



EMPLOYMENT TRIBUNALS

Claimant **Miss H Ashraf**

Respondents **1 Marway Ltd**
 2 Mr M Aslam
 3 Mr Y Ashraf

JUDGMENT

**Employment Tribunals Rules of Procedure 2013 – Rule 21
(as amended by certificate of correction dated 23 February 2017)**

1. The respondents all failed to present responses to the claim within the time provided by rule 16 of the Employment Tribunals Rules of Procedure 2013. That time limit expired on 6 February 2017.
2. The 1st respondent applied an extension of time on 9 February 2017. It referred to correspondence received from the tribunal on 7 February 2017. So far as I am aware no correspondence was sent to the parties by the tribunal after 9 January 2017. The 1st respondent failed to provide an explanation other than saying the claims not been received until that date because of “an error in postage”. That explanation is not adequate and the application for an extension of time is refused.
3. No correspondence has been received from the 2nd respondent.
4. The 3rd respondent wrote to the tribunal on 15 February 2017 saying that he had only received the “forms and case” the previous day. The address for all 3 respondents was the same and no further explanation was given why he had not received the claim or responded before that date.
5. Pursuant to rule 21 the following claims made by the claimant are upheld: sexual harassment, victimisation, direct sex discrimination, failure to pay in respect of annual leave, wrongful dismissal and breach of section 38 of the Employment Act 2002.
6. The remedy to be afforded to the claimant we determined to hearing at Manchester Employment Tribunal, Alexandra House, 14-22 The Parsonage,

Manchester, M3 2JA on 29 March 2017 at 10 o'clock. The hearing previously listed for 14 March 2017 is vacated.

7. The claimant should bring to the hearing 4 copies of her witness statement and 4 copies of a bundle of documents containing all documents in her possession relevant to the issue of remedy.
8. The attention of respondents is drawn to rule 20 of the Employment Tribunals Rules of Procedure 2013 concerning applications for extension of time for presenting a response.

Employment Judge T Ryan

23 February 2017

JUDGMENT SENT TO THE PARTIES ON

28 February 2017

FOR THE TRIBUNAL OFFICE