



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr O Okanlawon

**Respondent:** Optimum Group Services Limited

**Heard at:** Reading **On: 19 February 2020**

**Before:** Employment Judge Gumbiti-Zimuto

**Appearances**  
**For the Claimant:** Not attending and not represented  
**For the Respondent:** Mr J Ellison (Consultant)

## JUDGMENT

The claim is dismissed.

## REASONS

1.The claim was listed for a preliminary hearing to consider whether the claimant's employment transferred to the respondent in December 2017 pursuant to regulation 4 of the Transfer of Undertakings (Protection of Employment) Regulations 2006. If the claimant's employment did not transfer, there is no claim that he can make against the respondent. If the claimant did transfer and issue arises as to whether the claimant's claim of direct race discrimination has been presented in the time for the presentation of complaints in section 123 Equality Act 2010.

2.The respondent has explained its position in the response as being that the claimant was not an employee or worker of the respondent and he was no an individual protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006.

3.The claimant's case requires the claimant to give evidence in support of his case if it is to have any prospect of succeeding.

4.Rule 47 of the Employment Tribunals Rules of Procedure 2013 provides that: "If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before

doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.”

5.The claimant was sent notice of today’s hearing on the 2 November 2020. The notice was sent by email to the claimant at the email address he had been using to communicate with the Tribunal office. The Tribunal staff had attempted to contact the claimant on the 18 February 2020 to confirm his attendance at the hearing today there was no response from the claimant. The claim was listed for hearing at 10am. The claimant did not attend. The claimant made no contact with the Tribunal explaining his absence.

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Employment Judge Gumbiti-Zimuto  
Date: 19 February 2020

Sent to the parties on: .....

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For the Tribunals Office

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