



EMPLOYMENT TRIBUNALS

Claimant: Mrs KL Wright

Respondent: Pollywiggie Day Nursery Limited

JUDGMENT

The complaints of unfair dismissal, unpaid holiday pay and unpaid wages are struck out. The remaining complaint of a failure to provide a statement of employment particulars (section 38 Employment Act 2002) is to proceed to a hearing and is not affected by this judgment.

REASONS

1. By an order dated 1st June 2020 the claimant was ordered to provide disclosure of documents by 25 June 2020 having already failed to comply with the order made for disclosure of documents by 4 March 2020.
2. At the request of the claimant's solicitor, the order dated 1 June 2020 allowed extra time to ensure compliance. The claimant did not comply with the order made for disclosure despite the extra time and the continuing failure from 4 March 2020.
3. On 25 June 2020, an unless order was made requiring the claimant to comply with the disclosure order by 1st July 2020 to avoid the complaints of unfair dismissal, unpaid holiday pay and unpaid wages from being dismissed.
4. The claimant has not complied with the order as at 1 July 2020 or as at the date this judgment was made. The claimant has not made any representations as to why the complaints of unfair dismissal, unpaid holiday pay and wages should not be struck out. Those complaints are therefore struck out in accordance with rule 38 (1) of the Rules of Procedure (2013).
5. The claimant's remaining complaint of a 'failure to provide a statement of employment particulars' (section 38 Employment Act 2002) is not affected by this judgment and will be proceed to the hearing listed on 19 October 2020, with a reduced time estimate of 3 hours. The hearing dates of 20 and 21 October 2020 are vacated.

Employment Judge Rogerson

14 July 2020

JUDGMENT SENT TO THE PARTIES ON

15 July 2020