



EMPLOYMENT TRIBUNALS

Claimant: Mr L Mejer

Respondent: Windowflowers Limited

Heard at: Cambridge via video

On: 29 June 2026

Before: Employment Judge MJ Smith

REPRESENTATION:

Claimant: In person

Respondent: Mr M Jones

Interpreter: Mr P Giers

JUDGMENT

1. The claims of harassment related to race and victimisation are struck out under Employment Tribunal Rule 38(1)(a) because they have no reasonable prospect of success.

REASONS

2. The respondent made a written application for strike out of the direct race discrimination, protected disclosure detriment, harassment related to race and victimisation complaints.
3. The respondent argued that in the first instance the claims were new claims and were out of time or were not capable of being proved in light of the evidence and had

no reasonable prospects of success. I was referred, by the respondent, to a number of cases in support of their argument.

4. The claimant argued that the respondent had been aware of all the facts while the claimant had been working there and the claims were not new and were in time as they amounted to a continuous course of conduct such as to bring them within time.
5. The complaints of direct race discrimination and protected disclosure detriment referred to conduct taking place 'from 16 July 2024' which would be interpreted as ongoing. This is a factual matter which ought to be determined at a final hearing. I must take the claimant's case at its highest as part of my consideration. I refused the strike out application on this basis because it is a draconian sanction and these complaints required a hearing to determine them.
6. I considered the complaints of harassment related to race and victimisation. I took the claimant's case at its highest.
7. The relevant acts for the purposes of the harassment complaint ended on 16 July 2024 and the claim form was not presented until 1 December 2024 with early conciliation taking place between 22 September and 3 November 2024. By that point the claim was already out of time. The claimant did not raise this as a separate complaint until 3 September 2025. I determined that there was no reasonable prospect of success in relation to this claim.
8. The relevant act for the purpose of the victimisation complaint took place on 4 August 2024. However, the claimant did not raise a potential victimisation complaint until 3 September 2025. By that point the claim was already out of time. This was not raised as a separate complaint but was referenced as part of a chronology prepared by the claimant. I found that there was no reasonable prospect of success in relation to this claim.

Approved by:

Employment Judge MJ Smith

30 June 2026

Judgment sent to the parties on:

14 July 2026

For the Tribunal:

Notes

Judgments (apart from judgments under rule 51) and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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