



EMPLOYMENT TRIBUNALS

Claimant: Mr S Al-Afif

Respondent: Skills and Work Solutions Ltd t/a The Growth Company

HELD AT: Sheffield **ON:** 13, 14 and 15 March 2019

BEFORE: Employment Judge Little
Ms S D Sharma
Mrs S Robinson

REPRESENTATION:

Claimant: In person (PSU volunteers in attendance)

Respondent: Mr D Dyal of Counsel (instructed by Kennedys)

JUDGMENT

The unanimous Judgment of the Tribunal is that:-

1. Whilst the claimant is found to be a person with a disability at the relevant time the complaint of failure to make reasonable adjustments fails.
2. The Tribunal does not have jurisdiction to determine on their merits the harassment related to race and/or religion complaints in so far as that concerns an incident in Manchester in 2016 because:-
 - a. The claim about this was presented out of time;
 - b. It is not just and equitable to extend time;
 - c. In any event the respondent could not have vicarious liability for any potential harassment said to have occurred on that date.
3. Even if the Tribunal had jurisdiction this aspect of the harassment complaint would fail on its merits.
4. The complaint of harassment in relation to comments within the grievance outcome letter of 7 March 2018 fails.
5. The claimant was not unfairly dismissed.

6. Accordingly the claim is dismissed.

Employment Judge Little
Date 20th March 2019