

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No S/4105540/17

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Held in Glasgow on 19 January 2018

Employment Judge: Ian McPherson

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Mr Marcin Laszkiewicz

Claimant
In Person

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Viridor Waste Management Limited

Respondents

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Represented by:
Ms Aileen Irvine -
Solicitor

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The claimant's complaint alleging unfair dismissal by the respondents having been withdrawn by the claimant at this Preliminary Hearing that part of his claim against the respondents is dismissed by the Tribunal, under **Rule 52 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**, but the remaining parts of the claim alleging breach of contract (failure to pay notice pay), and alleged unlawful direct discrimination on grounds of race by the respondents against the claimant both remain standing, and those remaining parts of the claim will proceed to a one-day Preliminary Hearing in public before an Employment Judge sitting alone, on 20 April 2018, for determination of preliminary issues relating to time-bar, employment status, and the respondents' application for Strike Out of the claim under **Rule 37(1)(a) and / or (b)**.

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E.T. Z4 (WR)

REASONS

1. In the course of the Case Management Preliminary Hearing held before me,
5 on the morning of Friday, 19 January 2018, the claimant advised me that, as
per his completed Preliminary Hearing Agenda, he was now withdrawing his
complaint of unfair dismissal, as set forth in his ET1 claim form, but still
insisting upon the remaining parts of his claim alleging breach of contract
10 (failure to pay notice pay), and alleged unlawful direct discrimination on
grounds of race by the respondents against him, both as detailed in his ET1
claim form.

2. Following discussion, and clarification of the claimant's position, the claimant
15 confirmed that he was withdrawing that part of the claim against the
respondents, but not the other two parts, and I treated his oral statement to
that effect as confirmation of his previous written withdrawal of that part 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 that part of the claim before the Tribunal to
20 an end.

3. In these circumstances, having heard further from Ms Irvine, the respondents'
representative, and the claimant not objecting, I further decided it was
appropriate to issue a **Rule 52** Judgment, dismissing that part of the claim
25 against the respondents, following upon its withdrawal by the claimant, which
means that the claimant may not commence a further complaint against the
respondents raising the same, or substantially the same, complaint of
unfair dismissal against them, arising from the termination of his asserted
employment by them, as a welder, which employment status the
30 respondents, in any event, dispute.

4. For the avoidance of any doubt, the remaining parts of the claim brought by
the claimant against the respondents both remain standing, and they will
proceed to the one-day Preliminary Hearing in public before an Employment

Judge sitting alone on 20 April 2018, as ordered at this Case Management
Preliminary Hearing

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Employment Judge: GI McPherson
Date of Judgment: 01 February 2018
Entered in register: 01 February 2018
and copied to parties

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