



## EMPLOYMENT TRIBUNALS

**Claimant**

**Ms H O'Brien**

**Respondent**

**Circles Montessori Day Nurseries Ltd**

## PRELIMINARY HEARING

**Heard at:**

**On: 22 May 2017**

**Before: Employment Judge Bedeau**

**Appearances:**

**For the Claimant: In person**

**For the Respondents: Did not attend nor represented**

## JUDGMENT

1. In default of a response being presented by the respondent, judgment is entered in favour of the claimant in respect of her:
  - 1.1 pregnancy and maternity discrimination claims, s.18 Equality Act 2010; and
  - 1.2 unpaid holiday claim.
2. The case is listed for a remedy hearing on **9 August 2017** at 10am with a time estimate of **half a day**.

## ORDERS

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

### 1. **Bundle of documents**

- 1.1 The claimant shall produce a bundle of documents relevant to her employment with the respondent and in her treatment while pregnant and on maternity leave. A copy of the bundle of documents shall be served on

the respondent by not later than **4.00pm 3 July 2017**. Two copies are to be brought to the tribunal, one to be used by the witnesses and the other by the employment judge.

## 2. **Witness statements**

- 2.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.
- 2.2 The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the Tribunal, relevant to the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material.
- 2.3 The facts must be set out in numbered paragraphs on numbered pages, in chronological order.
- 2.4 If a witness intends to refer to a document, the page number in the bundle must be set out by the reference.
- 2.5 It is ordered that witness statements are exchanged so as to arrive on or before **28 July 2017**.

## 3. **Other matters**

- 3.1 In this case the claimant, who was employed as an assistant manager, went on maternity leave from 2 January 2017 and alleged that she had been discriminated against based on her pregnancy and while currently on maternity leave.
- 3.2 The respondent did not present a response and no judgment was entered on the papers.
- 3.3 The respondent did not attend the hearing nor did it provide reasons for its non-attendance. Having heard the claimant and after considering the documents in the tribunal's file, I entered judgment in her favour. The case is now listed for a remedy hearing in public. The respondent shall only be entitled to participate at the hearing to the extent permitted by the judge.
- 3.4 The claimant told me that she is seeking £500, being the balance of her holiday pay entitlement and an award in respect of injury to her feelings based on her discriminatory treatment by the respondent. I indicated to her that it was open to her to engage in settlement discussions with the respondent with a view to resolving all matters prior to the remedy hearing on **9 August 2017**. This may avoid her having to pay the hearing fee.

**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.

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**Employment Judge Bedeau**

Date: 14 June 2017

Sent to the parties on:

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For the Tribunal:

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