



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4108644/2015

Held by Cloud Video Platform (CVP) on 14 April 2021

Employment Judge: Robert Gall

Mr I Carnevale

Claimant

Veolia Water Outsourcing Limited

Respondents

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The Judgment of the Tribunal is that
 - (A) the application by the respondents for strike out of the claim, made on the basis of Rule 37 (1) (d) is granted in relation to the claim brought by Mr Mitchell. That claim is struck out.
 - (B) the application by the respondents for strike out of the claim, made on the basis of Rule 37 (1) (d) is refused in relation to the claims brought by Mr Carnevale and Mr Grant.

UNLESS ORDERS

2. The following Orders are made in relation to the claims brought by Mr Carnevale and Mr Grant:-
 - A. By 22 June 2021 Mr Carnevale and Mr Grant will specify the dates of leave taken by them since commencement of their employment in respect of which they allege that there has been an unlawful deduction by underpayment of holiday pay. They will also specify when they say that each such underpayment occurred.
 - B. By 22 June 2021 Mr Carnevale and Mr Grant will specify the amount of the unlawful deductions they say occurred on each of those occasions of alleged underpayment.
 - C. **In the event that either of the Claimants cannot comply with one or more of the Orders at paragraphs 2 (A) or 2 (B) above or elements thereof, that Claimant shall provide an explanation as to why that is the case with respect to each paragraph where compliance is said not to be possible and will also detail the steps he has taken to attempt to comply with any such Order(s). Any such information in terms of this paragraph will be provided by 22 June 2021.**
 - D. **UNLESS PARAGRAPHS 2 (A), 2 (B) OR 2 (C) OF THESE ORDERS (AS APPROPRIATE) ARE COMPLIED WITH BY 22 JUNE 2021 THE CLAIM OF ANY NON-COMPLIANT CLAIMANT SHALL BE DISMISSED ON THE DATE OF NON-COMPLIANCE WITHOUT FURTHER ORDER.**

Employment Judge: Robert Gall
Date of Judgment: 20 April 2021
Date sent to parties: 30 April 2021