



EMPLOYMENT TRIBUNALS

Claimant: Ms S Ghosh
Represented by: In person

Respondent: Innvotec Limited
Represented by: Mr J Marsden (Company Director)

Employment Judge: Mr N Deol

Preliminary Hearing held on 2 October 2019 at the London Central Employment Tribunal

JUDGMENT

1. The Respondent's application to have its response accepted out of time is accepted.
2. The claim for discrimination on the grounds of race/sex and equal pay are dismissed on withdrawal.

CASE MANAGEMENT ORDERS

3. The Claimant now pursues the following complaints:
 - (i) unfair dismissal – the Respondent argues that the Claimant's position was redundant and that it acted fairly in making the Claimant redundant.
 - (ii) unpaid wages for part of February 2019 - £4000
 - (iii) unpaid notice pay – 3 months - £16,500
 - (iv) claim for holiday pay – accrued between June 2018 to 31 May 2019 (28 days)
 - (v) breach of contract in relation to unpaid employer's pension contributions – 7% p.a.
 - (vi) breach of contract based on a verbal contract reached on 16 Nov 2019 – 15% of annual pay. The Respondent argues that conditions apply to this payment such that it is not due.

The Respondent resists claims (i), (iv) and (vi) and these matters will progress to a full hearing. The Respondent is likely to concede liability in respect of (ii), (iii) and (v) and will take steps to make these payments so that these claims are not live before that full hearing.

6. A full-merits hearing on the issues of liability and remedy has been listed for the **6 December 2019** at London Central Regional Office of the Employment Tribunals, Victory House, 30-34 Kingsway, London, WC2B 6EX before an Employment Judge sitting alone. The parties must ensure that they arrive by 9.15 on the first day of a full hearing so that they are through security by 9.30. The party preparing the bundles must then immediately deliver them direct to the hearing room so that they are in place by 9.30 at the latest.
7. The directions agreed between the parties are set out in **Schedule A** below.

Employment Judge DEOL

Date 15th Oct 2019

ORDER SENT TO THE PARTIES ON

16/10/2019

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FOR THE TRIBUNAL OFFICE

SCHEDULE A
(Agreed Directions)

Schedule of Loss

1. No later than **16 October 2019** the Claimant shall supply to the Respondent a Schedule of Loss, that is a document setting out against each and every claim for monetary compensation the amount properly claimed for such claim. The amount claimed shall be shown in a money column and, if a calculation has been made to arrive at the amount, then the calculation shall also be shown.

Disclosure of Documents

2. The parties to send each other a list of any documents that they wish to refer to at the Hearing or which are relevant to the case a copy of these documents by **16 October 2019**.

Trial Bundle of Documents

3. On or before **23 October 2019** the Respondent shall finalise a consolidated bundle of copy documents with copies for the Tribunal hearing.
4. The bundle shall contain a copy of each document both parties intend to use at the Tribunal hearing, together with a list of contents, with each page numbered, avoiding duplication and be so bound or otherwise held together, so as to open flat.
5. No later than **28 October 2019** the Respondent shall supply one copy of the bundle to the Claimant.
6. The Respondent shall bring four identical bundles of the copy documents to the Tribunal hearing, the costs of which are to be shared equally between the parties.

Witness Statements

7. The Claimant and the Respondent shall prepare full written witness statements of the evidence that they and their witnesses intend to give at the hearing. No additional witness evidence may be allowed at the hearing without permission of the Employment Tribunal. The witness statements shall have numbered paragraphs and the Claimant and the Respondent shall exchange these statements by **15 November 2019** at the latest.
8. Each party shall ensure that there are four copies of each statement of their own witnesses available at the tribunal hearing not contained in a bundle of documents.

Electronic documents

9. The Respondent is to email a copy of the bundle, the witness statements, or a link to a site from which they can be downloaded, to the London Central Bundles inbox (londoncentralbundlesinbox@justice.gov.uk) the day before the hearing.

IMPORTANT NOTES:

- (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.
- (2) Under rule 6, if this Order 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 rules 74-84.
- (3) You may apply under rule 29 for this Order to be varied, suspended or set aside.
- (4) Reasons having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.