



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr C Duffield (1)  
Mr Q Hussain (2)

**Respondents:** IbcO Limited (1)  
Mr K Miah (2)  
Mr B Ahmed (3)

**Heard at:** Manchester (by CVP) **On:** 8-9 February 2022

**Before:** Employment Judge Phil Allen (sitting alone)

## REPRESENTATION:

**Claimants:** Mr I Duffield  
**Respondent:** Mr J Gidney, counsel

# JUDGMENT

The judgment of the Tribunal is that:

1. The response will not be struck out under rules 37(1)(b) or (e), following the claimants' application of 12 April 2021;
2. Mr Duffield's claim of direct race discrimination in which he alleged that the first and third respondents refused a requested change in hours (issue 4.2.4 in the issues identified by Employment Judge Buckley following the case management hearing on 23 September 2021) is struck out because it has no reasonable prospect of success;
3. Mr Hussain's claim of harassment related to disability against the first and second respondent relying upon events which occurred in 2015 (as was clarified at the hearing) (issue 16.1.1 in the issues identified by Employment Judge Buckley following the case management hearing on 23 September 2021) is struck out because it has no reasonable prospect of success (in that there is no reasonable prospect of the Tribunal having jurisdiction to determine the complaint);

4. The respondents' application to strike out the claimants other claims under rule 37(1)(a) is refused.

Employment Judge Phil Allen  
9 February 2022

JUDGMENT SENT TO THE PARTIES ON  
18 February 2022

FOR THE TRIBUNAL OFFICE

Notes

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**

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