



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Austin

Respondent: The Commissioners for HM Revenue and Customs

Heard at: Liverpool

On: 13 March 2020

Before: Employment Judge Buzzard

REPRESENTATION:

Claimant: Mr J Byrne, Trade Union Representative

Respondent: Mr P Smith of Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claims of sex discrimination are dismissed on withdrawal by the claimant.
2. The claimant's claim of victimisation contrary to the Equality Act 2010 is struck out. The claim was presented significantly outside the time limit for presentation of the claim without any evidence being presented to explain why the claimant had not presented her claim in time. In addition, the claimant's claim of victimisation, even if presented in time, is found to have no reasonable prospect of success.
3. The claimant's claim that she was subjected to acts of unlawful harassment are all either dismissed or struck out as follows:
 - a. her harassment claims arising in connection with the receipt of letters from her pension provider, on or around 27 January 2019, are found to have no reasonable prospect of success and are struck out;
 - b. her harassment claims arising in connection with her request to access her file on 17 January 2019 are found to have no reasonable prospect of success and are struck out; and
 - c. her remaining claims of harassment are found to have been presented significantly outside the time limit for presentation of claims are dismissed. No evidence from or on behalf of the claimant regarding

why her claims were not submitted earlier was presented and, accordingly, it is not found just and equitable to extend time for the presentation of the claimant's claims.

4. For the avoidance of doubt, the claimant's unfair dismissal claim, her discrimination claims under section 15 of the Equality Act 2010 and her discrimination claims under sections 20/21 of the Equality Act 2010 are not affected by this Judgment.

Employment Judge Buzzard

Date: 23 March 2020

JUDGMENT SENT TO THE PARTIES ON

26 March 2020

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, 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.

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