



## EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**v**

**Ms Uaamnuichai**

**Intellimorph Ltd**

## TELEPHONE PRELIMINARY HEARING

**Heard at: London South Employment Tribunal**

**On: 27 March 2020**

**Before: EJ Webster**

### **Appearances**

**For the Claimant:**

**Mr M Stokes (Solicitor)**

**For the Respondent:**

**Mr E Kemp (Counsel)**

## JUDGMENT

1. The Respondent's application for the ET3 to be accepted 'out of time' was allowed.

## CASE MANAGEMENT SUMMARY

### **Listing the hearing**

1. After all the matters set out below had been discussed, we agreed that the hearing in this claim would be completed within 3 days. It has been listed London South Employment Tribunal, to start at 10am or so soon thereafter as possible on **8 February 2021**.

### **The complaints**

2. By a claim form presented on 9 August 2019, the claimant brought complaints of sex discrimination. The respondent defended the claims in an ET3 submitted on 23 January 2020. In essence they arise out of the claimant's dismissal and her treatment by her colleagues in the lead up to her dismissal.

3. It has been clarified for today's hearing that the claimant is asserting that she is a worker and does not seek to assert that she is either an employee or a partner.

**The issues**

4. Both parties were represented at the hearing and had worked together to significantly narrow the decisions that had to be made at today's preliminary hearing for which I was very grateful.
5. They confirmed that it was agreed that the List of Issues would be agreed following the hearing and that the claimant's sole claim was regarding sex discrimination.
6. I made the following case management orders by consent.

**ORDERS**

**Made pursuant to the Employment Tribunal Rules 2013**

**1. Response**

- 1.1 The Respondent's response sent on 23 January 2020 is accepted as the respondent's defence to the claimant's claims.

**2. List of Issues**

- 2.1 The Claimant is to prepare a Draft List of Issues to be sent to the Respondent on or before **14 April 2020**.
- 2.2 The Respondent is to send any amendments to the Claimant on or before **28 April 2020**.
- 2.3 The agreed List of Issues is to be sent to the Tribunal on or before **5 May 2020**.

**3. Disclosure of documents**

- 3.1 The parties are ordered to give mutual disclosure of documents relevant to the issues identified above by list and copy documents so as to arrive on or before **11 September 2020**. This includes, from the claimant, documents relevant to all aspects of any remedy sought.
- 3.2 Documents relevant to remedy include evidence of all attempts to find alternative employment: for example a job centre record, all adverts applied to, all correspondence in writing or by e-mail with agencies or prospective employers, evidence of all attempts to set up in self-employment, all pay slips from work secured since the dismissal, the terms and conditions of any new employment.
- 3.3 The parties shall comply with the date for disclosure given above, but if despite their best attempts, further documents come to light (or are created) after that date, then those documents shall be disclosed as soon as practicable in accordance with the duty of continuing disclosure.

#### 4. Statement of remedy/schedule of loss

- 4.1 The claimant is ordered to provide to the respondent and to the Tribunal, so as to arrive on or before **21 April 2020** a properly itemised statement of the remedy sought (also called a schedule of loss).
- 4.2 The claimant is ordered to include information relevant to the receipt of any state benefits.

#### 5. Bundle/File of documents

- 5.1 It is ordered that the respondent has primary responsibility for the creation of the single joint bundle of documents required for the Hearing.
- 5.2 The respondent is ordered to provide to the claimant a full, indexed, page numbered bundle to arrive on or before **12 October 2020**
- 5.3 The respondent is ordered to bring sufficient copies (at least five) to the Tribunal for use at the hearing, by 9.30 am on the morning of the hearing.

#### 6. Witness statements

- 6.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.
- 6.2 The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the Tribunal, relevant to the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material.
- 6.3 The facts must be set out in numbered paragraphs on numbered pages, in chronological order.
- 6.4 If a witness intends to refer to a document, the page number in the bundle must be set out by the reference.
- 6.5** It is ordered that witness statements are exchanged so as to arrive on or before **11 January 2021**.

#### 7. Other matters

- 7.1 The claimant is ordered to prepare a short, neutral chronology for use at the hearing.
- 7.2 The respondent is ordered to prepare a cast list for use at the hearing.
- 7.3 These documents should be sent to the other party on or before **18 January 2021** and then agreed if possible and brought to the final hearing.

**CONSEQUENCES OF NON-COMPLIANCE**

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Webster

Date: 27 March 2020