



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100364/2018 Held in Glasgow on 21 January 2019

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Employment Judge: Shona MacLean
Members: Ms M Fisher & Mr P Kelman

10 Mr D Brown

Claimant

15 McAlpine & Company Limited

Respondent

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Employment Tribunal is that the claimant is ordered to pay the expenses of the respondent in the sum of THREE THOUSAND POUNDS (£3,000).

REASONS

20 **Background**

1. The claimant presented a claim form to the Tribunal's office on 17 January 2018, complaining of:
 - a. Unfair dismissal
 - b. Discrimination of the grounds of sex.
- 25 2. The respondent set out in the response presented on 21 February 2018 the factual and legal basis why the claims should not succeed which included that the sex discrimination claim was out of time, so the Tribunal did not have jurisdiction to consider it.
3. In preparation for a preliminary hearing in private on 5 April 2018 (the PH) the
30 respondent wrote in its agenda:

“The respondent will make an application for a preliminary hearing to determine whether the claims ought to be struck out on the grounds that they

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have no reasonable prospects of success, failing which, the claimant ought to pay a deposit order of £1,000 in order to continue with his claims on the grounds that the claims have little reasonable prospects of success.

5 *If the case continues even to a preliminary hearing, the respondent will make an application for expenses, which, if successful, would require the claimant to pay the legal expenses incurred by the respondent in dealing with the claims.”*

4. At the PH the claimant provided additional information about his comparator (Ms Finnan) for the sex discrimination claim. The respondent was allowed time to respond to the additional information and to confirm if it was insisting upon the application for strike out or alternatively a deposit order.

5. In an exchange of email on 3 May 2018 between the claimant and Mr Turnbull, the respondent’s representative the claimant insisted that he had suffered discrimination and there were grounds for unfair dismissal.

6. Mr Turnbull advised the claimant:
“*The fact that a male was treated differently from a female is not enough to show that gender was the reason for that difference in treatment. I’ve already set out the reason for the difference of treatment and you have been unable to offer any counter position that would support your sex discrimination claim.*”

As discussed at the preliminary hearing, the respondent takes the view that the case lacks any prospects of success and intends to pursue you for the legal fees in defending the claims.

I am unable to advise you on the legal position, other than to set out the respondent’s position.

In the circumstances, I would strongly suggest you take legal advice on the risks of proceeding further. It may be that if you chose to withdraw your claim entirely at this point, the respondent might be willing not to pursue you for legal fees. However, the longer that the claim continues to exist, the more legal fees

that are incurred and therefore the greater potential liability for you and the less likely that the respondent would be willing to walk away from that matter.

If you are reluctant to take legal advice for any reason, it may be that ACAS can assist you (I have cc'd them into this email).

I would be grateful if you can come back to me within 7 days to confirm your position.”

7. On 9 May 2018 the claimant emailed Mr Turnbull still alleging discrimination and confirming that he would continue with his case. The claimant stated that had taken advice on the matter and that he wanted the case to go to a hearing.
8. The respondent provided further detail in an email sent to the claimant on 21 May 2018 and reiterated that the decision had nothing to do with sex and that the discrimination claim was misconceived and had no reasonable prospect of success. The respondent also reiterated its position that the unfair dismissal claim had no reasonable prospects of success. The respondent stated that the claimant had admitted to going on holiday when unauthorised and lying about it and that the decision to dismiss cannot be said to fall outwith the range of reasonable responses test.
9. The claimant emailed Mr Turnbull and the Tribunal on 12 June 2018 referring to two further comparators – Ms Gilmour Mr Marchetti – who were allowed holiday.
10. On 12 August 2018 Employment Judge Whitcombe refused the respondent's application for a preliminary hearing to consider strike out of the claim/imposition of a deposit order because the reason for differential treatment required evidence and exploration at a hearing and was not suitable for summary determination, or determination on the papers.
11. On 28 September 2018 Mr Turnbull sent an email to the claimant which included the following:

5 “You will be aware that the Tribunal has set a final hearing to hear the evidence. This will result in extensive legal fees for the respondent. The respondent is willing to pay those legal fees in this case and we would seek to recover them. That would be under rule 76 of the Employment Tribunal Rules of Procedure 2013. Rule 76(1) provides that: A Tribunal may make a costs order or a preparation time order, and shall consider whether to do so, where it considers that: (a) a party (or that party’s representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings (or part) or the way that the proceedings (or part) have been conducted; or (b) any claim or response had no reasonable prospect of success.

10 I am unable to advise you on the legal position, other than to set out the respondent's position, which I have done so already.

15 You had mentioned Pauline Gilmour. Pauline Gilmour was given an unexpected gift of a cruise holiday for Christmas from her children for her and her husband. Pauline informed her manager immediately after the Christmas holidays of the situation but unpaid leave of absence was refused by her manager as this is not available within the scope of the Respondent’s rules. Pauline did not ask to change her holidays. Pauline advised that she would then be taking unauthorised leave. She was honest, open and did not lie at any point by going to her doctor and obtaining a sick line to cover her absence. As she was open and honest her manager’s decision was not to take formal action against Pauline on this occasion as it was an exceptional circumstance.

25 Clearly, Pauline’s situation is different from yours. Sex had nothing to do with your treatment.

30 You also mentioned Lewis Marchetti. Lewis is a man so I am assuming that this reference does not concern you sex discrimination claim. You need to point to a comparator of the opposite sex otherwise you fall at one of the first hurdles. This reference must therefore only relate to your unfair dismissal

claim. Lewis did put in a special request for holiday to attend a wedding. This was granted because he was an apprentice and not a key worker. His absence did not have such an impact to mean that his work could not be covered. You, on the other hand, were a key worker and your absence did cause an impact to mean that sufficient cover was required before your holidays could be granted. Despite not being allowed to take that holiday, you did so anyway and then lied about. That was an act of gross misconduct that entitled the Respondent to dismiss you. That dismissal falls within the range of reasonable responses.

As I have previously stated, I believe that your sex discrimination claim is misconceived and lacks reasonable prospects of success. I also consider your unfair dismissal claim to be misconceived and lack reasonable prospects of success. I have already stated why I believe this to be the case and you have not provided a response to convince me otherwise.

I understand that you have already taken some advice. But I would strongly suggest you take legal advice on the risks of proceeding further because my instructions are to pursue you for the expenses of defending this claim. I believe that in these circumstances the Tribunal will uphold an expenses claim because your claims lack prospects of success and you have acted unreasonably in bringing and continuing to bring these claims. You have also been warned on a number of occasions by me and the Tribunal.

As I have said already, it may be that if you chose to withdraw your claim entirely at this point, the respondent might be willing not to pursue you for legal fees. This may involve another hearing which will incur even more costs. However, the longer that the claim continues to exist, the more legal fees that are incurred and therefore the greater potential liability for you and the less likely that the respondent would be willing to walk away from that matter.

I would be grateful if you can come back to me within 7 days to confirm your position.

In the event that you do proceed, I will rely on this correspondence for any expenses application.”

12. On 11 October 2018 following the claimant’s email saying that he was
5 continuing his claims, Mr Turnbull emailed the claimant stating that the
respondent considered the claimant’s claims had no reasonable prospects of
success and that he had acted unreasonably in continuing to pursue his
claims. The respondent provided further explanation dealing with the sex
discrimination claim. It also set out its position in detail in response to the
10 claimant’s reference to Mr Marchetti and Mr Hansen (although the reference
to these individuals never formed part of the claimant’s claim). Mr Turnbull
gave an expenses warning and suggested that the claimant take legal advice.
Mr Turnbull stated that he would rely on this correspondence and previous
correspondence for an application for expenses. The claimant continued to
15 assert he had been discriminated against. He continued to claim his dismissal
was unfair by referring to how Mr Hansen was treated. Mr Turnbull replied that
the respondent had stated its position and Mr Turnbull was not convinced
about the reasonable prospects of the claims.

13. At the final hearing the claimant confirmed that he had secured another job
20 within a few months from his dismissal with a salary of around £24,000 a year.
The claimant maintained his position that he had not always intended to take
the holiday. He asserted that had he not been sick absent his sister would
have gone in his place. The claimant made no attempt to transfer the plane
ticket to his sister and gave no explanation for why not. After hearing the
25 evidence and the respondent’s submissions the Employment Judge again
explained direct discrimination to the claimant and asked whether the claimant
wished to continue to pursue the discrimination claim. The claimant confirmed
that he did wish to continue with it.

14. The Tribunal issued a judgment dated 24 October 2018 and sent to the parties
30 on 29 October 2018 in the following terms:

“The Judgment of the Employment Tribunal is that the claimant’s claims are dismissed.”

- 5 15. On 11 November 2018 Mr Turnbull wrote to the Tribunal making an application in terms of Rule 76 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the Tribunal Rules) for the expenses. The basis of the application was that the claims had no reasonable prospects of success and that the claimant had acted vexatiously, abusively disruptively or otherwise unreasonably in the bringing of the proceedings and the way the proceedings have been conducted.
- 10 16. The parties were told that the application had not been refused and would be considered at a hearing. They were invited to attend and make oral representations or written representations. The parties said that they wished to make written representations.
- 15 17. The expenses hearing was fixed for 21 January 2019. The parties were reminded on 19 December 2018 to send to the Tribunal their written representations with a copy to the other side 14 days before the expenses hearing.
- 20 18. On 3 January 2018 Mr Brown of Anderson Strathern confirmed that the respondent was relying on the written representation sent on 11 November 2018. The claimant responded by email sent on 7 January 2019.

Submissions

The Respondent

- 25 19. The respondent says that the claimant’s claims had no reasonable prospect of success which has been communicated to the claimant throughout the proceedings. Having heard the evidence, the lack of prospects of success was even more apparent. The judgment makes this clear.
20. In relation to the unfair dismissal claim, there is no denying that the claimant did do what caused his dismissal: lying. It was not *just* a reasonable belief that he lied on multiple occasions, he did lie. It was therefore perfectly legitimate

to dismiss the claimant for that lie and the claimant should not have brought the claim. The respondent considered that none of the claimant's assertions could have led to a finding of unfair dismissal. The decision was within the range of reasonable responses. The Judgment found this to be the case and further stated it "*was satisfied that the respondent had carried out a reasonable and proper procedure at each stage of the dismissal process, including the appeal stage.*"

21. Turning to the discrimination claim, the Tribunal concluded that it was presented out of time. The discriminatory act was on or around 11 May 2017. There was no continuing conduct. The claimant never alleged there was a continuing act. The claimant presented his claim to the Tribunal on 17 January 2018. The Tribunal concluded that it was not just and equitable to extend the time for the claimant to present his sex discrimination claim. The claimant never asserted it would be just and equitable.

22. If it was on time, the Tribunal did not uphold the sex discrimination claim. There was no finding of unfavourable treatment. The comparator made an application for Category C leave because it was a special occasion. The claimant did not make any request under Category C or suggest that his change of holiday request was for a special occasion. Ms Gilmour's was not in similar circumstances to the claimant and in any event her application to change holiday like the claimant's application was refused.

23. After all the evidence was heard and respondent's submissions made, the Employment Judge explained again how a discrimination claim worked and how it applied to these circumstances. The Employment Judge asked whether the claimant wished to continue with his claim. The claimant continued to pursue his claims and sought a determination on the matter. The respondent considers that this demonstrated that there was nothing that the respondent could have done or said to have prevented the claimant from pursuing these misconceived claims.

24. The respondent says that the claimant acted vexatiously, abusively, disruptively or otherwise unreasonably in the bringing of the proceedings and the way that the proceedings have been conducted.

5 25. The claimant acted in this way because he brought these proceedings in circumstances where the claims had no reasonable prospect of success. Multiple warnings were sent to him. Not only did the respondent warn, but it provided detailed information, and factual and legal explanation in response to points raised by the claimant. During the PH an employment judge had explained the law behind his claims to him and the potential consequences of
10 an expenses warning. The evidence during the final hearing was that the claimant was a member of a trade union, had been supported by the trade union during the disciplinary proceedings, and there was no reason for him not to have sought advice from them. The claimant confirmed to the respondent that he had taken advice and was still willing to pursue his claims.

15 26. The claimant therefore knew his claims had no reasonable prospect of success but continued regardless. It cannot be said that the claimant had a genuine sense of belief in his claims. His claims arose from a feeling that he had been treated harshly by his holiday being declined. The claimant's points had been responded to before the final hearing. The position had been
20 explained to him and he had taken his own advice.

27. It was clear from the fact that the claimant had caused his dismissal. It was always going to be the case that there would have been a 100% contributory conduct to reduce any award. There could not have been any expectation of recovering compensation. Not only was it unreasonable, but also vexatious
25 and abusive conduct to have brought the claim.

28. The claimant acted "vexatiously, abusively, disruptively or otherwise unreasonably" because during proceedings he said what he believed to be helpful to his position rather than what was in fact true. He was prepared to mislead the Tribunal. The judgment states that the Tribunal considered that
30 "the claimant was evasive and his evidence was confused. The Tribunal

agreed with the respondent's submission that the claimant tended to say what he believed to be helpful to his position rather than what was in fact true."

29. This is not just a case where the Tribunal has found the totality of the evidence from one side preferable to that from the other side. Although eloquently put, the Tribunal has essentially found that the claimant had lied in his evidence to the Tribunal. Those calculated, multiple and significant lies in his evidence has to, amount to vexatious, abusive, disruptive and unreasonable conduct that warrants a costs order.
30. The impact of the claimant's lies and confusing evidence was significant. The claimant only admitted to lying that he had been abroad while absent. He did not admit to any of the lies that the respondent believed he had made. Most importantly, he did not admit to the second main part of the allegation that led to his dismissal i.e. that he had intended to take time off in any event despite his requests to do so having been refused, regardless of whether he had a sore back or not. His position in evidence that he had planned to give his sister the ticket, simply did not add up in the circumstances. The claimant was only prepared to admit to wrongdoing or deviate from a stubborn position when, in his eyes, there was incontrovertible evidence to the contrary. Therefore, the claimant's untrue assertions formed a central part of his claims. If the facts were not so apparent, his lies and confusing evidence *may* have impacted on the fairness of the dismissal or the respondent subject to criticism in the judgment. Further evidence had to be led by the respondent to support the belief the respondent held, and additional cross examination had to be prepared and asked during the hearing when facts could easily have been agreed. It certainly required the Tribunal to balance the evidence it had heard and to make a determination, which otherwise if he had been telling the truth from the outset, would not have been necessary.
31. The respondent has been charged fees of £18,875 + VAT which are the expenses sought to be recovered and the expenses the respondent seeks to recover is therefore £18,875 plus VAT. No expenses are sought for the time required to prepare this application for expenses.

32. The respondent accepts that whether to make an award of expenses is a matter for the discretion of the Tribunal. The Tribunal was referred to: *Benyon and others v Scadden and others* [1999] IRLR 700; *Power v Panasonic* UKEAT/0439/04; *London Borough of Lewisham v Oko-Jaja* UKEAT/417/00; 5 *Daleside Nursing Home Ltd v Mathew* UKEAT/0519/08; *Kapoor v The Governing Body of Barnhill Community High School* UKEAT/0352/13; *HCA International Ltd v May-Bheemul* UKEAT/0477/10; *Dunedin Canmore Housing Association Ltd v Donaldson* UKEAT/0014/09 ; *Kovacs v Queen Mary and Westfield College and another* [2002] EWCA Civ 352; *Macpherson v BNP Paribas(London Branch)*[2004] IRLR 558; *Barnsley Metropolitan Borough Council v Yerrakalva* [2012] IRLR 78.

The Claimant

33. The claimant does not feel responsible for the respondent's expenses as he followed proper procedures in bringing the case to a tribunal. At certain times 15 through this case the respondent had asked an employment judge at different stages of the process, about an expense order, whether this was at preliminary hearing or in final submission before final hearing, also trying to have the case thrown out if no deposit of money was asked for, now on numerous occasions an employment judge, put it down and said that, they felt that it should go 20 forward to the next stage of the process.

34. Now as the respondent tries to make out that the claimant lied through the process is a blatant untrue and unfounded case. Showing the claimant's work record for 17 years with them and never having any disciplinary record the claimant believes it has been very nasty the way he was treated with being 25 dismissed. He tried showing through the whole process of certain favoritism in the work place at managers level, and also the way he has been threatened with legal costs from them through this whole process. The claimant admitted at the final hearing that he made a mistake in not being honest at work twice, but to be dismissed for that was just very bad working regulations. And to now 30 find out that the respondent has changed the whole holiday procedure now

because of what happened with the claimant. the respondent knew that their holiday procedure was flawed.

- 5 35. The Tribunal was asked to take into account that the claimant also had expenses for time off work and other expenses which would be around the £700; he is not asking for this to be repaid. All the claimant asks is that the Tribunal makes a no cost order and denies any cost order from the respondent.

The Law

- 10 36. Rule 74(1) of the Tribunal Rules states that expenses means fees, charges, disbursements or expenses incurred by or on behalf of the receiving party (including expenses that witnesses incur for the purpose of, or in connection with, attendance at a Tribunal hearing). The definition of “legally represented” at Rule 74(2)(b) includes an advocate or solicitor in Scotland.
- 15 37. Rule 75(1) states that an expenses order is an order that a party (“the paying party”) make a payment to (a) another party (“the receiving party”) in respect of the expenses that the receiving party has incurred while legally represented or while represented by a lay representative; (b) the receiving party in respect of a Tribunal fee paid by the receiving party; or (c) another party or a witness in respect of expenses incurred, or to be incurred, for the purpose of, or in connection with, an individual’s attendance as a witness at the Tribunal.
- 20 38. Rule 76(1)(a) states that a Tribunal may make an expenses order and shall consider whether to do so, where it considers that a party (or that party’s representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings (or part) or the way that the proceedings (or part) have been conducted. Under Rule 76(b) a Tribunal may also make such an order where the claim or response had no reasonable prospect of success. a party has been in breach of any order or practice direction or where a hearing has been postponed or adjourned on the application of a party.
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39. Under Rule 78(1)(a) states that an expenses order may order the paying party to pay the receiving party the whole or a specified amount, not exceeding £20,000 in respect of the expenses of the receiving party.

5 40. Rule 84 of the Tribunal Rules provides that in whether to make an expenses order, and if so in what amount, the Tribunal may have regard to the paying party's ability to pay.

Deliberations

10 41. The Tribunal referred to the Tribunals Rules and noted that it shall consider whether to make an expenses order if (a) party has acted vexatiously, abusively, disruptively or unreasonably in bringing the proceedings (or part) or the way that the proceedings (or part) have been conducted or (b) the claim had no reasonable prospect of success.

15 42. The Tribunal turned to consider the claimant's conduct. The respondent argued that part of that conduct included pursuing claims that had no prospects of success. The Tribunal therefore considered this first.

20 43. In relation to the unfair dismissal claim the Tribunal accepted that in the claim form the claimant said that he was dismissed for lying about his activities while being signed off by his GP for back problems. He also stated that he was employed for 16 years and had never received a warning. The Tribunal did not doubt that the claimant believed that he was treated unfairly. Even if the claimant contributed to his dismissal that would not in the Tribunal's view necessarily mean that there was no prospect of the unfair dismissal claim succeeding.

25 44. In the subsequent exchange of correspondence with Mr Turnbull the claimant referred to other employees who he said had been treated differently in relation to holiday requests and having lied to management. The claimant did not know who made various decisions and referred to inconsistency of treatment. The Tribunal did not consider that before hearing the evidence it could concluded that the unfair dismissal claim had no reasonable prospects of success.

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45. In relation to the sex discrimination claim, while on the claim form the claimant had ticked the box indicating he was bringing a sex discrimination claim no details were provided. He did provide additional information at the PH and subsequent correspondence about comparators.
- 5 46. Mr Turnbull responded to the claimant in correspondence which set out the circumstances in which the comparator was granted holidays. The claimant then referred another female comparator who like the claimant was not granted holidays and a male comparator who was.
47. The claimant, who was unrepresented said that he had taken advice and was proceeding with the claims. The Tribunal did not know from whom the claimant received advice but thought it was unlikely that the advice was given by someone with an understanding of direct discrimination. Mr Turnbull had explained the respondent considered that this claim had no reasonable prospects.
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- 15 48. The Tribunal appreciated that an employment judge had refused the respondent's application for strike out as the reason for the differential treatment required evidence and exploration at a hearing. The issue of time bar was reserved for the final hearing. The respondent led evidence first at the final hearing as there was an unfair dismissal claim. However, it was for the claimant to establish that on the face of the evidence that he was treated less favourably because he was a man. The Tribunal felt that after the claimant had an opportunity to ask Mr Earlie questions the claimant must have known that the sex discrimination claim had no reasonable prospects. The Tribunal was therefore surprised that that he insisted upon a determination of the issue.
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- 25 49. The Tribunal did not consider that the claimant pursued the sex discrimination claim out of spite to harass the respondent or for some other improper motive. Nor did the Tribunal consider that in insisting upon the sex discrimination claim the claimant was abusive or his conduct was disruptive.

50. The Tribunal considered that the nature, gravity and effect of the claimant's conduct not only in relation to the sex discrimination claim but his evidence at the final hearing.

5 51. The Tribunal considered that the claimant's view that he has been discriminated against on the grounds of his sex were misconceived. The claimant admitted that he had lied to Mr Earlie when he said that he was at home during sick leave when in fact he was abroad. Mr Scott also believed that the claimant had intended to take time off in any event despite his requests to do so having been refused, regardless of whether he had a sore back or not. The claimant denied this. He referred at the final hearing to planning to give his sister the plane ticket which had been bought earlier. When pressed about this the claimant was equivocal. This was an example to which the Tribunal referred in its Judgment, although there were others, as the basis upon which the Tribunal agreed that the claimant tended to say what he believed to helpful to his position rather than what was true.

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52. The Tribunal's overall conclusion was that there was unreasonable behaviour by the claimant in the way proceedings were conducted which had resulted in the respondent incurring time and expense investigating the factual background relating to employees who the claimant said were treated differently; leading additional evidence at the final hearing in relation to those employees and to an employee who the claimant said had lied but was treated differently by the respondent and additional cross examination had to be prepared and asked during the final hearing when facts could have been agreed.

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25 53. The Tribunal was satisfied that the claimant's conduct fell with Rule 76(1). The Tribunal then moved on to consider whether it was appropriate to exercise its discretion in favour of awarding expenses against the claimant.

54. The Tribunal took into account the following factors.

55. Expenses in tribunals are the exception rather than rule but that does not mean that a case must itself be exceptional for a tribunal to award expenses. The

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Tribunal however noted that the claimant's sex discrimination claim initially lack detail. When that detail was provided Mr Turnbull set out the facts and explained why he considered the claim had no prospect of success and encouraged the claimant to seek advice.

5 56. The claimant was unrepresented throughout the proceedings. However, he stated that he sought advice. The employment judges conducting the preliminary hearing and the final hearing sought to place the claimant on an equal footing and explained what the claimant required to prove and the potential consequences if the claimant was unsuccessful.

10 57. As regards nature of the evidence available to the claimant and the nature of the claim the claimant knew the name of his comparator. When he was provided with the respondent's explanation about the category of leave applied for the claimant was not in the position to challenge that. His response was to name other comparators who were inappropriate as one had been refused
15 leave (like the claimant) and the other was a man.

58. The evidence before the Tribunal was that the claimant had found alternative employment. There was no suggestion by him that he had an ability to pay expenses.

59. Having considered the above factors the Tribunal decided to make an
20 expenses order under Rule 76(1)(a).

60. The Tribunal then considered the amount of the expenses order. The Tribunal noted that an award of expenses is to compensate the party in whose favour the order is made and not to punish the paying party.

25 61. The respondent has been invoiced £18,875 plus VAT in respect of the entire proceedings. The respondent has not provided details about the hourly rate charged or what part of the fee relates to advice, preparation for and conduct of the final hearing. While the Tribunal again noted that the claimant was employed it had no information about his assets and liabilities other than there was no submission that he had an inability to pay expenses.

62. The Tribunal considered that unfair dismissal claim had some prospects of success and it was likely that it would have proceeded to a final hearing. It was not unreasonable the claimant to have raised the sex discrimination claim and for the respondent to provide the claimant with details holiday requests of his comparators. However on having received this information and certainly after hearing Mr Earlie's evidence time and expense could have been saved at the final hearing had the claimant listened to the directions that he had been given. The Tribunal therefore did not consider that it was appropriate to award the whole expenses incurred by the respondent.

63. The Tribunal concluded based on the information available that the claimant should pay the expenses of the respondent in the sum of three thousand pounds (£3,000).

Employment Judge: Shona MacLean
Date of Judgment: 28 January 2019
Entered in register: 29 January 2019
and copied to parties