



Sami Rahman

FURTHER NOTABLE CASES

Quarry v Loose Leaf Midlands (2004)

Heard at Birmingham Employment Tribunal. Pregnancy related unfair dismissal claim. An amendment of the claim was allowed outside the primary limitation period to add a sex discrimination claim. Tribunal found that it was “just and equitable” to allow the amendment and the application was made as soon as it was “reasonably practicable” to do so, pursuant to rule 10 and 11 of the new rules. As rule 11 makes clear that applications can only be granted, on the above grounds 10 days or less before 'the hearing'. Sami was instructed on behalf of the Claimant.

McGrawn v DG Pharmacy Limited (2004)

Heard at Birmingham Employment Tribunal. This case was reported in the local press. The Tribunal found that the Applicant had been unfairly dismissed, when he attended a football match, despite, being told that he could not have the day in question as holiday (unpaid). Small deduction made for contributory fault.

Potter v Staffordshire Sentinel Newspapers Ltd [2004] All ER (D) 131 (May) EAT

This case concerned “unfettered right to substitute”, and whether the Applicant was an employee within the meaning of section 230 of the ERA 1996. ***Express & Echo Publications v Tanton [1999] IRLR 367 Carmichael v National Power Plc [2000] IRLR 43. Clark v Oxfordshire Health Authority [1998] IRLR 125 McFarlane v Glasgow City Council [2001] IRLR 7. Ready Mixed Concrete (South East) Ltd v Minister of Pensions & National Insurance [1968] 2 QB 497.***

Stanford v First Line Securities & Harvey Nichols (2004)

Heard at Birmingham Employment Tribunal. Sami was instructed by Respondents to defend a discrimination claim brought on the basis of sexual orientation. An issue also arose in relation to costs also after the Applicant withdrew the claim as, it had “no reasonable prospects of success” and was misconceived - Rule 14 and 15 of the Employment Tribunal rules. Case was reported in the local press.

Gray and another v Canada Life [2004] All ER (D) 36 (Jan)-EAT

Employment Rights Act s23-Working Time Regulations 1998 SI 1998/1833 ***List v Douglas [2002] ICR 686 ALL ER (D) 215; Kigass v Brown [2002] ICR 697 All ER (D) 341 (Feb).*** The actual leave did not have to be taken in order to claim arrears in holiday pay. The Applicants were labelled as self employed tied insurance sales staff, they claimed holiday pay back to the date when the working time regulations holiday pay provisions in to force. Sami was instructed at first instance for the Claimants where their claims succeeded.

Davis v Surrey College (2002)

Unfair Dismissal (procedurally unfair redundancy), Disability Discrimination. Reported in the local press. Sami was instructed on behalf of the Claimant a lecturer. The Respondent settled this claim after Sami successfully cross examined the Respondents witnesses in respect of the Respondent's failure to make reasonable adjustments.

Voiglio & Voiglio v Red Lion Inns - Brighton Employment Tribunal (2000)

Unfair Dismissal, (gross misconduct), claim. Sami was instructed on behalf of the Respondent. Reported in the local press. Although the Tribunal found that the dismissal was procedurally unfair it made a finding of 100% contributory fault.

Rice v Dove & Toys R us- Southampton Employment Tribunal (2000)

Sex Discrimination claim, where a male applicant was sexually harassed by a senior behalf of the Claimant.

DTI v Nathan (1999)

Heard at Croydon Employment Tribunal. First hearing in the Employment Tribunal post the EAT's decision in the ***Smith v DTI***. The issue here was whether there was a breach of the ECHR, as result of the relationship between the members of the Employment tribunal and the DTI, when the DTI appeared before the Employment tribunal as a party. Sami was instructed on behalf of the Claimant, (reported by Sweet & Maxwell and Butterwoths).

Lewis v Blue Arrow Care Services Ltd [1999] ICR part 7- EAT

Concerned amendment of a racial discrimination claim (victimisation), issue essentially whether such a claim had to be pleaded expressly or was it implicit in the discrimination claim. Cases considered ***Quarcoopome v Sock Shop Holdings Ltd [1995] IRLR 353*** and ***Bryant v The Housing Corporation. (Court of Appeal) 21 May 1988***. Resulted in changes to "Harvey's Industrial Relations and Employment Law". Reported on Lawtel and New Law Cases on-line. Sami was instructed on behalf of the Appellant.

Haq v DKNY (1998)

Heard at Central London Employment Tribunal. Sex Discrimination claim on the basis discrimination as a result of pregnancy, Reported in the National Newspapers. Sami was instructed on behalf of the Claimant.