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# EMPLOYMENT TRIBUNALS

**BETWEEN**

**Claimant**

**and**

**Respondent**

**Miss T Ladega**

**Boots Management Services**

## OPEN PRELIMINARY HEARING

**HELD AT London South**

**ON 17 January 2017**

**BETWEEN: EMPLOYMENT JUDGE HALL-SMITH**

### **Appearances**

**For Claimant: Mr E Macdonald, Counsel**

**For Respondent: Ms K Duff, Counsel**

UPON HEARING Mr E Macdonald, Counsel, on behalf of the Claimant and Ms K Duff, Counsel, on behalf of the Respondent,

AND UPON HEARING the oral testimony of the Claimant,

I gave the following Judgment and issued the subsequent directions.

### **JUDGMENT**

THE JUDGMENT OF THE TRIBUNAL is that:

1. An Employment Tribunal has no jurisdiction to hear and determine the Claimant's complaint of unfair dismissal.
2. The Claimant's contract of employment with the Respondent was not terminated by dismissal on 1 June 2016.

## DIRECTIONS

### The Issues

1. By a claim form received by the Tribunal on the 1 June 2016 the Claimant, Ms Titilla Ledge, brought complaints of unfair dismissal and unlawful racial discrimination against the Respondent, Boots Management Services.
  - 1.1 As recorded in the above Judgment I determined that an Employment Tribunal has no jurisdiction to hear the Claimant's complaints of unfair dismissal having regard to statutory time limits and I concluded that the Claimant's contract of employment had in any event been revived, following a successful appeal against dismissal.

### ***Racial Discrimination.***

- 1.2 The Claimant describes herself as Black British. The Claimant's complaints are complaints of direct racial discrimination.
- 1.3 In broad terms the Claimant contends that the entire disciplinary process from 20 May 2016 until the end of the appeal process involved her in being subjected to less favourable treatment on grounds of race. The allegations of the conduct on the part of the Respondent alleged by the Claimant to amount to unlawful discrimination are set out in paragraphs 11 to 42 of her claim form.
- 1.4 At present the Claimant relies on hypothetical comparators. The Claimant is to provide the Respondent with the identity/identities of any actual comparator.
- 1.5 The parties are to provide the Tribunal with an agreed list of issues.
- 1.6 The Respondent denies the alleged or any discrimination of the Claimant.

### **Further Information**

2. No later than **7 February 2017** the Claimant shall provide the Respondent with particulars of the identity of any actual comparator relied upon by her for the purposes of her complaints of racial discrimination.

### **Schedule of Loss**

3. No later than **14 February 2017** the Claimant shall provide both the Tribunal and the Respondent with a schedule setting out particulars of all financial losses allegedly sustained by her as a result of the matters complained of.

### **Counterschedule of Loss**

4. No later than **28 February 2017** the Respondent has leave to file and serve a counterschedule of loss, if so advised.

### Identity of Respondent

5. The identity of the Respondent is Boots Management Services and the proceedings are amended accordingly.

### Disclosure of Documents

6. No later than **25 April 2017** the parties shall prepare and exchange a list of all documents which are or have been in their respective possession or power relating to the matters in issue in these proceedings. Upon reasonable notice the parties shall produce to the other party the documents listed in their respective lists and shall permit the other party to take copies of such documents. If preferred this part of this order may be complied with by supplying photocopies of such documents.

### Hearing Bundles of Documents

7. The Respondent having agreed to do so shall no later **23 May 2017** prepare a consolidated bundle of copy documents with sufficient copies for the Tribunal hearing.

### Witness Statements

8. The parties are directed to prepare and no later than **7 August 2017** to exchange written statement for each witness (including the Claimant who will give evidence personally), whom it is intended will be called to give evidence on their behalf at the Tribunal hearing. Such witness statement should be typed in double spacing, be laid out in short consecutively numbered paragraphs and shall by refer by page number in the bundle of documents to any documents mentioned in the statement. Each party shall ensure that there are six copies of each statement for their own witnesses available at the Tribunal hearing.

### Full Merits Hearing

9. The case was listed with the agreement of the parties for hearing before a full Tribunal for **three** consecutive days commencing on **4 September 2017** at 10.00am on the first day of the hearing. No postponement of the hearing date will be granted unless there are exceptional and unforeseen circumstances. The parties have leave to inform the Tribunal in writing within seven days of the date of this order is sent to the parties to inform the Tribunal in the event that the listed hearing dates are unsuitable.

### Mediation

10. I raised the issue of mediation with the parties as an alternative dispute resolution process. I directed that should the parties agree to be considered for mediation, they should inform the Tribunal in writing as soon as possible.

**NOTES**

- 1 *This Order constitutes a notice of hearing under the Employment Tribunals Rules of Procedure 2013. At the Hearing all parties will have the opportunity to submit written representations and to advance oral argument. If a party wishes to submit written representations for consideration to the hearing s/he shall present them to the Employment Tribunal Office not less than 7 days before the Hearing and shall, at the same time send a copy to all other parties.*
- 2 *Failure to comply with an Order relating to the disclosure or inspection of documents may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under section 7(4) of the Employment Tribunals Act 1996.*
- 3 *The Tribunal may also make a further Order (an “Unless Order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be dismissed without further order.*
- 4 *An Order may be varied or revoked upon application by a person affected by the Order or by an Employment Judge on his or her own initiative.*
- 5 *This Order confirms orders made/directions given at a hearing on 17 January 2017.*
- 6 *No further notice of hearing will follow.*

Employment Judge Hall-Smith  
2 February 2017