



Case Number: 1303316/2022
Type V

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Miss L Hamilton

AND

Respondent
MMCG (2) Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON A PRELIMINARY HEARING

HELD AT Birmingham ON 8 January 2024

EMPLOYMENT JUDGE GASKELL

Representation

For the Claimant: In Person
For the Respondent: Miss S Smith (Solicitor)

JUDGMENT

- 1 Pursuant to Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013, the claimant's claim for automatic unfair dismissal pursuant to Section 103A of the Employment Rights Act 1996 is struck-out as having no reasonable prospect of success.
- 2 Pursuant to Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013, the claimant's claim for protected disclosure detriment pursuant to Section 48 of the Employment Rights Act 1996 is struck-out as having no reasonable prospect of success.
- 3 The respondent's application strike-out of the claim for direct race discrimination/racial harassment is refused. Those claims may proceed limited to a single incident occurring on or about 9 June 2022.
- 4 Pursuant to Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013, the claimant's claim for direct discrimination/harassment on the grounds of religion and belief is struck-out as having no reasonable prospect of success.
- 5 The respondent's application strike-out of the claim for direct discrimination/harassment on the grounds of sexual orientation is refused. Those claims may proceed limited to a single incident occurring in May 2022.
- 6 The claimant's claim direct sex discrimination/harassment on the grounds of sex is dismissed upon being withdrawn by the claimant.
- 7 Pursuant to Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013, the claimant's claim for unpaid holiday pay struck-out as having no reasonable prospect of success.

- 8 Pursuant to Regulation 30 of the Working Time Regulations 1998, the claimant's claim for having been required to exceed a working week of 48 hours contrary to Regulation 4(1) of the Working Time Regulations 1998 is dismissed for want of jurisdiction.

Employment Judge Gaskell
8 January 2024