



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr F O'Connor

Respondent

Sitel UK Ltd (R1)
Kam Sandhu (R2)
Lisa Drew (R3)

AND

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON A PRELIMINARY HEARING

HELD AT Birmingham

ON

6 April 2017

EMPLOYMENT JUDGE Harding

Representation

For the Claimant: No attendance

For the Respondent: Mr Welsh, Solicitor

JUDGMENT

The claimant having failed to attend the hearing, the claimant's claims are dismissed under rule 47 of the Employment Tribunal's (Constitution and Rules of Procedure) Regulations 2013.

REASONS

1 The claimant failed to attend today's hearing. He is represented by Merseyside Employment Law. It is their practice not to attend hearings. They assist with correspondence and paperwork only.

2 This is the second time this matter has been listed for an open preliminary hearing. The claimant also failed to attend the first preliminary hearing. Neither he, nor his representative, made any application to postpone the first hearing nor

did they inform either the tribunal or the respondent that they would not be attending. The respondent did attend the first hearing and the judge on this occasion postponed the hearing to another date in order to give the claimant an opportunity to attend.

3 No postponement application has been made by either the claimant or his representative in respect of this second open preliminary hearing.

4 Neither the tribunal nor the respondent were informed in advance of today's hearing by either the claimant or his representative that no one would be attending today. The respondent has again attended.

5 The tribunal administration this morning contacted the claimant's representative. The tribunal was informed that the claimant was aware of the hearing date. Merseyside Employment Law informed the tribunal that the claimant was not able to attend because of his disability (he has autism) and the claimant had informed the tribunal of this, but it was said that they (the representative) have no evidence of this. It was further confirmed that the claimant was aware that Merseyside Employment Law would not be attending this hearing.

6 Whilst the claimant did in October 2016 inform the tribunal by email, in relation to an application to convert a case management hearing to a telephone case management hearing, that he was autistic and would not be able to attend alone, the claimant has not contacted the tribunal and asserted that he is unable to attend today's hearing. No medical evidence has at any stage been produced by either the claimant or his representative to confirm that the claimant's autism is such that he is not able to attend hearings on his own.

7 In circumstances where the claimant has instructed representatives who do not attend hearings and the claimant fails to attend hearings the tribunal is unable to make any progress whatsoever with the claimant's claims.

Employment Judge Harding
Dated:6 April 2017

Judgment sent to Parties on

19 April 2017