



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Fitzgerald

Respondent: Mike India 5 Limited t/a The Brownsword Group

Heard at: Manchester

On: 11 January 2019

Before: Employment Judge S A Shore

REPRESENTATION:

Claimant: Mr G Kermode, Lay Representative

Respondent: Mr A Heaton, Managing Director

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claims direct sex discrimination set out in paragraphs 1 to 3 under the heading 'Details of Sex Discrimination Claim' in the further particulars sent to the Tribunal on 16 November 2018, contrary to section 13 of the Equality Act 2010, are dismissed upon withdrawal.
2. The claimant's claims of breach of contract (in respect of an alleged failure to pay notice pay) and non-payment of holiday pay are dismissed upon withdrawal.
3. The claimant's application to amend her claim to include one allegation of direct sex discrimination set out in paragraph 4 under the heading 'Details of Sex Discrimination Claim' in the further particulars sent to the Tribunal on 16 November 2018 is refused, as the claim was not set out in her ET1 and was presented out of time. It was not just and equitable to allow the claim to proceed.

Employment Judge S A Shore

Date 11 January 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

24 January 2019

FOR THE TRIBUNAL OFFICE

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