



EMPLOYMENT TRIBUNALS

Claimant: Mrs Meena Bangal

Respondent: Bernard Matthews Foods (Derby) Limited

**Record of an Attended Closed Case Management
Preliminary Hearing
at the Employment Tribunal
Audio Recorded by CVP**

Heard at: Nottingham

Heard on: 29 August 2025

Before: Employment Judge Hutchinson (sitting alone)

Appearances:

Claimant: In person

Respondents: Mr A Mellis, Counsel

Judgment having been sent to the parties and written reasons have been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2024 the following reasons are provided.

REASONS

Background to this Hearing

1. The Claimant presented her claim to the Tribunal on 10 March 2025. She said that she had been employed by the Respondent as a Team Leader since 18 May 2018.

2. She claimed unfair dismissal and race discrimination but provided almost no details about her claim other than a short statement where she claimed that she had been harshly treated in being disciplined in respect of an allegation of food wastage.
3. In their response the Respondents explained that the Claimant had not been dismissed but that on 7 November 2024 she had been suspended over an allegation of gross misconduct when the Claimant had failed to follow health and safety requirements by failing to stop the belt leading to undercooked meat going from the outfeed oven into the spiral causing production to stop and significant wastage due to cross contamination.
4. The Claimant attended a disciplinary hearing on 26 November 2024, and the outcome was that she was demoted to being a Production Operative and issued with a final written warning.
5. The Claimant appealed against that decision and an appeal hearing was held on 14 January 2025 after which the Claimant's appeal was dismissed.

The Hearing Today

6. The Claimant attended the hearing accompanied by her husband Mr Bangal and the Respondent was represented by Mr Mellis of Counsel.
7. I commenced the hearing by discussing with the Claimant the nature of her claim. She explained that she felt that she had not been treated unfairly by the Respondents. She said that she had been employed by the Respondent since 18 May 2018. She claimed unfair dismissal, race discrimination and religion or belief discrimination. In the statement that accompanied the ET1 she said that she was unfairly accused of wasting 400kg of meat (she was Team Leader) and that at her hearing on 27 January 2025 she was given a final written warning for gross misconduct and demoted.
8. In the claim form she said that she did not receive a fair outcome and was discriminated against because of her race or religion.
9. We first discussed her claim of unfair dismissal. She agreed that she had not been dismissed but had been demoted and that she had not resigned because of the demotion. She agreed to withdraw the claim of unfair dismissal, and I agreed to dismiss it.
10. In respect of her claim of race discrimination she described her race as being British Indian.
11. As to her religion or belief she described herself as being a Seikh.
12. I explained to the Claimant that in a claim of race discrimination and religion or belief

discrimination she would have to establish that the reason for the treatment was because of her race or religion.

13. It was clear from reading the claim form that although she was saying that she had been treated unfairly there was nothing in the claim form which indicated that it was because of her race or religion.
14. The Claimant repeatedly told me that she was not alleging that the treatment that she suffered, namely, her suspension, and demotion was because of her race or religion.
15. She said that what she wanted to complain about was the way the investigation was conducted and the manner of the hearings that she attended which she felt were unfair.
16. We then went on to discuss the issue of victimisation which she raised with me. I said to her that she had not complained of victimisation in her claim form, but I went on to explain to her what victimisation entailed i.e. that she needed to have undertaken a protected act, namely, complaining about discrimination and then suffer unfavourable treatment because of that. She acknowledged in this case that she had never complained to her employers that she had been discriminated against because of her race or religion.
17. We went on to discuss her grievance and how she also felt that she had been treated unfairly in respect of that, but we established again that it was nothing to do with her race or religion.
18. I explained to the Claimant that her case of discrimination was weak, and I could consider today making a deposit order. I could not strike out the case today because this was not an Open Preliminary Hearing.
19. I said that if the Respondent asked me to, I would consider making a deposit order and I then explained to her that if I made a deposit order it would put her at risk of having to pay costs if she, as I expected, lost the case.
20. I invited her and her husband to discuss whether she should proceed with her claims as just because she felt that she had been treated unfairly by the Respondents it did not mean the Tribunal had jurisdiction to hear the claims.
21. The Claimant decided after a break of about 10 minutes where she had a discussion with her husband that she would withdraw all the claims, and I agreed to dismiss them.

Approved by:

Employment Judge Hutchinson

Dated: 05 January 2026

Sent to the parties on

...09 January 2026.....

For the Employment Tribunal

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"Recordings and Transcription

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