

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/106756/06

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Held in Glasgow on 28 April 2017

Employment Judge: Laura Doherty

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Ms Moira Walker

**Claimant
No Appearance**

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Forth Valley Health Board

**Respondents
Represented by:
Ms H Craik -
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

30 The Judgment of the Employment Tribunal is that the claim is struck out under Rule **37(1)(a)** of the Employment Tribunals (Constitution & Rules of Procedure) Regulation 2013 (*“the Rules”*) on the grounds that the claim has no reasonable prospects of success.

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REASONS

1. This was a Preliminary Hearing (*“PH”*) convened to consider the respondents` application for strike out of the claimant`s claim under Rule **37(1)(a)** and **(d)** of the Tribunal Rules.
- 40 2. There was no attendance at the Hearing by the claimant. The Tribunal was satisfied that Notice of the Hearing had been intimated to the claimant, and no reason was advanced for her non-attendance. In the circumstances the

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Tribunal proceeded with the PH, and considered the respondents application.

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3. The application is made on the basis that the claim has no reasonable prospects of success. This claim was intimated as part of a multiple, in which Thompsons Solicitors were acting. The claimant brought a complaint of equal pay on the basis of equal value, and/or work rated as equivalent under the terms of the Equality Act.
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4. The ET1, which remains unamended, set out the statutory basis of the claim, but failed to provide details of a comparator, or identify a term in a comparator`s contract on which the claimant relies in complaining of inequality of pay. The respondents sought strike out of the claim, on the basis the claim had no reasonable prospect of success.
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5. It is fundamental to the success of a complaint of equal pay in terms of the Equality Act, that the claimant is able to identify a comparator, and is able to point to the term in that comparator`s contract of employment, which is said to give rise to inequality in pay.
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6. The pleadings do not disclose either of these matters and there has been no response to the respondents application for strike out, (intimated in November 2016), which suggests that the claimant is in a position to provide this information.
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7. In the circumstances, the Tribunal was satisfied that it could be said the claim has no reasonable prospects of success, and should be struck out under Rule **37(1)(a)** of the Rules.
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Employment Judge: Laura Doherty
Date of Judgment: 02 May 2017
Entered in register: 03 May 2017
and copied to parties

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