



EMPLOYMENT TRIBUNALS

AND

Claimant

Mr K Zayyan

Respondents

1. George Eliot Hospital NHS Trust
2. University Hospitals Coventry & Warwickshire NHS Trust

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard at: Birmingham

On: 1, 2, 3, 7, 8, 9, 10, 15, 16, 17, and 21 August 2017 (against both respondents on the dates in bold, and the 1st respondent only for the remainder)

Before: Employment Judge Dimbylow

Members: Mr RW White
Mr TC Liburd

Appearances:

For the claimant: Mr J Neville, Counsel

For the 1st respondent: Mr R Powell, Counsel

For the 2nd respondent: Mr T Shepperd, Counsel

JUDGMENT

The unanimous judgment of the tribunal is that:

1. By consent, the claim against the second respondent is dismissed upon withdrawal by the claimant.
2. The claim for racial harassment against the first respondent by allegedly encouraging junior doctors to covertly monitor the claimant was presented out of time. It did not form part of a continuing act. The claimant did not demonstrate to us that it was just and equitable to extend the time. Therefore, the tribunal has no jurisdiction to hear this claim and it is dismissed.
3. The claim for direct race discrimination against the first respondent by allegedly encouraging junior doctors to covertly monitor the claimant was presented out of time. It did not form part of a continuing act. The claimant did not demonstrate to us that it was just and equitable to extend the time. Therefore, the tribunal has no jurisdiction to hear this claim and it is dismissed.

4. The claim for racial harassment against the first respondent which is in time is not well-founded, fails and is dismissed.
5. The claims for direct race discrimination against the first respondent which are in time are not well-founded, fail and are dismissed.
6. The claims for victimisation against the first respondent are not well-founded, fail and are dismissed.

Employment Judge Dimbylow
22 August 2017

Note: Reasons for the judgement having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.