



EMPLOYMENT TRIBUNALS

Claimant: Mrs Joan Bernard-Love

Respondents: (1) Croner Management
(2) Medcare Home Services Limited

Heard: Watford Employment Tribunal Hearing Centre

On: 21, 22, 23 & 26 July 2021

Before: Employment Judge G Tobin
Members: Mr D Bean
Mr D Sutton

Attendances
Claimant: In person
Respondent: Ms L Talbott (Head of Operations)

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was by HM Courts & Tribunal Service Cloud Video Platform (wholly remote). A face-to-face hearing was not held because of the Coronavirus pandemic and the ensuing government restrictions. All of the relevant matters could be determined in a remote hearing.

JUDGMENT

1. The claimant withdrew her complaint in respect of pension contribution loss so as to pursue this in another jurisdiction, if relevant.
2. The second respondent is added to proceedings, by consent.

It is the unanimous decision of the Employment Tribunal that:

3. The claimant was not directly discriminated against on the grounds of her race, in breach of s13 Equality Act 2010.
4. The claimant's claims of race discrimination occurring before 11 February 2018 are out of time pursuant to s123 Equality Act 2010. 2 alleged acts of discrimination amounted to a continuous course of conduct under s123(3)(a)

Equality Act 2010 (see 4.8.2 and 4.8.3 of the List of Issues); however, the latter of these was not brought within the statutory time limit of s123(1)(a) Equality Act 2010. After due consideration, even if there was merit to the earlier complaints of discrimination, the Employment Tribunal decided not to exercise its discretion to allow any of the out of time complaints (4.8.1, 4.8.2. and 4.8.3 of the List of Issues) to proceed to remedy, pursuant to s123(1)(b) Equality Act 2010.

- 5. The case being concluded, proceedings are accordingly dismissed.**

Employment Judge Tobin
Dated: 26 July 2021

JUDGMENT SENT TO THE PARTIES ON

26/8/2021

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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.

Public access to employment tribunal decisions

All judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.