



EMPLOYMENT TRIBUNALS

Claimant: Miss K Ditchfield

Respondent: Network Rail Infrastructure Limited

Heard at: Manchester

On: 28 November 2019

Before: Employment Judge Phil Allen (sitting alone)

Representation

Claimant: In person

Respondent: Ms S Chan, Counsel

JUDGMENT

1. It was reasonably practicable for the claimant to have presented her Employment Tribunal complaint for unfair dismissal before the end of the period of three months beginning with the effective date of termination. Accordingly, under section 111(2) Employment Rights Act 1996 the Employment Tribunal does not have jurisdiction to consider the complaint of unfair dismissal and it is dismissed.

2. It is just and equitable for the Employment Tribunal to extend time to allow the claimant's complaints of sex discrimination and harassment and sexual orientation harassment to be considered as provided by section 123(1)(b) of the Equality Act 2010.

3. The claimant's claims for discrimination and harassment on the grounds of sex and harassment on the grounds of sexual orientation will proceed to hearing.

Employment Judge Phil Allen

3 December 2019

JUDGMENT SENT TO THE PARTIES ON

19 December 2019

FOR THE TRIBUNAL OFFICE

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.