



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs S Bednarska

-v-

Bestway Wholesale Ltd

PRELIMINARY HEARING

Heard remotely: **at Birmingham via the cloud video platform**

On: **12 January 2021**

Before: **Employment Judge Perry** (sitting alone)

Appearances

For the Claimant: **Ms Wawrowska**, a lay representative and the claimant's sister

For the Respondent: **Mr M Green**, counsel

JUDGMENT

1. By virtue of the claimant's emails of 16:00 on 30 November 2020 in which the claimant gave details of an incident she wished to rely upon dating from November 2018, specifically the failure to offer a role to her (Issue 1) and of 15:59 on 1 December 2020 in which she gave details of an incident where she was not invited to a meeting dating from 29-30 November 2018 that she wished to rely upon (Issue 2) and as to Issue 2 by virtue of the claimant's application for an extension of time of 30 November 2020 the claimant did not materially fail to comply with the unless order within paragraph 9 of the order of 20 October 2020.
2. Issues 1 & 2 represent the entirety of the claimant's discrimination complaints. They were not presented out of time and it is not just and equitable to extend time. The Tribunal does not have jurisdiction to hear them.
3. Further and/or in the alternative the claimant has failed to actively pursue her discrimination and her money claims and has failed to comply with Tribunal orders. The entirety of her complaints are struck out.
4. The claimant's application for relief from sanctions is refused on the basis the claimant has failed to remedy her non-compliance with earlier orders, specifically to provide :-
 - 4.1 a statement complying with paragraph 13 of the Order of 20 October 2020 (*the Order*),
 - 4.2 her medical records in accordance with paragraph 14 of *the Order*,
 - 4.3 an updated schedule of loss in accordance with paragraph 15 of *the Order*,
 - 4.4 in the event relief is given and she wishes to pursue additional complaints over and above Issues 1 & 2 the detail required of those complaints in paragraphs 7 & 8 of *the Order*, and/or
 - 4.5 statements from Ms Wawrowska or herself in support of those applications together with any evidence in support.



5. In the event the claimant wishes to repeat that application for relief from sanctions she will need to provide the information listed in paragraph 4 when doing so and in the event she argues a medical condition was the reason she was unable to comply, a statement from a medical practitioner commenting on :-
 - 5.1 if she is currently fit to conduct litigation in the employment tribunal and/or to attend tribunal hearings, give instructions and to be cross examined,
 - 5.2 if she is not fit to do so,
 - 5.2.1 what adjustments (if any) could be made to allow her to be fit to do so, and/or
 - 5.2.2 if and when would the claimant be fit to give instructions and attend a hearing as described above.
6. Any application for a restricted reporting order will be addressed on receipt of those application(s) (if any).
7. The claimant is reminded that if she wishes to seek a reconsideration of this Judgment (and specifically paragraph 2 of it) there are strict time limits for doing so and that if that is linked to her application for relief from sanctions she should if possible make both applications at the same time.

Employment Judge Perry

Dated: 12 January 2021

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

The Employment Tribunal is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. In February 2017 it was placed online. Shortly after a copy of all judgments and reasons are sent to the parties a copy will be published, in full, at www.gov.uk/employment-tribunal-decisions.

The Employment Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in any way prior to publication, you will need to apply to the Employment Tribunal for an order to that effect under Rule 50 of the Employment Tribunal's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness.