



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Habowski

**Respondent:** Luton and Dunstable Hospital NHS Trust

**Heard at:** Watford

**On:** 25, 26 and 27 November 2020

**Before:** Employment Judge Manley  
Mr I Bone  
Mr M Bhatti

## Representation

Claimant: In person

Respondent: Mr D Brown, counsel

## JUDGMENT

- 1 The manner in which the claimant has conducted the proceedings has been, in part, scandalous, but the tribunal has declined to strike the claims out on that ground.
- 2 The claimant was a person with a disability at the material time because of his disability.
- 3 The claim for race and disability discrimination in the recruitment for Ward Inventory Controller post was presented out of time and it is not just and equitable to extend time to allow it to proceed.
- 4 The claim for race discrimination in the recruitment for Sterile Services Technician was presented out of time and it is not just and equitable to extend time to allow it to proceed.
- 5 The claimant has not shown facts from which the tribunal could conclude there was less favourable treatment because of race or disability in the recruitment for Bank Sterile Services Technician.
- 6 The claimant has not shown facts from which the tribunal could conclude there was less favourable treatment because of race or disability in the recruitment for Porter. If the burden of proof does shift to the respondent, the tribunal is satisfied, on the balance of probabilities, that the less favourable treatment was not because of race or disability.

\_\_\_\_\_  
Employment Judge Manley

Date \_\_\_ 1/2/21 \_\_\_\_\_

JUDGMENT SENT TO THE PARTIES ON

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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.