



EMPLOYMENT TRIBUNALS

Claimant: Ms CJ Spickett

Respondent: Manchester City Council

JUDGMENT

The claimant's complaint that she has been excluded from membership of her employer's pension scheme because she was a part-time worker is struck out.

REASONS

1. This is a complaint alleging that the claimant was unlawfully excluded from membership of her employer's pension scheme because she worked part-time and that such exclusion was indirectly discriminatory against women.
2. By a notice under Rule 37 of the Rules of Procedure 2013 dated 27 August 2020, the claimant was invited to give reasons why her complaint should not be struck out in its entirety as having no reasonable prospects of success. This was on the basis that the claimant was either eligible to join the Teachers' Pension Scheme for the whole of the claim period or, if the claimant was not eligible to join the scheme for some of the claim period, she failed to join the scheme when eligible to do so and this suggests she would not have joined at an earlier date even if permitted to do so, so she suffered no detriment.
3. The claimant has failed to give any reasons why the claim should not be struck out and has not requested a hearing at which she could make objections to the proposal to strike out the claim. I, therefore, order that the claim be struck out under Rule 37 as having no reasonable prospects of success.

Employment Judge Slater
Date: 1 October 2020

JUDGMENT SENT TO THE PARTIES ON
1 October 2020

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FOR THE TRIBUNAL OFFICE