



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Emma Richards

**Respondents:** (1) Restore Community Church  
(2) Reinart van Zyl

## JUDGMENT

1. The following claims are struck out because the Tribunal has no jurisdiction to hear them:
  - (1) The claim for wrongful dismissal/breach of contract as against the Second Respondent, Reinart van Zyl.
  - (2) The claim for breach of duty of care by the Second Respondent.

## REASONS

1. By a letter dated **7 May 2020** the Tribunal gave the claimant an opportunity to make representations by 29 June 2020, as to why the claim should not be struck out because the Tribunal had no jurisdiction to hear them.
2. The Claimant's letter dated 29 June 2020 referred to implied contractual terms being breached by both Respondents by failing to acknowledge her disability and make reasonable adjustments.
3. The matters referred to by the Claimant in her letter of 29 June 2020 fall within the Tribunal's jurisdiction under the Equality Act 2010.
4. Under the jurisdiction conferred by the Extension of Jurisdiction Order 1994 to consider post-termination claims for breach of contract the Tribunal does not have jurisdiction over complaints of breach of contract against a named individual, only against the employer. The claims for wrongful dismissal /breach of contract and breach of duty of care against the Second Respondent therefore fall to be dismissed.

# **ORDERS**

1. The remaining claims are unaffected by this Judgment and are to proceed to a final hearing on 27-29 January 2021.
2. The claims numbered 3203020/2019 and 3203021/2019 are to be consolidated and will be heard together.
3. The matters relied upon by the Claimant at paragraphs 40-44 of her Ground of Complaint are to be re-labelled as complaints of failure to make reasonable adjustments under sections 20 and 21 of the Equality Act 2010.

**Employment Judge Lewis**  
**Date: 23 July 2020**