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**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4106952/2022**

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**Preliminary Hearing held in Glasgow on 27 June 2023**

**Employment Judge R Mackay**

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**Ms L Ashcroft**

**Claimant  
Represented by:  
Ms S Mechan, Solicitor**

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**Clyde Maritime Centre Ltd**

**Respondent  
Represented by:  
Mr T Merck, Counsel**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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The judgment of the Employment Tribunal is as follows:

1. The claimant's claim for age discrimination is dismissed on the grounds that:
  - (a) the claimant has pled a single act of alleged discrimination, and not a course of conduct; and
  - (b) the alleged act of discrimination took place during a without prejudice conversation on 21 July 2022 which attracted privilege; and

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(c) the Tribunal did not consider it appropriate that the privileged status of the conversation be lifted; and

(d) in any event, the alleged act of discrimination was presented out of time, and no submission was made that the Tribunal should extend the time limit on a just and equitable basis.

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2. The pleadings shall be redacted prior to the final hearing in order to remove references to the without prejudice conversation of 21 July 2022, and witnesses shall not be permitted to give evidence about it.

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3. The documents contained at pages 54 to 63 of the joint bundle produced for this preliminary hearing are subject to without prejudice privilege and shall not be produced before the Tribunal conducting the final hearing in the case.

4. The case will proceed to a final hearing to consider the claimant's remaining claims on the dates already listed.

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## REASONS

Oral reasons were provided at the conclusion of the hearing.

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<b>Employment Judge:</b>	<b>R Mackay</b>
<b>Date of Judgment:</b>	<b>28 June 2023</b>
<b>Entered in register:</b>	<b>29 June 2023</b>
<b>and copied to parties</b>	

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