



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr MO Al Awad

**Respondents:** 1. Embassy of the Kingdom of Bahrain  
2. Close Circuit Security Organisation Ltd

## JUDGMENT

1. The Second Respondent's response is struck out.
2. The Claimant's complaint of unfair dismissal against the Second Respondent succeeds.
3. The Claimant's complaint of failure to inform and consult under Regulation 13 TUPE Regulations 2006 succeeds against the Second Respondent.
4. A Remedy Hearing will be listed to determine remedy in these complaints against the Second Respondent.

## REASONS

1. By a strike out warning sent on **6 February 2019** the Tribunal gave the second respondent an opportunity to make representations or to request a hearing, as to why the second respondent's response should not be struck out because

- the manner in which the proceedings have been conducted by or on behalf of the claimant has been scandalous, unreasonable or vexatious;
- the second respondent had not complied with the Order of the Tribunal dated 10 January 2019.
- it has not been actively pursued.

2. The second respondent has failed to make representations in writing, or has failed to make any sufficient representations, why this should not be done or to request a hearing. The second respondent's response is therefore struck out.

3. By a Judgment promulgated on 6 February 2019 EJ Wade decided that there was a relevant transfer of a service provision from the first to the second respondents on 1 May 2013 as defined by *reg 3 TUPE Regulations 2006* and that the claimant was assigned to the organized grouping of employees that was subject to the relevant transfer under *regulations 4(1) &(3) TUPE Regulations 2006*. EJ Wade also decided, therefore, that the Claimant's claim against the second respondent that he was automatically unfairly dismissed could proceed to a hearing. EJ Wade decided that the Claimant's claim that there was a failure to inform and consult could also proceed to a hearing.

4. Seeing that the second respondent had not participated in the proceedings for a very long time, EJ Wade sent a strike out warning to the second respondent on 6 February 2019, instead of listing a hearing. Pursuant to the strike out warning, and the second Respondent's failure to reply to it, judgment is now entered against the second Respondent in the Claimant's unfair dismissal and failure to inform and consult claims.

5. A remedy hearing will be listed to determine remedy in these complaints against the second respondent. It will be before a Judge Sitting Alone, pursuant to *s4(3)(g) Employment Tribunals Act 1996*. The second respondent will be entitled to notice of any hearings and decisions of the Tribunal but will only be entitled to participate in any hearing to the extent permitted by the Employment Judge.

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Employment Judge **Brown**  
**9<sup>th</sup> March 2020**

JUDGMENT SENT TO THE PARTIES ON  
10/03/2020

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FOR THE TRIBUNAL OFFICE