



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT
Mr L Bakare

V

RESPONDENT
G4S Secure Solutions (UK) Ltd

PRELIMINARY HEARING BY CVP 17 March 2021

Before: Employment Judge Martin

Appearances:

For the Claimant: In person

For the Respondent: Mrs Parmentia - Solicitor

1. The following is a note of what was discussed with the parties at the above preliminary hearing, together with the orders and directions made following those discussions. You should read this note carefully, including the orders, as it contains important information about the preparation of this case. Both parties are reminded that they are under a duty to cooperate fully with each other in the efficient and timely preparation of this case to ensure that it is ready for hearing on the allocated hearing date.

PRELIMINARY HEARING

2. The details of the preliminary hearing in this case is as follows:

Date(s) of hearing: 21 May 2021

Hearing centre: London South Employment Tribunal

Address: Montague Court, 101 London Road, Croydon,
CR0 2RF or by CVP

Duration: 2 hours

Tribunal: Employment Judge alone

3. The hearing will start at **2 pm** or as soon as possible afterwards depending on other cases that may be in the list. The parties are expected to arrive at the venue by no later than 9.30am if there hearing is held in person.
4. The hearing will consider the legal and factual issues to be resolved at the final hearing, listing the final hearing and directions such as disclosure of documents, bundles and witness statements for the final hearing.

Summary of discussion

5. This hearing was listed to consider whether the Claimant's claims were brought in time and whether to strike them out as having no reasonable prospect of success. I had before me a bundle of documents which included witness statements from the Claimant. I also had a skeleton argument provided by the Respondent which I read. After discussing the claim with the Claimant it is clear that the Claimant is alleging that since about 2016 he has been paid £1 less per hour and he says this is because of his race. He is alleging a continuing course of conduct and because of this the question of time can only be determined by hearing the evidence and establishing whether there was a continuing course of conduct. Similarly with the Claimant's claim for unpaid wages he is alleging a series of deductions and the same principles apply. Consequently it was not appropriate for me to consider striking out the claims on this basis.
6. I did however, strike out the Claimant's claim for holiday pay as he was employed by the Respondent when he presented his claim. This aspect of his claim therefore has no reasonable prospect of success. The Claimant considers himself currently to be employed by the Respondent whereas the Respondent considers the Claimant was dismissed in November 2020. On the Claimant's case, as he says he is still employed he still has no claim for holiday pay. I have therefore struck this part of his claim out by way of a separate judgment.
7. During discussion the Claimant said he relied on two comparators namely Ivan (he did not know the surname) and Luke Ahmed both of whom he says were employed on the same type of contract, were doing similar work but paid £1 more than him. The Respondent accepts that it paid the Claimant £1 per hour less.

Sources of information for and support

8. As the Claimant is not legally represented, I take this opportunity to provide links to further information that may be of assistance:
 - a. At this link www.gov.uk/courts-tribunals/employment-tribunal there is a copy of the Tribunal rules of procedure.
 - b. At this link <https://judiciary.gov.uk/wp-content/uploads/2013/08/presidential-guidance-general-case->

[management-20180122.pdf](#) there is guidance on managing cases generally, including preparing for a hearing, disclosure of documents in preparing and exchanging witness statements.

9. The Tribunal has produced a leaflet setting out further information on sources of advice and support. Further copies are available on request

Online publications

10. The tribunal is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgements and reasons since February 2017 are available at www.gov.uk/employment-tribunal-decisions
11. The tribunal has no power to refuse to place a judgement or reasons on the online register or to remove the judgement or reasons on once they have been placed there. If a party considers that a judgement or reason should be anonymised in any way prior to publication, they need to apply to the tribunal for an order to that effect under Rule 50. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by an Employment Judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted.

ORDERS AND DIRECTIONS

Summary

12. The following is a summary of the orders and directions given to the parties so that they can prepare for the final hearing. The parties should also read the additional information below relating to these directions.

	Direction	By when
a.	The Respondent is permitted to amend its response as a result of the further particulars provided by the Claimant at today's hearing. These should be sent to the Claimant and the tribunal.	No later than 7 April 2021

CONSEQUENCES OF NON-COMPLIANCE

Any person who without reasonable excuse fails to comply with a tribunal Order for the disclosure of documents commits a criminal offence and is liable, if convicted in the Magistrates Court, to a fine of up to £1,000.00.

If any of the above orders is not complied with, the tribunal may take such action as it considers just which may include: (a) waiving or varying the

requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84. The tribunal may also make an "Unless Order" providing that unless an order 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.

Employment Judge Martin
17 March 2021

