



EMPLOYMENT TRIBUNALS

Claimant: Mrs Halina Proszowska

Respondent: International Procurement & Logistics Ltd

RECORD OF A PRELIMINARY HEARING

Heard at: Leeds (in public, in person)

On: 27 June 2025

Before: Employment Judge R S Drake

Appearances

For the Claimant: In Person
(Interpreter Mrs M Thorpe)

For the Respondents Mr F Matin (of Counsel) and Ms R Keefe (In-house Counsel):

JUDGMENT

1. All the Claimant's claims against the Respondent are dismissed by consent on withdrawal by the Claimant for the Reasons and on the basis of what is set out below.

REASONS

2. At the public Preliminary Hearing listed for today's date, the issues to be determined were whether the Claimant's claims had no or, at best, little prospect of success, and should be either struck out or made subject to a deposit order as

prescribed and provided for by Rules 38 and 40 respectively of the Employment Tribunals Rules of Procedure 2024 (“the Rules”).

3. The parties were asked to clarify their respective positions since the last preliminary hearing on 4 June 2025 before EJ Shepherd. They advised me as follows:-
 - 3.1 The Respondents say that the Claimant’s claims have no reasonable prospect of success because effective termination of employment has not taken place, (there had been termination on grounds of capability in 2024 followed soon thereafter by reinstatement), thus the unfair dismissal claim cannot succeed, that there are no validly pleaded claims of age discrimination nor of detriment because of making a qualifying public interest disclosure – that in short, and of great significance, the Claimant’s employment is still extant;
 - 3.2 The Claimant pleaded that she had an excellent work record for 19 years (which the Respondents do not deny) and that she hoped to remain in employment until retirement, but that she had not specifically agreed to retire as of 30 June 2025 as alleged; She explained that she had had a discussion since the last preliminary hearing with her manager and that she had agreed she would work on after 30 June 2025 and retire on 29 July 2026, the eve of her 67th birthday; She says her manager has said that for safety reasons, because the Claimant has recently undergone significant surgery, they will need to assess what she can or cannot safely do within the terms of her employment.
- 3 The Respondents do not demur from the Claimant’s stated current position, but they have agreed to continue employing her until her proposed retirement date, which also happens to be the eve of 67th birthday; They simply reserve the power, should circumstances intervene, to terminate the Claimant’s employment, but only for valid legal cause. They accept that the Claimant has misunderstood their intentions and now seek to make them clear. I accept that the Claimant now understands the Respondent’s position and their intention to continue to employ her upto her 67th birthday unless for intervening valid cause.
4. The Claimant explained to me that her objective in mounting these proceedings was to secure continued employment and assurance thereof to the date of retirement. She confirmed to me that she anticipated her retirement would be on her 67th birthday, but that she would like to work beyond that date if possible. I explained that the Tribunal does not have coercive power to require the Respondents to accede to this wish but that it would be open to the parties, if both agree, to extend the Claimant’s proposed retirement date. I emphasised to the Claimant that she could not expect that the Respondents would agree to such an extension, but that I was satisfied that the Respondents in open tribunal had confirmed their present intention to continue employing her up to 29 June 2026.
5. Accordingly, the Claimant accepted that the purpose of her pursuing these claims had been achieved, and that she did not wish to continue to pursue them. In the face of applications either to strike out or make a deposit order, she was therefore

prepared to withdraw her claims. The Respondents readily consented and I therefore dismiss the claims accordingly by consent.

6. I hereby record thanks to Mrs Thorpe for her services as interpreter who played a significant part in successful completion and disposal of these proceedings.

Signed 27 June 2025

Sent to the parties on:
7 July 2025

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For the Tribunal Office:

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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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