



EMPLOYMENT TRIBUNALS

Claimant
Ms M Wright

Respondent
Richard Hardie Ltd

PRELIMINARY HEARING (PH)

Heard at North Shields
Before Employment Judge Garnon

On 13th March 2018

Appearances

For the Claimant: in person

For the Respondent: Ms L Bairstow of Counsel

JUDGMENT

The claims of breach of contract and discrimination based on gender reassignment are dismissed on withdrawal by the claimant . The remaining claims will proceed to trial

REASONS

1. The Employment Tribunal Rules of Procedure 2013 (the Rules) include

End of claim

51. *Where a claimant informs the Tribunal, either in writing or in the course of a hearing, that a claim, or part of it, is withdrawn, the claim, or part, comes to an end, subject to any application that the respondent may make for a costs, preparation time or wasted costs order.*

Dismissal following withdrawal

52. *Where a claim, or part of it, has been withdrawn under rule 51, the Tribunal **shall** issue a judgment dismissing it (which means that the claimant may not commence a further claim against the respondent raising the same, or substantially the same, complaint) unless—*

(a) the claimant has expressed at the time of withdrawal a wish to reserve the right to bring such a further claim and the Tribunal is satisfied that there would be legitimate reason for doing so; or

(b) the Tribunal believes that to issue such a judgment would not be in the interests of justice.

2. The word “shall” which I have emboldened is mandatory. Unless one of the exceptions applies I must issue a dismissal judgment and the claimant was content I should .

T M Garnon EMPLOYMENT JUDGE

JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON 13 MARCH 2018