



# EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondents

Ms M Riach

(1) Sir Philip Green  
(2) Arcadia Group Ltd  
(3) Top Shop/Top Man Ltd

## JUDGMENT AND ORDER ON PRELIMINARY HEARING

HELD AT: London Central

ON: 2 March 2020

BEFORE: Employment Judge A M Snelson (sitting alone)

On hearing Ms K Newton, counsel, on behalf of the Claimant and Mr S Jones QC, leading counsel, on behalf of the Respondent, it is adjudged and ordered as follows:

### JUDGMENT

- (1) The detriment claims in the grounds of claim, paras 10-25 based on events said to have occurred in January/February 2018 are out of time and the Tribunal has no jurisdiction to consider them. Accordingly, they are dismissed.
- (2) The First Respondent's application for an order to remove him from the proceedings is refused.

### ORDER

By consent, the Respondents shall, no later than 6 March 2020, give to the Claimant's representative by list and legible copies disclosure of all disclosable documents in their possession or control within the categories identified in the Claimant's representative's letter of application dated 17 February 2020.

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#### NOTES:

- (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.

- (2) The Employment Tribunals Rules of Procedure 2013 (to which any reference below to a rule refers) provide by rule 6 that if an Order is not complied with, the Tribunal may take such action as it considers just, which may include waiving or varying the requirement, striking out the claim or response (in whole or in part), barring or restricting a party's participation in the proceedings and/or awarding costs.
- (3) You may apply under rule 29 for this Order to be varied, suspended or set aside.
- (4) Where reasons have been given orally on any disputed issue, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**COMMENTARY**

Mr Jones QC submitted that the sex discrimination claim against the First Respondent under the *Osipov* line of authority based on the alleged constructive dismissal of the Claimant was untenable in principle. For reasons given orally, I was not so persuaded and took the view that an arguable claim was shown. My judgment, para (2) seeks to give expression to my ruling. The 'application' was implicit.

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EMPLOYMENT JUDGE Snelson

**Judgment entered in the Register and copies sent to the parties on 03/03/2020**

..... for Office of the Tribunal