



EMPLOYMENT TRIBUNALS

Claimant: Mr M Mubin

Respondent: ARLA Foods UK PLC

Heard at: Manchester (by CVP)

On: 6 March 2023

Before: Employment Judge K M Ross (sitting alone)

Representatives

For the claimant: In person

For the respondent: Mr C Ridley, Solicitor

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's application to amend to include allegations that the failure to appoint him to the QESH Manager in Lockerbie in September 2017, his application for the position of Quality Specialist with the respondent in June 2020 and his application for a QESH Manager at Settle in 2020 form part of his complaint to the Employment Tribunal is successful.
2. However, the allegations listed above that the failure to appoint the claimant to those roles were acts of direct disability and/or race discrimination were presented out of time. I am satisfied because they are three distinct acts in accordance with **Owusu v London Fire and Civil Defence Authority [1995] IRLR 574 and** do not form discrimination extending over a period of time. The Tribunal is not satisfied, having regard to section 123 Equality Act 2010, that it is just and equitable to extent time. Accordingly, those allegations remain out of time and the Tribunal does not have jurisdiction to hear them.
3. The claimant's allegation that the failure to shortlist and/or interview and/or appoint him to the position of Senior Quality Environmental Health and Safety

("QESH") Manager at their Lockerbie site in 2022 was an act of direct disability and/or race discrimination will proceed to a final hearing.

Employment Judge K M Ross

Date: 8 March 2023

JUDGMENT SENT TO THE PARTIES ON
21 March 2023

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.

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