



EMPLOYMENT TRIBUNALS

Claimant: Miss M Cobbing

Respondents: V & P Global Ltd (1)
Frank Varela (2)

JUDGMENT

The allegation of constructive dismissal brought under section 26 of the Equality Act 2020 is struck out.

REASONS

1. By correspondence dated 7 August 2020 I referred the parties to the appellate authorities of Timothy James Consulting Ltd v Wilton [2015] IRLR 368 and Urso v Department for Work & Pensions [2017] IRLR 304 in which the EAT held that as a matter of law, a constructive dismissal could not amount to an act of harassment; and I ordered the claimant to explain, in view of these authorities, the basis on which the allegation of constructive dismissal proceeded under section 26 of the Equality Act 2010 (EQA). The respondent was subsequently ordered to comment on the claimant's representations once made.
2. Having considered the parties' representations, I am satisfied that the allegation of constructive dismissal which is brought under section 26 EQA has no reasonable prospect of success because of the decisions in Wilton and Urso which are binding on this tribunal.
3. This allegation is accordingly struck out under rule 37(1)(a).
4. This does not affect the other complaints brought by the claimant which shall proceed to a final hearing on **19 – 23 and 26 – 28 July 2021**.

Employment Judge Khan

24th Sept 2020

JUDGMENT SENT TO THE PARTIES ON

25/09/2020

FOR THE TRIBUNAL OFFICE