



## THE EMPLOYMENT TRIBUNALS

**Claimant**  
**Mr Robin Lowrie**  
**Mr Steven Cannell**  
**Mr Brian Pearson**

**Respondent**  
**Jay Rawlings**

### JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**MADE AT NEWCASTLE**  
**EMPLOYMENT JUDGE GARNON**

**ON 4 AUGUST 2020**

#### JUDGMENT

**The claims are struck out in whole**

#### REASONS

1. The claims of unlawful deduction of wages were presented on one claim form on 12 September 2019. It was clear from the text the claimants had not been paid for a week's work in "security" by a company which they said had gone into liquidation. The service papers were returned undelivered by Royal Mail. Employment Judge Speker caused a letter to be sent to the claimants asking if their claim was against Jay Rawlings personally or a limited company. Often unrepresented litigants do not understand these concepts. In such circumstances Employment Judges explain matters in layman's terms. I did so on 19 November when I caused to be sent to the parties a written order explaining the difference and requiring the claimants to inform the Tribunal whether they wished to amend their claims.

2. A claim presented shortly before these named two respondents – Jay Rawlings and Executive Protection Group –(EPG) Ltd. A Companies House website showed a company of that name having a registered office at the address given for Jay Rawlings and a Mr Jamie Rawlings as its sole director. The claims also lacked details of the wages claimed. Neither the orders I made nor any letters sent by the Tribunal, including a formal strike out warning have been answered.

**Case Numbers 2502687/19, 2502688/19 and 2502689/19**

3. Rule 2 of the Employment Tribunal Rules of Procedure 2013 (the Rules) provides their overriding objective is to enable Employment Tribunals to deal with cases fairly and justly. which includes, in so far as practicable –

*(a) ensuring the parties are on an equal footing*

*(b) dealing with a case in ways which are in proportionate to the complexity or importance of the issues*

*(c) avoiding unnecessary formality and seeking flexibility in the proceedings*

*(d) avoiding delay , so far as compatible with proper consideration of the issues*

*(e) saving expense*

*A Tribunal or Employment Judge shall seek to give the effect to the overriding objective in interpreting, or exercising any power given to it by the Rules The parties and their representatives shall assist the Tribunal to further the overriding objective and in particular shall co-operate generally with each other and with the Tribunal*

4. Rule 37 includes

*(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—*

*(c) for non-compliance with any of these Rules or with an order of the Tribunal;*

*(d) that it has not been actively pursued;*

*(2) A claim or response may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.*

5. I cannot overstate the problems caused to Employment Tribunals and other litigants when parties, through failure to comply with orders or answer letters which are meant to help them present their claims, just fail to reply. A company search today shows Executive Protection Group –(EPG) Ltd is under a suspended proposal to strike it off the register. It may be the claimants have given up hope of being paid, but their failure actively to pursue their claims and failure to comply with orders leaves me no option but to strike out their claims in whole.

**Employment Judge T.M. Garnon**

**Judgment authorised by the Employment Judge on 4 August 2020**