



# EMPLOYMENT

## TRIBUNALS

Claimant: Mr S Njie  
Respondent: Ikea Distribution Services Limited

### AT A PRELIMINARY HEARING

Heard at: Leeds On: 8<sup>th</sup> December 2021  
Before: Employment Judge Lancaster

Representation  
Claimant: In person  
Respondent: Mr P Sandeman, solicitor

## JUDGMENT

1. The claim of unfair dismissal was not presented in time when it would have been reasonably practicable to have done so, and it is dismissed.
2. There is no reasonable prospect of a tribunal concluding that it would be just and equitable to extend time until 23<sup>rd</sup> December 2020 in respect of the claim of direct disability discrimination, now understood to relate to the capability assessment of the Claimant by Wayne Coleman carried out on 12<sup>th</sup> May 2020 (and which as pleaded would also have no reasonable prospect of success in any event), and it is struck out.
3. It is not the case that there is little or no reasonable prospect of the Tribunal concluding that it would be just and equitable to extend time until 23<sup>rd</sup> December 2020 in respect of the claim of disability related discrimination, where the alleged unfavourable treatment is the dismissal which took effect on 29<sup>th</sup> August 2020. That claim will continue to a further hearing. At a final hearing it may, however, be decided that the claim is in fact out of time
4. It is not the case that there is little or no reasonable prospect of the Tribunal concluding that the claims of indirect discrimination or of a failure to make reasonable adjustments extend over the period up to termination on 29<sup>th</sup> August 2020, nor that it would then be just and equitable to extend time until 23<sup>rd</sup> December 2020. Those claims will continue to a further hearing. At a final hearing it may, however, be decided that the claims are in fact out of time

5. It is not the case that there is little or no reasonable prospect of the Tribunal concluding that the claims of harassment related to religion, now understood to relate to final acts

1

Case: 1807389/2020

of refusing holiday during Eid on 23<sup>rd</sup> May 2002 and being questioned about prayer times on 26<sup>th</sup> May 2020, are the last in any series of similar acts, nor that it would then be just and equitable to extend time until 23<sup>rd</sup> December 2020. Those claims will continue to a further hearing. At a final hearing it may, however, be decided that the claims are in fact out of time

EMPLOYMENT JUDGE LANCASTER

DATE 8<sup>th</sup> December 2021