



THE EMPLOYMENT TRIBUNALS

Claimant
Mr S Semple

Respondent
Kier Group plc (R1)
Kier Construction Ltd (R2)

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

MADE AT NORTH SHIELDS

ON 19 August 2019

EMPLOYMENT JUDGE GARNON

JUDGMENT (Liability Only) **Employment Tribunals Rules of Procedure 2013 –Rule 21**

The claim of contravention of section 21 of the Equality Act 2010 is well founded. Directions for the listing of a remedy hearing on that claim, and for the hearing of any remaining claims, will be given at the preliminary hearing already listed for 13 September 2019

REASONS

1. The claim was served on 19 July 2019 on the registered office address of both respondents. A response was due by 16 August but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if so, obliged to issue a judgment which may determine liability only or liability and remedy.

2. I have in the claim form sufficient to enable me to find the claim of failure to make reasonable adjustments proved on a balance of probability against both respondents but insufficient to decide remedy. I also note other claims in the claim form on which I believe no determination can be made. I am surprised no response has been entered. Explanations by respondents for not responding in time vary from obviously good to arguable to obviously bad. The respondent may submit an application for reconsideration and a draft response within 14 days of the date upon which this judgment is sent to the parties.

3. As there are many aspects of the claim which need clarification, I believe it will save time to leave the existing case management hearing in the lists.

TM Garnon Employment Judge

Date signed 19 August 2019