



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Richard Price  
**Respondent:** Co-operative Group Limited  
**Heard at:** By videolink (CVP)  
**On:** 20 July 2020  
**Before:** Employment Judge Dyal (sitting alone)  
**Representation:**  
**Claimant:** in person  
**Respondent:** Mr MacPhail, Counsel

## JUDGMENT

1. The claim of unfair dismissal is struck out pursuant to r.37(1). The Claimant does not have two years qualifying service as required by s.108(a) Employment Rights Act 1996 and the claim thus has no reasonable prospect of success.
2. The applications to amend the claim to add the following matters are allowed (in so far as permission was in fact required) *and* it is just and equitable to extend time in respect of those matters:
  - a. Between 7 and 14 November 2019 the Claimant requested assistance with getting an item over the store headset and Ms Snowden said sharply to him to get it himself. No-one else was spoken to like that;
  - b. On 16 December 2019, Ms Snowden wrote a message to the store WhatsApp group saying: *who put the heater on in the canteen yesterday?* In reality this was a public criticism of the Claimant who was the only person that would put heater on and she knew that.
  - c. At the investigation meeting of 15 November 2019:
    - The Claimant was told that he had misrepresented himself in his job interview.
    - Ms Snowden falsely stated she had not seen the Claimant's CV.

3. The applications for deposit orders in respect of the race discrimination claims are refused. The complaints of race discrimination have more than little reasonable prospects of success.

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Employment Judge Dyal

Date: 20.07.2020

SENT TO THE PARTIES ON

23/07/2020.....

FOR THE TRIBUNAL OFFICE

**Any person who without reasonable excuse fails to comply with a Tribunal Order for the disclosure of documents commits a criminal offence and is liable, if convicted in the Magistrates Court, to a fine of up to £1,000.00.**

**Under rule 6, if any of the above orders is not complied with, the Tribunal may take such action as it considers just which may include: (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.**