



EMPLOYMENT TRIBUNALS

Claimant: Mr J Harding

Respondent: PJC Plant Services (Leicester) Limited

JUDGMENT AT OPEN PRELIMINARY HEARING

Heard at: Leicester

On: 7 December 2018

Before: Employment Judge Ayre (sitting alone)

Appearances

For the claimant: Mr A Lord, lay representative

For the respondent: Mr D Jones, solicitor

JUDGMENT

The Claimant was at the material time (January 2018) a disabled person within the meaning of section 6 and Schedule 1 of the Equality Act 2010 by reason of Right Ulnar Neuritis.

CASE MANAGEMENT ORDERS

Made pursuant to the Employment Tribunal Rules of Procedure

1. Documents

- 1.1 On or before **31 January 2019** the claimant and the respondent shall send each other a list of all documents that they wish to refer to at the final hearing or which are relevant to any issue in the case, including the issue of remedy. They shall send each other a copy of any of these documents if requested to do so.

2. Final hearing bundle

- 2.1 By **28th February 2019**, the parties must agree which documents are going to be used at the final hearing. The claimant must paginate and index the documents, put them into one or more files (“bundle”), and provide the respondent with a ‘hard’ and an electronic copy of the bundle by the same date. The bundle should only include documents relevant to any disputed issue in the case and should only include the following documents:
- the Claim Form, the Response Form, any amendments to the grounds of complaint or response, any additional / further information and/or further particulars of the claim or of the response, this written record of a preliminary hearing and any other case management orders that are relevant. These must be put right at the start of the bundle, in chronological order, with all the other documents after them;
 - documents that will be referred to at the final hearing and/or that the Tribunal will be asked to take into account.

In preparing the bundle the following rules must be observed:

- unless there is good reason to do so (e.g. there are different versions of one document in existence and the difference is relevant to the case or authenticity is disputed) only one copy of each document (including documents in email streams) is to be included in the bundle
- the documents in the bundle must follow a logical sequence which should normally be simple chronological order.

3. Witness statements

- 3.1 The claimant and the respondent shall prepare full written statements containing all of the evidence they and their witnesses intend to give at the final hearing and must provide copies of their written statements to each other on or before **28 March 2019**. No additional witness evidence will be allowed at the final hearing without the Tribunal’s permission. The written statements must: have numbered paragraphs; be cross-referenced to the bundle(s); contain only evidence relevant to issues in the case. The claimant’s witness statement must include a statement of the amount of compensation or damages they are claiming, together with an explanation of how it has been calculated.

4. Final hearing preparation

- 4.1 The parties must agree and lodge with the Tribunal on the first day of the hearing an updated List of Issues.

5. Other matters

- 5.1 The above orders were made and explained to the parties at the preliminary hearing. All orders must be complied with even if this written record of the hearing is received after the date for compliance has passed.
- 5.2 Anyone affected by any of these orders may apply for it to be varied, suspended or set aside. Any further applications should be made on receipt of these orders or as soon as possible.
- 5.3 The parties may by agreement vary the dates specified in any order by up to 14 days without the tribunal's permission except that no variation may be agreed where that might affect the hearing date. The tribunal must be told about any agreed variation before it comes into effect.
- 5.4 **Public access to employment tribunal decisions**
All judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.
- 5.5 **Any person who without reasonable excuse fails to comply with a Tribunal Order for the disclosure of documents commits a criminal offence and is liable, if convicted in the Magistrates Court, to a fine of up to £1,000.00.**
- 5.6 **Under rule 6, if any of the above orders is not complied with, the Tribunal may take such action as it considers just which may include: (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.**

Employment Judge Ayre

11 December 2018

Sent to the parties on:

For the Tribunal: