



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

Mr S Osborne

v

Health and Safety Executive

## RECORD OF PRELIMINARY HEARING

**Heard at:** Cambridge

**On:** 13 April 2018

**Before:** Employment Judge Ord

### Appearances

**For the Claimant:** Did not attend and was not represented.

**For the Respondent:** Mr M Veal, Solicitor.

## JUDGMENT

1. The claimant's complaint that he suffered unlawful discrimination on the protected characteristic disability is struck out, the tribunal has no jurisdiction to hear it.

## REASONS

1. The claimant brought an appeal before the Employment Tribunal against a prohibition notice issued by the Health and Safety Executive. In the claim form by which he makes that appeal he also claims to have been the victim of discrimination on the protected characteristic of disability.
2. The claimant accepts the he never was an employee of the respondent.
3. Accordingly, under the Equality Act 2010 the tribunal has no jurisdiction to hear any complaint of discrimination on the grounds of disability other than in circumstances where the claimant is or was an employee, or prospective employee of the respondent. In the absence of jurisdiction, the claim of disability discrimination is struck out.

## ORDER STAYING PROCEEDINGS

1. This case is stayed until 31 October 2018 with liberty to either party to apply for the stay to be lifted before that date.
2. The parties are to advise the tribunal of their position by no later than **4pm on 31 October 2018**.

## REASONS

1. The claimant had been ordered by the tribunal to provide information and as a result of a failure to do was sent a notice to show cause why his claim should not be struck out.
2. Before the end of that show cause period the claimant was detained Section 2 of the Mental Health Act 1983. A letter from the speciality registrar at Luton Mental Health and Wellbeing Service was produced to the tribunal.
3. I cannot deal with the application to strike out the claimant's appeal (which was the matter listed before me today) without giving the claimant an opportunity to show cause or present reasons why I should not make such an order. The time within which the claimant was to show cause in writing had not expired at the time the claimant was detained under the Mental Health Act and accordingly it would be inappropriate to strike his case out at this stage.
4. For those reasons I consider that the most appropriate way forward was for the case to be stayed for 6 months, or earlier application, whilst the claimant's condition becomes clearer.

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Employment Judge Ord

Date: 18 / 04 / 2018

Sent to the parties on: .....

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For the Tribunal Office