



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr W Westphal**

**London Day Surgery Centre  
Limited**

**Heard at:** Watford

**On:** 17 May 2017

**Before:** Employment Judge Manley

## **Representation**

**For the Claimant:** In person

**For the Respondent:** Mr A Lors, consultant

## **PRELIMINARY HEARING JUDGMENT**

- 1 The claimant was not an employee of the respondent and his complaint of unfair dismissal is dismissed.
- 2 The respondent having conceded that the claimant's work with the respondent was within the definition of employment under Equality Act 2010, that complaint will proceed unless withdrawn or otherwise determined.

## **ORDERS**

### **Made pursuant to the Employment Tribunal Rules 2013**

1. The claimant will state whether he wishes to pursue the complaint of sex discrimination and, if he does, give further details by **31 May 2017**.
2. The respondent has leave to present an amended response by **14 June 2017**.

**CONSEQUENCES OF NON-COMPLIANCE**

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Dated: 17 May 2017

\_\_\_\_\_  
Employment Judge Manley

Sent to the parties on:

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For the Secretary to the Tribunals

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.