



EMPLOYMENT TRIBUNALS

Claimant: Stefan-Elvis Vlase

Respondent: GXO Logistics UK Ltd

Heard: in public by Cloud Video Platform **On:** 12 August 2026

Before: Employment Judge Ayre, sitting alone

Representation

Claimant: represented himself

Respondent: Sarah Bewis, counsel

JUDGMENT AT PRELIMINARY HEARING

1. The claimant's application to amend the claim is refused, save in relation to one addition to the alleged protected act.
2. The claim is out of time, and the Tribunal does not have jurisdiction to hear it.

REASONS

Background

1. The claimant was employed by the respondent until 10 May 2024. Early conciliation started on 9 April 2025 and ended on 15 April 2025. The claim form was presented on 11 May 2025.

2. On the claim form the claimant ticked the boxes indicating that he wished to bring complaints of unfair dismissal, whistleblowing and discrimination on the grounds of sexual orientation. He did not provide any details of the complaints however and question 8.2 on the claim form was left blank. Attached to the claim form was what appears to be an email sent to the BBC asking them to investigate his story, and an email that he⁴ said he sent to the respondent alleging bullying and discrimination.
3. The respondent defends the claim. It says that the respondent was dismissed on 10 May 2024 for misconduct and denies all of the allegations against it.
4. A Preliminary Hearing took place on 4 March 2026. At that hearing:
 - 4.1 There was a discussion about the claims and issues in the case;
 - 4.2 The case was listed for a further Preliminary Hearing today; and
 - 4.3 Case Management Orders were made.
5. On 24 March 2026 the claimant wrote to the Tribunal setting out his reasons for the delay in issuing his claim. He also set out details of his complaint, complaining about matters going back to 2017 and ending on 18 July 2024.
6. On 1 May 2026 the respondent wrote to the Tribunal objecting to the claimant being given leave to amend his claim.

The hearing

7. Today's hearing was listed to:
 - 7.1 Clarify the issues with the parties;
 - 7.2 Consider the claimant's application to amend his claim;
 - 7.3 Decide whether the Tribunal has jurisdiction to hear any of the claim as it was presented more than three months after the acts complained of;
 - 7.4 To make or vary any case management orders; and
 - 7.5 To deal with any other issues arising, if time allows.
8. At the start of the hearing we discussed the claims that the claimant wishes to make to ensure that the Tribunal fully understood the dates of the allegations that the claimant wishes to make. The claimant struggled to articulate his claims, despite having had the opportunity to set them out in writing following the last hearing. We took regular breaks to give the claimant time.
9. The claims that the claimant wishes to bring are, as identified at the last Preliminary Hearing, for:

- 9.1 Unfair dismissal (ordinary and automatic);
- 9.2 Whistleblowing detriment;
- 9.3 Harassment related to sexual orientation; and
- 9.4 Victimisation.

10. Having clarified the claims that the claimant wants to make, the Tribunal then considered the application to amend. After making its decision on the application to amend, the Tribunal then considered the question of time limits. The claimant gave evidence under oath, and both sides made oral submissions.

Application to amend

- 11. The application to amend before the Tribunal today is to include the following allegations:
 - 11.1 That the claimant made protected disclosures as set out in paragraph 4.1.1 of the List of Issues set out in the Case Summary in the Record of the Preliminary Hearing on 4 March 2026 and as articulated during today's hearing;
 - 11.2 That the claimant experienced harassment related to sexual orientation as set out in paragraphs 7.1.1 to 7.1.4 of the List of Issues set out in the Case Summary in the Record of the Preliminary Hearing on 4 March 2026, and on an additional occasion in September 2017; and
 - 11.3 To amend the protected act relied upon for the victimisation claim to include the name of an additional person who the claimant says he complained about.
- 12. The respondent opposes the application to amend, and I invited both parties to make submissions before retiring to make my decision.
- 13. In ***Chandhok v Tirkey [2015] ICR 527*** the then President of the EAT, Mr Justice Langstaff held that:

"The claim, as set out in the ET1, is not something just to set the ball rolling, as an initial document necessary to comply with time limits but which is otherwise free to be augmented by whatever the parties choose to add or subtract merely upon their say so. Instead, it serves not only a useful but a necessary function. It sets out the essential case....." [para 16]

"....a system of justice involves more than allowing parties at any time to raise the case which best seems to suit the moment from their perspective. It requires each party to know in essence what the other is saying, so they can properly

meet it....That is why there is a system of claim and response, and why an Employment Tribunal should take very great care not to be diverted into thinking that the essential case is to be found elsewhere than in the pleadings.” [para 18]

14. In ***Adebowale v Isban UK Ltd and ors EAT 0068/15*** Mrs Justice Laing held that:

“In my judgment the construction of an ET1 is influenced by two factors: the readers for whom the ET1 is produced, and whether the drafter is legally qualified or not. The ET1, whether it is drafted by a legal representative, or by a lay person, must be readily understood, at its first reading, by the other party to the proceedings (who may or may not be legally represented), and by the EJ. The EJ is, of course, an expert, but (as this litigation shows) should not be burdened by, or expected by the parties to engage in, a disproportionately complex exercise of interpretation....” [para 16]

15. The Tribunal has the power to allow the parties to amend a claim or response as part of its general powers of case management set out in Rule 30 of The Employment Tribunal Procedure Rules 2024 which provides that:

“(1) Subject to rule 32(2) and (3) (postponements), the Tribunal may, on its own initiative or on the application of a party, make a case management order.

(2) The particular powers identified in these Rules do not restrict that general power.

(3) A case management order may vary, suspend or set aside an earlier case management order where that is necessary in the interests of justice, and in particular where a party affected by the earlier order did not have a reasonable opportunity to make representations before it was made.”

16. Rule 41 of the Rules also states that:

“(1) The Tribunal may regulate its own procedure and shall conduct the hearing in the manner it considers fair, having regard to the principles contained in the overriding objective.

(2) The Tribunal must seek to avoid undue formality and may itself question the parties or any witnesses so far as appropriate in order to clarify the issues or elicit the evidence.

(3) The Tribunal is not bound by any rule of law relating to the admissibility of evidence in proceedings before the courts.

(4) this rule is not restricted by any other rule contained in this Part.”

17. The Tribunal has a broad discretion to allow amendments at any stage of the proceedings, either on the Tribunal’s own initiative or if a party applies for leave to amend. The Tribunal must carry out a balancing exercise taking account of all of the relevant factors, of the overriding objective and the interests of justice,

and of the relative hardship that would be caused to the parties by granting or refusing the application to amend.

18. When deciding whether to give a party leave to amend its pleaded case, the Tribunal may take account of the guidance given by Mr Justice Mummery in ***Selkent Bus Co Ltd v Moore [1996] ICR 836***. He set out relevant factors which include:

18.1 The nature of the amendment: is the amendment the correction of clerical and typographical errors, the addition of factual details to existing allegations and the addition or substitution of other labels for facts already pleaded, or the making of entirely new factual allegations?

18.2 The applicability of time limits: if a new claim is introduced by the amendment, is that claim out of time and, if so, should the time limit be extended?

18.3 The timing and manner of the application: an application should not be refused just because there has been a delay in making it, although delay is a relevant factor.

19. More recently, in ***Vaughan v Modality Partnership [2021] ICR 535*** the EAT confirmed that the most important question when deciding applications to amend is the balance of injustice and hardship of allowing or refusing the application. The Tribunal may consider what the real, practical consequences of allowing or refusing the amendment will be.

20. Applying these principles to the application before me:

20.1 The nature of the amendment is, save in relation to the amendment sought to the existing protected act, substantial. The claimant is seeking to make significant new factual allegations about matters that occurred years ago, and in respect of which substantial new factual enquiry would be required.

20.2 Some of the allegations that are being made are non-specific and vague, despite the claimant having been given the opportunity to set them out in writing following the last hearing. He is not able, in relation to some of them, to identify who the allegation is made against or precisely what happened.

20.3 All of the new allegations that the claimant seeks to make are substantially out of time. The complaint of harassment in 2017 is many years out of time.

20.4 The timing and manner of the application is not, in my view, a determining factor in this application. The claimant is a litigant in person who does not appear to have access to legal advice.

- 20.5 The practical implications of allowing the amendment are significant. It would be very difficult for the respondent to respond to allegations which are large vague, non-specific, do not in some case identify the alleged discriminator, and which relate to matters which the claimant says occurred years ago.
- 20.6 The balance of injustice and hardship in my view weighs heavily against allowing the application, save in relation to the amendment to the existing protected act. I accept Miss Brewis' submissions that it will be very difficult, if not impossible for the respondent to investigate and respond to the new allegations. The allegations also appear on the face of it to have limited prospects of success.
21. For the above reasons the claimant's application to amend the claim is refused, save in relation to adding the name of John Storrs to paragraph 8.1.1 of the List of Issues, as being an additional person the claimant says he complained about.

Findings of fact

22. The following findings of fact are made in relation to the question of whether to extend time.
23. The claimant's employment with the respondent terminated on 10 May 2024. After he was dismissed, the claimant appealed against the decision to dismiss him, and an appeal hearing took place on 19 July 2024. The claimant also raised a grievance on 20 May 2024 which was dealt with at a hearing on 19 July 2024.
24. The claimant commenced early conciliation on 9 April 2025. The ACAS early conciliation certificate was issued on 15 April 2025. The claimant then waited almost four weeks, before presenting his claim to the Tribunal on 11 May 2025.
25. In an email sent to the Tribunal on 24 March 2026, the claimant said that the reasons for the delay were:
- 25.1 Stress;
 - 25.2 Mixed feelings; and
 - 25.3 He wanted to see if his dismissal was strategic and who was going to take advantage of his dismissal.
26. After his dismissal the claimant undertook a four week security course in August 2025, and on 1 October 2025 he began new employment.
27. The claimant first considered bringing a claim at the time of his dismissal but told the Tribunal that he did not do so because he was stressed and frustrated and "*wanted to chill a bit to think how far I will go*". He also said that life had constricted him, that he had initially focussed on his new job, and that it was

when he had similar issues with his new employer that he decided to issue proceedings. The claimant told the Tribunal that he issued proceedings against his new employer in the same week that he issued this claim.

28. The claimant was a member of a trade union and took advice from the trade union. He was unclear as to when he took advice but thought it was in the period between April 2024 and September 2024. The claimant did not take legal advice but did some research and checked some forums and with people who had experienced similar issues.
29. The claimant was aware of his right to bring an Employment Tribunal claim from around the time of his dismissal. He did not become aware of the time limits for bringing a claim to the Employment Tribunal until he contacted ACAS in April 2025.
30. When asked why he had contacted ACAS in April 2025 rather than, for example, in January that year, he replied that April 2025 was when he took the decision to go ahead, because he had come to his personal limit and said to himself that he had had enough.
31. Although the claimant referred in general terms to having been stressed, there was no medical or other evidence before the Tribunal to suggest that he had any health issues which affected his ability to issue a claim.

The Law

32. The time limits for bringing claims of unfair dismissal are set out in section 111 of the Employment Rights Act 1996 ("**the ERA**") which provides as follows:

"...

*(2) Subject to the following provisions of this section, an employment tribunal shall not consider a complaint under this section unless it is presented to the tribunal –
(a) before the end of the period of three months beginning with the effective date of termination, or*

(b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).

(3) Where a dismissal is with notice, an employment tribunal shall consider a complaint under this section if it is presented after the notice is given but before the effective date of termination..."

33. Section 207B of the ERA provides for the extension of time limits to enable early conciliation to take place before proceedings are commenced:

“(1) This section applies where this Act provides for it to apply for the purposes of a provision of this Act (“a relevant provision”).

(2) In this section –

(a) Day A is the day on which the complainant or applicant concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the complainant or applicant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(3) In working out when a time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If a time limit set by a relevant provision would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(5) Where an employment tribunal has power under this Act to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this section.”

34. Time limits for presenting whistleblowing detriment claims are set out in section 48(3) of the Employment Rights Act 1996 as follows:

“An employment tribunal shall not consider a complaint under this section unless it is presented –

(a) Before the end of the period of three months beginning with the date of the act or failure to act to which the complaint relates or, where that act or failure is part of a series of similar acts or failures, the last of them, or

(b) Within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.”

35. The principle that a Tribunal cannot hear a claim that is out of time applies even where the respondent admits that the claim has merit, which is not the case here.
36. In cases, such as this one, in which a question arises as to whether it was reasonably practicable for the claimant to present his claim on time, there are three general principles that fall to be considered –

- 36.1 The question of reasonable practicability should be interpreted liberally in favour of the claimant;
- 36.2 It is a question of fact as to whether it was reasonably practicable for the claimant to present his claim on time; and
- 36.3 It is for the claimant to prove that it was not reasonably practicable for him to present his claim on time.
37. In ***Palmer and another v Southend-on-Sea Borough Council [1984] ICR 372***, the Court of Appeal concluded that 'reasonably practicable' does not mean 'reasonable' or 'physically possible', but rather 'reasonably feasible'.
38. Time limits for bringing discrimination claims are set out in section 123 of the Equality Act 2010, with the relevant provisions being the following:
- “(1)proceedings on a complaint within section 120 may not be brought after the end of –*
- (a) the period of 3 months starting with the date of the act to which the complaint relates, or...*
- (b) such other period as the employment tribunal thinks just and equitable.*
-
- (3) For the purposes of this section -*
- (a) conduct extending over a period is to be treated as done at the end of the period;*
- (b) failure to do something is to be treated as occurring when the person in question decided on it.*
- (c) failure to do something is to be treated as occurring when the person in question decided on it.*
- (4) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something –*
- (a) When P does an act inconsistent with doing it, or*
- (b) If P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.”*
39. Tribunals have a wide discretion as to whether to extend time in discrimination claims. There is however no principle or assumption that a Tribunal should exercise that discretion: ***Robertson v Bexley Community Centre t/a Leisure Link [2003] IRLR 434***. The burden of proving that it would be just and equitable to extend time rests with the claimant.
40. More recently, in ***Jones v Secretary of State for Health and Social Care [2024] EWCA Civ 1568*** the Court of Appeal found that an Employment Tribunal had acted perversely when it decided it would not be just and equitable to

extend time in a race discrimination complaint. The Court of Appeal held that the Tribunal should have set out in its decision the extent of the claimant's delay in issuing proceedings and the reasons for the delay. The Court also found that the Tribunal should have made findings about whether the delay had prejudiced the respondent and that a highly relevant factor was that the respondent had sought to hide information which could have caused the claimant to consider that he had a valid discrimination claim.

41. When ***Jones v Secretary of State for Health and Social Care [2024] EAT 2*** was before the EAT, His Honour Judge Tayler commented that:

*“30. It remains a common practice for those who assert that the primary time limit should not be extended to rely on the comments of Auld LJ at paragraph 25 of **Bexley Community Centre (t/a Leisure Link) v Robertson [2003] EWCA Civ 576, [2003] IRLR 434**, that time limits in the Employment Tribunal are “exercised strictly” in employment cases and that a decision to extend time is the “exception rather than the rule” as if they were principles of law. Where these comments are referred to out of context, this practice should cease. Paragraph 25 must be seen in the context of paragraphs 23 and 24”.*

42. That finding was not overturned on appeal.

43. Factors that are relevant when considering whether to extend time can include:

- 43.1 The length of and reasons for the delay in presenting the claim;
- 43.2 The extent to which the cogency of the evidence is likely to be affected by the delay;
- 43.3 The extent to which the respondent cooperated with any requests for information;
- 43.4 How quickly the claimant acted when he knew of the facts giving rise to the claim; and
- 43.5 The steps taken by the claimant to obtain professional advice once he knew of the possibility of taking action.

44. Time limits for presenting claims are a jurisdictional issue (***Rodgers v Bodfari (Transport) Ltd 1973 325 NIRC***) and if a claim is out of time, the Tribunal must not hear it.

Conclusions

45. The last act complained of by the claimant was his dismissal on 10 May 2024. The primary time limit for presenting the claim therefore expired on 9 August 2024. The claimant contacted ACAS to begin early conciliation on 9 April 2025, 8 months

later. He issued his claim on 11 May 2025, nine months after his dismissal.

46. The claimant does not get the benefit of the early conciliation extension of time because he did not begin early conciliation within three months of the events complained of. His claim is therefore 9 months out of time. This is a significant delay.
47. In the period between his dismissal and issuing proceedings nine months later, the claimant was able to:
 - 47.1 Appeal against the decision to dismiss him and attend an appeal hearing;
 - 47.2 Raise a grievance and attend a grievance hearing;
 - 47.3 Attend a four week security course;
 - 47.4 Find alternative employment and start a new job, which it appears he is still working in;
 - 47.5 Take advice from his trade union; and
 - 47.6 Carry out research into his legal rights.
48. The reasons given by the claimant for the delay are stress, mixed feelings and wanting to wait to see if his dismissal was strategic. He also said in evidence today that he wanted to 'chill a bit to think about how far he was willing to go', and that it was when he experienced similar issues with his new employer that he decided to issue claims against both his new employer and the respondent.
49. There are two legal tests that I have to consider. The first is the reasonable practicability test which applies to the unfair dismissal and whistleblowing detriment claims, and the second is whether it would be just and equitable to extend time, this latter test applying to both discrimination claims.
50. I deal first with the reasonable practicability test, reminding myself that:
 - 50.1 The question of reasonable practicability should be interpreted liberally in favour of the claimant;
 - 50.2 It is a question of fact as to whether it was reasonably practicable for the claimant to present his claim on time; and
 - 50.3 It is for the claimant to prove that it was not reasonably practicable for him to present his claim on time.
51. The claimant has not adduced any evidence from which I could conclude that it was not reasonably practicable for him to present his claim on time. The claimant was clearly considering proceedings at the time of his dismissal, and able to

appeal the dismissal, raise a grievance, take advice from his union, research the legal position, and undertake a security course. He was aware of his legal rights, albeit not of the time limit.

52. Rather, the decision not to issue proceedings was one that the claimant appears to have made because he was not sure whether he wanted to, or of how far he wanted to go. That does not render it not reasonably practicable to issue proceedings by 9 August 2024. I therefore find that it was reasonably practicable for the claimant to issue his claim by 9 August 2024.
53. I also find that the claimant did not issue proceedings within a reasonable period after the expiry of the original time limit. Rather, he waited 9 months without any good reason. Throughout that period, he appears to have been aware of his rights, and for most of it to have been working. He did not act promptly, even after contacting ACAS and being informed of the time limits. The claimant waited almost four weeks after receiving his early conciliation certificate from ACAS to present his claim.
54. Ignorance of time limits in itself must be reasonable in order to excuse the late presentation of a claim. The claimant was able to take advice from his union and to research his rights. Time limits are easily ascertainable available through an internet search. The claimant's ignorance of time limits was, in the circumstances, not reasonable.
55. For the above reasons the claims for unfair dismissal and whistleblowing detriment are out of time and the Tribunal does not have jurisdiction to hear them.
56. I turn next to the discrimination claims, where the relevant test is whether it would be just and equitable to extend time. This is a broad discretion, but it still falls on the claimant to persuade me that it would be just and equitable to extend time. He has not discharged that burden.
57. Relevant factors I have considered are:
 - 57.1 In this case the length of the delay is 9 months and the main reason for it appears to be that the claimant wanted time to think about whether to issue proceedings. That is not a compelling reason.
 - 57.2 The cogency of the evidence is likely to be affected by the delay, in part due to the length of the delay. The claimant was unable today to recall key events, such as when it is alleged that he made protected disclosures or who he said discriminated against him on certain occasions. The respondent submitted that it would be impossible for it to respond to the allegations.
 - 57.3 This is not a case in which it can be said that the respondent failed to cooperate with any requests for information. The claimant's grievance and

appeal were dealt with promptly after his dismissal and before the expiry of the primary time limit.

- 57.4 The claimant did not act quickly when he knew of the facts giving rise to the claim. He knew of all the facts by 10 May. This is not a case in which further information came to light subsequently which caused him to believe he may have a claim which he was not previously aware of; and
- 57.5 The claimant did take some steps to obtain professional advice once he knew of the possibility of taking action. He conducted his own research and took advice from his trade union.
58. Time limits exist for an important reason of public policy and there is no presumption that they will be extended.
59. In the circumstances, it would not just and equitable to extend time. The claims for harassment and victimisation are also out of time and the Tribunal does not have jurisdiction to hear them.

Approved by:
Employment Judge Ayre
Date: 12 August 2026