



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms A Biedrzynska

**Respondents:** (1) Beaver-Visitec International Limited  
(2) Adrian Wdowiak

## PRELIMINARY HEARING

**Heard at:** Midlands (West) (in public; by CVP)

**On:** 16 October 2023

**Before:** Employment Judge Camp

### Appearances

For the claimant: Ms Rumble, counsel

For respondent (1): Mr P Olszewski, solicitor

For respondent (2): in person

## JUDGMENT

1. Respondent (1) accepts that the claimant's complaint of unfair dismissal was presented in time.
2. If the claimant's latest complaints of harassment and victimisation against respondent (1) – which relate to things that allegedly happened, respectively, on 12 and 19 October 2022 – succeed on their merits, and assuming there was relevant conduct extending over a period, all such complaints against respondent (1) were presented in time.
3. If the claimant's latest complaint of harassment against respondent (2) – which relates to something that allegedly happened on 12 October 2022 – succeeds on its merits, and assuming there was relevant "*conduct extending over a period*" in accordance with section 123(3)(a) of the Equality Act 2010 ("EQA"), it would be "*just and equitable*" in accordance with EQA section 123(1)(b) to extend time so as to permit all harassment complaints against respondent (2) to proceed. This is mainly on the basis that:
  - 3.1 the delay in bringing the claim was substantially not the fault of the claimant herself, nor was the failure to go through early conciliation against respondent (2) at the same time as going through that process against respondent (1);

- 3.2 respondent (2) was not prejudiced by the claim being presented 1 month or so late;
  - 3.3 the Tribunal will anyway be considering the complaints of harassment in connection with the claim against respondent (1) and if respondent (1) successfully raises the so-called 'statutory defence' under section 109(5) of the Equality Act 2010 and if the claim against respondent (2) were to be dismissed because of time limits, the claimant could establish she was the victim of unlawful harassment at respondent (2)'s hands, have brought a harassment claim – against respondent (1) – in time, and yet be left without a remedy for that harassment against anyone.
4. For the avoidance of doubt, the Tribunal has not decided any of the following questions and the Tribunal at the final hearing will be free to decide them as it sees fit:
- 4.1 was there relevant conduct extending over a period in accordance with EQA section 123(3)(a)?
  - 4.2 in any scenario other than that set out in paragraph 2 above, were the complaints of harassment and victimisation against respondent (1) presented in time?
  - 4.3 would it, if necessary, be just and equitable to extend time in accordance with EQA section 123(1)(b) in relation to any complaint of harassment or victimisation against respondent (1)?
  - 4.4 in any scenario other than that set out in paragraph 3 above, would it be just and equitable to extend time in accordance with EQA section 123(1)(b) in relation to any complaint against respondent (2)?
5. Reasons were given orally at the hearing. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

**Employment Judge Camp**  
20 October 2023