



EMPLOYMENT TRIBUNALS

Claimant: Mr R Facchin

Respondent: Azzurri Restaurants Limited

HELD AT: Manchester

ON: 12 January 2018

BEFORE: Employment Judge Horne

REPRESENTATION:

Claimant: In person

Respondent: Mr K Wilson, counsel

JUDGMENT AT PRELIMINARY HEARING

1. The claimant's employment was terminated by the respondent on 10 March 2017.
2. The tribunal has no jurisdiction to consider the complaint of unfair dismissal or the claim for damages for breach of contract. The claim was presented after the expiry of the statutory time limit. That time limit cannot be extended because it was reasonably practicable for the claimant to present his claim within the time limit.
3. The question of whether the complaint of unlawful deduction of wages was presented within the time limit will be determined at the final hearing.
4. The complaint of discrimination arising from disability was presented after the expiry of the statutory time limit. The tribunal nevertheless has jurisdiction to consider that complaint because it is just and equitable to extend the time limit until the date of presentation.
5. With regard to the complaint of failure to make adjustments:

- 5.1. the question of when each alleged failure is to be treated as having been done for the purposes of section 123 of the Equality Act 2010 will be determined at the final hearing;
- 5.2. for any failure treated as being done on 10 March 2017, it is just and equitable to extend the time limit to the date of presentation; and
- 5.3. for any failure treated as being done prior to 10 March 2017, the question of whether it is just and equitable to grant any further extension of time will be determined at the final hearing.

Employment Judge Horne

15 January 2018

SENT TO THE PARTIES ON

23 January 2018

FOR THE TRIBUNAL OFFICE

Note – reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when the judgment was sent to the parties. If written reasons are provided, they will be displayed on the tribunal's website.