

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4105192/16

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Held in Glasgow on 4 May 2017

Employment Judge: Ian McPherson (in chambers)

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Miss Katarzyna Wojcik

Claimant

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South City Laundry Limited

Respondents

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The claimant's complaints of (a) failure by the respondents to notify and consult on
25 a TUPE transfer, and (b) failure by the respondents to pay notice pay, both having
been withdrawn by the claimant's representative on 3 March 2017, by response to
Order of the Tribunal dated 6 February 2017, those parts of her claim against the
respondents are dismissed by the Tribunal under **Rule 52** of the Rules contained
in **Schedule 1 of the Employment Tribunals (Constitution and Rules of**
30 **Procedure) Regulations 2013**, but the remaining parts of the claim alleging
unlawful sex discrimination (both direct discrimination, and harassment) by the
respondents, and failure by the respondents to pay holiday pay, all remain
standing and will proceed to the Final Hearing assigned for 26 to 30 June 2017, as
previously ordered by the Tribunal.

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REASONS

1. This case previously called before me, on 3 February 2017 for a Case
40 Management Preliminary Hearing. My written Note and Orders of the
Tribunal, dated 6 February 2017, were issued to both parties'

representatives under cover of a letter from the Tribunal on 10 February 2017.

2. In response to the Orders made by me, as set forth at paragraphs 2(a) to
5 (f), and (4), of my Orders, the claimant's solicitor, Ms Agnes Maxwell-Ferguson, from EMC Solicitors, Glasgow, intimated the claimant's response to those Orders on 3 March 2017 by e-mail sent to the Glasgow Tribunal office.
- 10 3. Within the claimant's response to calls made by the respondents, in their ET3 response, it is stated that the claimant withdraws the complaints relating to TUPE, and for notice pay.
4. I have treated Ms Maxwell-Ferguson's written statement to that effect as
15 withdrawal of those parts of the claim under **Rule 51** of the Rules contained in **Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**, thus bringing those parts of the claim before the Tribunal to an end.
- 20 5. In these circumstances, I have further decided it is appropriate to issue a **Rule 52** Judgment, dismissing those parts of the claim against the respondents, following upon their withdrawal by the claimant's
25 representative, which means that the claimant may not commence a further complaint against the respondents raising the same, or substantially the same, complaint relating to TUPE, and for notice pay, arising from the termination of her employment with the respondents effective on 6 May 2016.
6. For the avoidance of any doubt, the remaining complaints brought by the
30 claimant against the respondents, in her ET1 claim form presented on 14 September 2016, alleging unlawful sex discrimination (both direct discrimination, and harassment) by the respondents, and failure by the respondents to pay holiday pay, all remain standing and will proceed to the

Final Hearing assigned for 26 to 30 June 2017, as previously ordered by the Tribunal at the Case Management Preliminary Hearing held on 3 February 2017.

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10 Employment Judge: Ian McPherson
Date of Judgment: 04 May 2017
Entered in register: 04 May 2017
and copied to parties

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