



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Saunders

Respondent: H Bauer Publishing Limited

RECORD of a PRELIMINARY HEARING

Heard at: Cambridge (by CVP)

On: 29 April 2021

Before: Employment Judge Ord (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Mr Williams, Solicitor

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform (V). A face to face hearing was not held because it was not practicable during the current pandemic and all issues could be determined in a remote hearing on the papers.

JUDGMENT on RECONSIDERATION

- (1) The Judgment Hearing as dated 15 February 2021 is set aside.
- (2) The time for submitting a Response is extended to 29 April 2021 and the draft Response submitted by the Respondent is accepted as the Respondent's Response in this case.

REASONS

- (3) Based on the written submissions made on the part of the Respondent having listened to oral submissions from both the Claimant and the Respondent, I am not satisfied that the original claim form came to the attention of the Respondent.

- (4) In any event, the Respondent has submitted a draft Response to the claim which demonstrates a potential defence to the Claimant’s complaints which has a reasonable prospect of success.

- (5) The Respondent says it was not aware of the proceedings until 1 March 2021 and the Judgment on the merits of the case (in default of a Response) was received by them. Promptly on 8 March 2021, the Respondent’s Solicitors made contact with the Tribunal to identify that they were not aware of the case and confirming that the Claimant had issued proceedings against the wrong Respondent, Bauer Consumer Media Limited. The Claimant’s employer was H Bauer Publishing Limited.

- (6) I am satisfied that the Respondent has a triable defence to the Claimant’s complaints and thus even if the papers had been validly received by them on issue, I would have been minded to set the Judgment aside on the basis that the Claimant would otherwise secure a ‘success’ and the balance of prejudice clearly lies in favour of allowing the case to be discerned on its merits.

13 May 2021

Employment Judge Ord

Sent to the parties on:
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For the Tribunal:
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