



EMPLOYMENT TRIBUNALS

Claimant: Miss Clara Abdullah
Respondent: OCS Group UK Ltd

Heard at: Watford Employment Tribunal by CVP
On: 24 October 2025
Before: Employment Judge Alliott
Mr N Boustred
Mr S Woodward

Representation

Claimant: In person
Respondent: Ms M Bouffe (counsel)

JUDGMENT

The judgment of the tribunal is that:

1. The claimant is ordered to pay the respondent costs in the sum of £1,000.

REASONS

1. This hearing is to hear the respondent's application for costs dated 27 May 2025. The application is made on two grounds, namely:-
 - 1.1 The claimant's claims had no reasonable prospect of success (Rule 74(2)(b)).
 - 1.2 The claimant acted vexatiously, abusively or otherwise unreasonably in the bringing of the proceedings, or part of it, or the way that the proceedings, or part of it, have been conducted (Rule 74(2)(a)).
2. The respondent confines its application for costs to counsel's brief fee at the substantive hearing in the total sum of £4,903 plus VAT.
3. We take it as read that the respondent's actual costs were very significantly in excess of that figure.

The law

4. Rule 74 Employment Tribunal Rules of Procedure 2024 provides as follows:-

“74.—

...

(2) The Tribunal must consider making a costs order or a preparation time order where it considers that—

(a) a party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings, or part of it, or the way that the proceedings, or part of it, have been conducted,

(b) any claim, response or reply had no reasonable prospect of success, ...”

5. We have taken into account the following propositions of law:-

(i) Costs are the exception not the rule.

(ii) Whilst costs are the exception not the rule, the case need not be exceptional. Power v Panasonic UK Ltd [2003] IRLR 151.

(iii) As per an extract from Harvey [1046.03] cited to us by Ms Bouffe:-

“Tribunals must take a three-stage process: “Firstly, the tribunal must make findings of fact about the paying party's conduct. The tribunal must consider whether, on those findings, one or more of the statutory thresholds in Rule 74 are met...The tribunal will need to explain in its reasons which aspects of any conduct fulfilled which part of the Rule 74 test. Secondly, if the Rule 47 threshold has been met the tribunal will go on to consider whether to exercise its discretion to award costs... in doing so the tribunal must take account of all the relevant circumstances including, where appropriate, the paying party's ability to pay any costs order. Thirdly, and only when the first two stages have been completed, a tribunal may proceed to consider the amount of the award payable and the form of any award...”

(iv) Unreasonable should be given its ordinary English meaning and it is not something similar to vexatious: Dyer v Secretary of State for Employment EAT 183/83.

(v) It is for us to assess the nature, gravity and effect of the claimant's conduct.

(vi) There is no requirement for a causal link between specific items of unreasonable behavior and actual costs incurred: McPherson v BMP [2004] ICR 1398.

(vii) A litigant in person should not be judged by the same standards as a professional representative.

No reasonable prospects of success

6. We note that the claimant brought claims of race discrimination against not only Indian heritage colleagues but also three individuals of non-Indian heritage.

7. That said, as set out in the case summary, the claimant's core complaint was as follows:-

“43. The claimant alleges that a number of her colleagues were of Indian heritage and that they made up false allegations about her which resulted in her dismissal.”

8. In our judgment, whilst an allegation of group conspiracy to fabricate allegations against the claimant in order to engineer her dismissal is unlikely, we cannot discount the possibility that, on the evidence, the claimant had every right to test the evidence and endeavour to demonstrate to us that her theory of a conspiracy was grounded in fact.

9. All claims of discrimination are essentially fact specific and it is well established that a claimant should have the opportunity to present their evidence before a tribunal and have it adjudicated upon.

10. In our judgment the claimant's claim was not one that had no reasonable prospect of success. The mere fact that the claimant failed to establish her case does not mean that there was no reasonable prospect of success.

11. Consequently, under this head we find that the Stage 1 threshold has not been met.

Vexatious, abusive, disruptive or unreasonable conduct.

12. The essence of the application under this head arises out of the claimant's views towards people of Asian/Indian ethnicity and heritage as a whole.

13. In our judgment at paragraph 36 we cited the extract from the claimant's witness statement that contained racist sentiments.

14. In our judgment we expressed the following conclusion:-

“Whilst the claimant may assert that her comments are not a racist remark, we find that her comments are highly offensive and racist. We find that the claimant clearly had long standing antipathy towards Asian-Indian people and that this probably adversely affected her interaction with and communication with colleagues of that heritage.”

15. We find that the claimant's perception of Asian/Indian people played a very significant part in the claimant bringing this claim. As already observed, the core complaint involved allegations that colleagues of Indian heritage made up false allegations against her.

16. Ms Bouffe has cited to us extracts from the claimant's further and better particulars as follows:-

“(i) Paragraph 36:

“This is the type of behaviour I receive from the Indian worker in that place, Indian people are not good people to work with at all, they want the job only for the Indian people and they are very greedy to work with”.

(ii) Paragraph 38:

“L would like the judges to read my grievance/appeal letter because some of the staffs and Lee Ashley are racist, they want the job for their Indian people and they are greedy people to work with, they will lay false accusation against you, gang themselves against you and fabricate the story against you in order to make unnecessary complaints about you to the managers to remove you from the job, moreover, they will find a way to provoke you for you to lose your temper and to continued their complaints to the manager that I’m very aggressive person and have a hot temper for the manager to completely remove you from the job role and this is what they did to me in that workplace, this what the Indian people are specialised in doing with their evil agenda assign upon by every new employee employed in that job – OCS Group Ltd.”

(iii) Further, in paragraph 38:

“This is not the first, second time working with Indian in a food environment and I know what they are capable of doing to the new employee with their evil agenda assign upon them and the Indian love to complaint a lot the moment you started working with them.”

17. Further, we note that in response to the costs application the claimant states:-

“Everybody knows that Indians worker are not good people to work with and they are racist, the Judge specifically knew about the Indian behaviour, there are lots of claim made against them, I’m talking of experience with the Indian worker especially the old one and this is not racist comments, everyone is entitle to their own opinion.”

18. In addition, we note that even today during the course of this hearing when referring to the two previous cases the claimant had brought in the employment tribunal, the claimant invited us to disregard those cases as it was “to do with Asian workers.”
19. We find that the claimant’s assertions during the course of this claim have been highly offensive and racist.
20. That said, we have taken into account the fact that, in virtually every case involving allegations of race discrimination, specific allegations of racist sentiment are made against individuals employed by a respondent. We have gone further to consider whether the claimant’s racist views have caused cost to the respondent. We have been careful to ensure that our views are not to be punitive of the claimant for her opinions but whether she has acted unreasonably and/or abusively in the bringing of the claim and/or her conduct of it.
21. As we have already observed, in our judgment the claimant’s views of people of Indian/Asian heritage very significantly informed her decision to bring this claim in the first place and to make the abusive racist comments during the course of her conduct of it.
22. Consequently, we find that, to that extent, the claimant has acted unreasonably and/or abusively in the bringing of this claim and in its conduct.
23. We went on to consider whether we should make a costs order. In our judgement, the nature and seriousness of the claimant’s conduct meant that we should make a costs order.

24. We went on to consider how much we should order. We have taken into account the claimant's means. She clearly is of very limited means. She exists on disability benefits and her witness statement establishes that her outgoings are in excess of her income. In addition, the claimant is approximately £14,000 in debt and is currently facing court proceedings to evict her from her accommodation.
25. Notwithstanding the claimant's clear impecuniosity, in our judgment a sum must be awarded. There is always the prospect of the claimant making some form of recovery and returning to the workplace.
26. Taking into account all the circumstances, in our judgment a fair and reasonable sum to award the claimant to pay is £1,000.

Approved by:

Employment Judge Alliott

Date: 18 November 2025

JUDGMENT SENT TO THE PARTIES ON

19 November 2025

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/

