



EMPLOYMENT TRIBUNALS

Claimant

Miss C Donaldson

v

Respondent

Cassiobury Court Limited

PRELIMINARY HEARING

Heard at: Watford

On: 20 September 2017

Before: Employment Judge Manley

For the Claimant: In person

For the Respondent: Mr Bansal, solicitor

JUDGMENT

- 1 The claimant was not employed by the respondent for two years before dismissal and the tribunal has no jurisdiction to hear her complaint of unfair dismissal which is dismissed.
- 2 The claim was presented one day out of time. It was reasonably practicable to present the claim in time and the tribunal has no jurisdiction to hear the complaints of unlawful deduction of wages and /or breach of contract which are dismissed.
- 3 It is just and equitable to extend time to allow the direct race discrimination complaint to proceed and it proceeds to a hearing as set out below.

CASE MANAGEMENT SUMMARY

Listing the hearing

1. After all the matters set out below had been discussed, we agreed that the hearing in this claim would be completed within **2 days**. It has been listed before a full tribunal at Watford Employment Tribunal, Radius House, Clarendon Road, Watford to start at 10am or so soon thereafter as possible on **Thursday 1 and Friday 2 February 2018**. The parties have until **27 September 2017** to inform the tribunal if those dates are inconvenient and, if they are, they should seek to agree alternative dates as soon as possible. The parties are to attend on the first day of the hearing by 9.30 am. A suggested timetable is that the oral and written evidence and submissions will be completed within the first day leaving the

remaining time for tribunal deliberations, the giving of judgment and remedy if appropriate.

The complaint(s) and issues

2. By a claim form presented on 21 April 2017, the claimant brought complaints of unfair dismissal, unlawful deduction of wages and/or breach of contract and race discrimination. After this preliminary hearing, the only remaining matter is one of race discrimination.
3. The issues for determination at the final hearing are now recorded as being as follows:
 - (1) Are there facts from which the tribunal could conclude that the claimant has been less favourably treated than Matthew McGregor in relation to disciplinary process and dismissal? The claimant's stated case is that Mr McGregor who is white, whilst she is black, was also found to have slept at work and was not disciplined or dismissed.
 - (2) If so, can the respondent show the treatment was without discrimination because of the claimant's race?
 - (3) If the claimant succeeds, what is the appropriate level of compensation?
4. I made the following case management orders by consent.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The respondent is given leave to present an amended response specifically on the now clarified race discrimination complaint by **4 October 2017**.
2. The respondent will send a bundle of all documents relevant to the issues for the hearing to the claimant by **31 October 2017**.
3. The claimant will send copies of any extra relevant documents to the respondent by **14 November 2017**.
4. The parties will seek to agree a joint hearing bundle by **28 November 2017**. The respondent will ensure there are sufficient copies for the tribunal hearing.
5. The claimant will send a statement of remedy claimed to the respondent and the tribunal by **28 November 2017**.
6. The parties will prepare witness statements which should be typed and full, but not repetitive. The statements must set out all the facts about which a witness intends to tell the tribunal, relevant to the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material. The facts must be set out in numbered paragraphs on numbered pages, in chronological order. The witness statements should be exchanged by **5 January 2018**.
7. The respondent is also ordered to prepare a short, neutral chronology for use at the hearing. The chronology should be agreed if possible.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Manley

Dated 20 September 2017

Sent to the parties on:

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For the Tribunal:

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