



EMPLOYMENT TRIBUNALS

Claimant

Y

Respondent

v The Commissioners for His Majesty's
Revenue and Customs

Heard at: Sheffield (by video link)

On: 20 March 2024

Before: Employment Judge James
Mr K Smith
Mr D Wilks

Representation

For the Claimant: Miss Z Raja, lay representative

For the Respondent: Mr A Jones, counsel

CORRECTED JUDGMENT **Rule 69 Employment Tribunal Rules of Procedure 2013**

- (1) The claimant's first application for a postponement is refused because the tribunal can determine the single allegation of harassment which remains before the tribunal without hearing evidence. The second application for a postponement on the basis that the claimant is considering an appeal in relation to the decision of Employment Judge Wade on disability sent to the parties on 13 February 2024 is refused because the application has not been made until the final hearing, when the respondent is ready to proceed; and because the tribunal can determine the remaining allegation today in any event since it is not affected by EJ Wade's decision.
- (2) The claimant's claims of harassment related to disability ~~face~~ dated 20 December 2022 cannot succeed because (subject to a successful appeal) the claimant did not have a disability then, and are therefore dismissed.
- (3) The claimant's remaining claim for harassment in relation to the notes of the interview with Mr A Kalam during a grievance process (s.26 Equality Act 2010) fails on the facts, is not upheld and is dismissed.

Employment Judge James
North East Region

Dated 20 March 2024
Re-dated 23 April 2024

For the Tribunals 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.

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>