



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**AND**

**Respondent**

C.1 Mr J Hughes

DHL Services Limited

C.2 Mr F Gahungu

## JUDGMENT AND ORDER OF THE EMPLOYMENT TRIBUNAL PRELIMINARY HEARING BY TELEPHONE

**HELD AT** Birmingham

**ON** 1 September 2021

(Remotely by telephone)

**EMPLOYMENT JUDGE** Lloyd

### Representation

**For the Claimants:** In Person

**For the Respondent:** Ms J Tunnickliff, Solicitor

## JUDGMENT

1. I dismiss the respondent's application for strike out of the claimants' proceedings on the grounds that they have not substantially complied with my Unless Order made on 5 March 2021.
2. I adjudge that the claimants have substantially complied and that their claims of race discrimination shall proceed to the full hearing listed for 5 days, on 4, 5, 6, 7 and 8 October 2021.

## ORDER

- 1) The substantive hearing will remain listed for **5** consecutive days beginning at **10.00am** on **Monday 4 October 2021 and continuing Tuesday to Friday 5 to 8 October inclusive**. The case shall be heard by a full tribunal panel comprising an Employment Judge and two wing members.
- 2) The respondent shall **today** serve on the claimants a request for further information, namely:

- a) The precise PCP(s) relied upon by the claimants in their claim of indirect race discrimination.
- b) Full details of the comparator/comparators relied on by the claimants, in their claim of direct discrimination, or whether a hypothetical comparator/s is relied upon, together with the grounds for reliance in each case.
- 3) The claimants shall provide the further information to the respondent and to the tribunal **by Wednesday 8 September 2021**.
- 4) The statements of all witnesses giving evidence at the final hearing, including the claimants, shall be exchanged simultaneously between the parties by no later than **4.00pm on Monday 20 September 2021**.
- 5) Subject to the above there shall be no further additions or amendments to the pleadings, documents and evidence produced for these proceedings

by Employment Judge B Lloyd

Signed and Dated: 1 September 2021