struck out because they submitted that they had no reasonable prospect of success.
2. Dealing firstly with 5<sup>th</sup> Respondent, the Respondent stated that Specsavers Optical Group Ltd is a company within the group of Companies but the Claimant was not employed by the 5<sup>th</sup> Respondent; they will state that the Claimant has always been employed by the 1<sup>st</sup> Respondent and this is the proper Respondent

for the purposes of the claims being pursued by the Claimant. The Respondent told the Tribunal that the 5<sup>th</sup> Respondent holds shares within the group.

3. The Claimant told the Tribunal that she wanted to 5<sup>th</sup> Respondent joined because they were part of the Group; she described them as “part of the employer”, however there was no evidence before the Tribunal that they employed the Claimant or that they at some stage had employed the Claimant. There was no evidence that the 5<sup>th</sup> Respondent had committed any act of discrimination or that they could provide evidence relevant to the issues in the case. It was also noted from the ET1 that the Claimant acknowledged that she was employed by the First Respondent in appendix 7 (page 87), Appendix 8 (page 90), Appendix 9 (page 93), Appendix 10 (page 96) and in Appendix 11. The consistent evidence showed that the First Respondent was the employer and the proper Respondent in the case.
4. In the absence of any evidence to suggest that there is a valid claim against the 5<sup>th</sup> Respondent, the claim is dismissed.
5. Turning to the Respondent’s application to dismiss the claims against the 10-11<sup>th</sup> Respondents, who were the co-founders of the business. The Tribunal heard that they now reside in Guernsey. There was no evidence that they had ever met or spoken with the Claimant and they were not involved (directly or indirectly) in any of the factual scenarios referred to in the ET1. The only fact that linked them to this case was that the Claimant sent them a copy of her grievance letter dated the 3 February 2017 pursuing her claims for reasonable adjustments; she was sent an email in reply the following day by their PA. After being referred back to the employer, the Claimant’s request for reasonable adjustments was considered by the First Respondent, there was no evidence that the 10-11<sup>th</sup> Respondents had any involvement in the matter save for referring it back to the employer. All further communications were dealt with by the Group’s legal team.
6. In the hearing, the Claimant explained to the Tribunal that her complaint against the 10 and 11<sup>th</sup> Respondents was that they did not respond to her grievance letter personally, they instructed someone to respond on their behalf. There was no evidence on the face of the ET1 or any facts referred to by the Claimant, to suggest that passing correspondence to a PA was an act that amounted (or could amount) to discrimination on the grounds of race, sex religion or belief, disability, age or trade union membership. It was noted by the Tribunal that in several of the grievance letters referred to in the ET1, the Claimant referred to the Respondents as “Active” Directors, but there was no indication that they played any active part in the day to day operations of the business apart from being on the record at Companies House as Directors.

7. The Claimant failed to explain the basis for her claim against the 10-11<sup>th</sup> Respondents or the facts that led her to include them as joint named Respondents. As the only involvement of these Respondents was to refer her grievance back to the First Respondent, it is concluded that this claim has no reasonable prospect of success. The claims against the 10<sup>th</sup> and 11<sup>th</sup> Respondents are therefore dismissed.

Employment Judge Sage

Date: 1 June 2017