



EMPLOYMENT TRIBUNALS

Claimant: Ms Oluranti Junaid
Respondent: Yad Voezer Limited

RECORD OF A PUBLIC PRELIMINARY HEARING

Heard at: Watford Employment Tribunal
On: 24 July 2026
Before: Employment Judge Alliot

Representation

Claimant: Did not attend
Respondent: Mr Callum Rodgers (counsel)

JUDGMENT

The judgment of the tribunal is that:

1. The claimant's claims of unfair dismissal and race discrimination are struck out as they have no reasonable prospect of success.

FULL REASONS

The claimant's absence

1. Today's hearing date was fixed by Employment Judge Warren at a preliminary hearing heard on 19 February 2026. The claimant was in attendance by telephone.
2. The case management order, which sets out that the case has been listed for a public preliminary hearing in person at Watford on 24 July 2026, was sent to the claimant by post and email on 25 March 2026. The address used was 14 Hill Crescent, Bexley, DA5 2DB, the claimant's new address as recorded by Employment Judge Warren.
3. This hearing was listed in person by Employment Judge Warren due to the claimant having difficulties in accessing the previous hearing by CVP because of difficulties with her vision. On that occasion, the tribunal clerk gave the claimant a telephone number and PIN number so she could join by telephone. The

claimant was able to join by telephone.

4. At 10 am today the claimant was not in attendance. I waited until 10.10 in case she had been delayed.
5. At 10.10 the clerk telephoned the claimant who claimed that she was unaware that this hearing was due to take place.
6. The clerk arranged for a CVP link to be sent to the claimant and at 10.40 spent about 10-15 minutes talking to the claimant and giving her instructions how to join. The claimant claimed that she did not have access to the email address given on her claim form.
7. The clerk went on to give the claimant the relevant telephone number to join the hearing remotely. At about 11 am the call was just disconnected.
8. I decided to proceed in the claimant's absence.

The law

9. The ETA has made it quite clear that it is only in the clearest cases that a strike out order would be appropriate in a discrimination case. Discrimination cases are generally fact-sensitive and should only be struck out in the most obvious cases: Anyanwu v South Bank Student Union [2001] UK HL 14 at [24]. They should be taken at their highest and special care must be taken when considering their strike out; Cox v Adecco Group [2021] ICR 1307 at [28].
10. However, that is not to say they should never be struck out. In Cox it was held that:

“No one gains by truly hopeless cases being pursued to a hearing.”

11. Further, Underhill LJ stressed that ETs:

“Should not be deterred from striking out claims, including discrimination claims which involve a dispute of fact, if they are satisfied that there is indeed no reasonable prospect of the facts necessary to liability being established.

Ahair v British Airways [2017] EWCA Civ 1392 at [16].

The claimant's claim

12. In her claim form the claimant has ticked the boxes for unfair dismissal and race discrimination. In section 8.2 the following is set out:-

“I believe I was both unfairly dismissed and that I was treated worse/differently as a result of my race/nationality.”

13. The claimant has been given two opportunities to provide further information if her claim of race discrimination extends to any other issue than dismissal. The claimant has not taken those opportunities.
14. The claimant worked as a Support Worker at the respondent's premises. The respondent's premises are an assisted living facility for disabled clients.

15. The claimant was dismissed with effect on 18 September 2024 for gross misconduct, namely, forcibly restraining a client in order for another member of staff to cut her nails. The incident was on 11 July 2024 and was captured on CCTV.
16. Employment Judge Warren recorded the claimant's essential complaints as follows:-
 - “13.1 She describes herself as Black African.
 - 13.2 She says that she was one of two people who cut the nails of the client and it is not fair that she was dismissed and not the other person.
 - 13.3 She says that the client voluntarily held out her hand to her and that the other person cut the client's nails.
 - 13.4 She confirmed that the other person is also black.
 - 13.5 She says that she was dismissed because she is not Jewish. She says that if she had been Black African Jewish, she would not have been dismissed. Clearly, her complaint is actually of discrimination on the grounds of religion or belief, not race, based on my understanding of what I have been told today.
 - 13.6 It is not my understanding Ms Junaid alleges that she has been discriminated other than in the act of dismissal. If she says there was other discrimination, she will need to explain what that is in response to the order for further information below.”
17. The claimant's conduct was investigated, there was a disciplinary hearing on 9 September 2024 and an appeal held on 20 November 2024, albeit held in the claimant's absence.
18. The other support worker involved in the incident is female and black. I am told that she is not Jewish. Whilst she was not dismissed, I was told that she had no warnings or complaints on her file, unlike the claimant, and that she participated in the disciplinary process.
19. The client involved was a vulnerable adult with an acute aversion to having her nails cut. The respondent's response sets out that reasonable instructions had been previously provided to all staff members to refrain from cutting her nails as that caused her excessive anxiety.
20. I have watched the video of the incident from 12.34 - 12.40. The vulnerable client is a slight lady. She was sitting at a table with other clients. It is quite clear that the claimant forcibly grabbed the client despite her physically resisting, forced her hand behind her back and then subdued her by using her substantial size and head to lean on her. The client is forcibly restrained for about six minutes and the footage could not be a clearer example of the disgraceful abuse of a vulnerable adult.
21. I note that in the dismissal letter the claimant is recorded as claiming in her disciplinary hearing that she had been massaging the client. That is clearly a lie.
22. I take the claimant's claim at its highest. To suggest that the client voluntarily held out her hand is a lie.

23. It is correct that the other person cut the client's nails.
24. It is incorrect to suggest that the other person was a Black African Jewish lady.
25. In my judgment, this is a case where the issue is so clear cut that I can conclude that the claimant's case on both unfair dismissal and race discrimination has no reasonable prospects of success.
26. Accordingly, both claims are struck out.

Reconsideration

27. Since the claimant has been absent for this hearing, I set out that pursuant to Rule 70 of the Employment Tribunal's Rules of Procedure, the claimant may make an application for reconsideration of this judgment. If she wishes to make such an application it must be presented in writing and copied to all other parties within 14 days of the date this judgment is sent to her.
28. Any such application for reconsideration must explain why she says it is necessary in the interests of justice to reconsider the judgment. Further, the claimant must explain why she was not in attendance here today and why she did not take the opportunity of telephoning to join the hearing.

Approved by:

Employment Judge Alliot

Date: 24 August 2026

SENT TO THE PARTIES ON

25 August 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written full 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/