



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs G North

**Respondent:** Vorboss Limited

**Heard at:** London Central by video in public      **On:** 9<sup>th</sup> June 2023

**Before:** E J McKenna

## **Representation**

**Claimant:** in person

**Respondent:** Mr. P Edwards, Counsel

# JUDGMENT AND DEPOSIT ORDER

1. It is the judgment of the Tribunal that:

The following **eight** allegations or arguments by the Claimant have little reasonable prospect of success:

## Direct sex discrimination/Harassment

1.1.1 Event 1 - less favourable treatment relating to an incident in August 21 when the male driver, H, took over the Claimant's collection and took items back from a Central London site to the Respondent's base in East London.  
(In the alternative, the Claimant says that this event amounts to harassment in that she experienced unwanted conduct when the male driver, H, took over the Claimant's collection and took items back from a Central London site to the Respondent's base in East London.)

## Direct sex discrimination

1.1.2 Event 2 – less favourable treatment when the Claimant's probation period was extended by 3 months.

1.1.3 Event 3 – less favourable treatment when the Claimant was paid a bonus of 10%

1.1.4 Event 4 -less favourable treatment when the Claimant was required to clean the toilet area in the welfare vehicle.

1.1.5 Event 6 – less favourable treatment when the Claimant was not promoted.

Direct race discrimination

1.1.6 Event 1- less favourable treatment in September 2021 when an Asian male engineer got into the Claimant's van and started to pray.

1.1.7 Event 2 - less favourable treatment on 5<sup>th</sup> January 2022 when an Asian male engineer got into the Claimant's van and started to pray.

1.1.8 Event 3 – less favourable treatment when the Respondent dismissed the Claimant on 5<sup>th</sup> April 2021

2. The Claimant is ORDERED pursuant to Rule 39 of the 2013 Rules to pay a deposit of £20 in respect of each of the **eight** allegations or arguments listed above not later than **14** days from the date this Order is sent as a condition of being permitted to continue to advance those allegations or arguments.
3. The Judge has had regard to information from the Claimant as to his ability to comply with the order in determining the amount of the deposit.
4. If the Claimant wishes to withdraw any element of his claim, then he must inform the Respondent and the Tribunal not later than **14** days from the date this Order is sent and will not be required to pay a deposit in respect of that element of his claim. If the Claimant wishes to proceed with all his claims, then he must pay a total deposit of **£300**. If he wishes to proceed with only part or parts of his claim, he must specify which part(s) he wishes to continue with.
5. Case management orders have been made and are set out separately.

**Background**

6. The Claimant, who is a professional driver with a Hackney carriage licence, was employed by the respondent as a mobile field support driver from 7<sup>th</sup> of June 2021 until 5<sup>th</sup> of April 2022 when she was dismissed by the respondent. She was on sick leave from 6<sup>th</sup> January 2022. A Claim form was received on 4<sup>th</sup> August 2022. On 14<sup>th</sup> August 2022, the Tribunal received an email making the following complaints:
  - Harassment on grounds of sex
  - Direct sex discrimination;
  - Direct race discrimination.
7. It appears that this document should have been attached to her claim form. The ACAS early conciliation process began on 30<sup>th</sup> May 2022 and concluded on 5<sup>th</sup> July 2022.

8. The unfair dismissal claim was subsequently withdrawn. Her complaints related to eight separate events which are outlined in the list of issues. One concerns harassment on the grounds of sex, five events relate to sex discrimination (event 1 is put as both harassment and direct sex discrimination) and the final three events concern race discrimination. An unfair dismissal claim was withdrawn.
9. The Respondent which is an Internet service provider offering a dedicated fibre network for London businesses, denies the claims in full. The Respondent employed between 15 and 29 people in the Claimant's team during the period of her employment. She was the only female member of field staff within the Team.
10. The claimant had been dismissed due to poor behaviour and its impact upon other work colleagues It says that she was absent from work for sickness for the final three months of her employment. It said that any events before either 3<sup>rd</sup> or 13<sup>th</sup> May 2022 were not in time and that it would not be just and equitable to extend time.
11. At a case management hearing, EJ Davidson refused the Respondent's application to list a public preliminary hearing to consider a strike out application. She granted its application to list a public preliminary hearing to consider its deposit application. That hearing was originally listed for 13<sup>th</sup> February 2023.
12. The Tribunal had a bundle of 67 pages.
13. For the reasons given at today's hearing, the Tribunal found that there was little reasonable prospect of all eight discrimination allegations or arguments succeeding and made the above deposit orders.
14. Having considered the Claimant's means, the Tribunal decided that an order to pay **£20** in respect of each of those arguments or allegations would not impede the Claimant's access to justice.
15. Case management orders were made and those are contained in a separate judgment.

*B McKenna*

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Employment Judge

Date: 12<sup>th</sup> June 2023

ORDER SENT TO THE PARTIES ON

12/06/2023

FOR THE TRIBUNAL OFFICE

Note 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.