



# **EMPLOYMENT TRIBUNALS**

**Claimant: Ms C Glass**

**Respondents: R1) Plastic Omnium Automotive Ltd  
R2) Extra Personnel Limited**

**Heard at: Nottingham On: No hearing – on the papers**

**Before: Employment Judge Hutchinson (sitting alone)**

## **JUDGMENT**

1. The claims are struck out.

## **REASONS**

1. The Claimant presented her claim to the Tribunal on 13 August 2021. She had been employed by the 2<sup>nd</sup> Respondent as a Production Worker at the 1<sup>st</sup> Respondent's premises. She had been employed from 26 October 2020 to 21 April 2021.
2. She claimed sex discrimination and breach of contract.
3. The claim was submitted by her Solicitor, Mr James Byrne of BCM Law LLP.
4. The matter was listed for final hearing commencing 22 May 2023 and the case listed for an Open Preliminary Hearing on 14 January 2022 at 11.30am. Notification was sent to the Claimant's Solicitors on 20 August 2021.
5. Mr Byrne had filed a draft agenda and a schedule of loss but said to the Tribunal that he would not be representing the Claimant at the hearing although she had been told what was required.
6. Mr Pettifer, Solicitor for the 2<sup>nd</sup> Respondent had written to the Claimant on 12 January 2022 reminding her of the hearing and asking her to be ready for it.
7. The Case Management Hearing was due to take place at 11.30am. The

representatives of the Respondents attended that hearing, but the Claimant did not join the call. I put the case back by 30 minutes and the staff at the Employment Tribunal tried to contact the Claimant but without any success. No indication had been given prior to the hearing that she would not be joining it. It was not possible to make any progress in the case without her input.

8. I sent an Unless Order to the Claimant on 27 January 2022. The strike out warning says;

*“Unless within 14 days of the date that this order is sent to the parties the Claimant provides a satisfactory explanation for her failure to join the Telephone Preliminary Hearing held today her claim shall be struck out in its entirety without further warning or notice on the grounds that it is not being actively pursued”.*

9. The Claimant responded immediately saying simply this;

*“I really do apologise I was working”.*

10. In my strike out warning to the Claimant I said that the Claimant needed to provide a satisfactory explanation for her failure to join the hearing. Simply saying what she has said is not a satisfactory explanation.

11. The two Respondents were both represented by legal counsel and had both been put to considerable inconvenience not to mention cost in attending the hearing. It is not enough for the Claimant to simply say that she apologised but that she was working. That is not a satisfactory explanation.

12. Rule 38 of the Employment Tribunals (Constitution of Rules of Procedure) Regulations 2013 gives me power to strike out a claim if I am satisfied that; “(d) that it has not been actively pursued”.

13. I am satisfied that the Claimant’s non-attendance at the hearing without any satisfactory explanation means that she is not actively pursuing her claim.

14. The claim is hereby struck out and the hearing date fixed for 22 May 2023 will not take place.

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Employment Judge Hutchinson  
Date: 3 February 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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