



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Ms K Ragouba

AND

Respondent

Washwood Healthcare Ltd
t/a Wellbeing Pharmacy

JUDGMENT MADE AT A PRELIMINARY HEARING

HELD AT Birmingham

ON 4 & 5 March 2020

EMPLOYMENT JUDGE Hughes

Representation

For the Claimant: In person

For the Respondent: Miss G Nicholls, Counsel

Interpreters: The Employment Tribunal was assisted by Mr Osman (day 1) and Mrs Mahmoud (day 2)

JUDGMENT

(1) The application to amend to add allegations 1 to 6 and 8 to 10 of the schedule of allegations is not allowed. These claims are out of time and it is not just and equitable to extend time. Further, and in any event, they are not allegations of direct sex discrimination which is how they are put.

(2) Allegation 7 (the only allegation included in the Claim Form) is out of time by over two and a half years. It is not just and equitable to extend time because the alleged discriminator left the respondent's employment towards the end of 2017 and to allow this allegation to proceed would severely prejudice the respondent. Further, and in any event, it has no reasonable prospect of success as an allegation of direct sex discrimination which is how it is put.

(3) The application to amend to add new allegations of direct race and religious discrimination (allegations 12 to 17) is not allowed. These claims are out of time and it is not just and equitable to extend time. The application was made in November 2019 and concerns events in May to July 2017. I do not accept these

allegations could not have been made sooner. Further, and in any event, allegations 12, 13, 16 and 17 have no reasonable prospects of success as allegations of direct race or religious discrimination which is how they are put. In addition, the alleged discriminator in respect of allegations 12 to 16 left the respondent's employment towards the end of 2017 and to allow these allegations to proceed would severely prejudice the respondent.

(4) The application to amend to add Allegation 11 (which would be in time by reference to the presentation date of the Claim Form but was not included in it) as an allegation of direct sex discrimination is not allowed. Allegation 7 which is the only allegation included in the Claim Form has been dismissed so technically there is no claim to amend. Further, and in any event, it is clear that this is an allegation of failure to make reasonable adjustments (if anything) and not of direct sex discrimination. The claimant has been found by another Judge not to have been disabled at the material time. Consequently, this allegation is struck out as having no reasonable prospect of success.

(5) Further, and in the alternative, in the light of the history of this litigation, I have concluded that a fair hearing is no longer possible.

(6) For the above reasons, this claim is dismissed.

(7) The respondent reserves the right to pursue a costs application and inform the Employment Tribunal and the claimant in writing by **19 March 2020** whether this application is pursued.

Signed by Employment Judge Hughes on 6 March 2020

decision.