



EMPLOYMENT TRIBUNALS

Claimant: Mr S Watson

Respondent: Gravity Media UK Limited

Heard: Reading (by video) **On:** 14 March 2022

Before: Employment Judge Hawksworth (sitting alone)

Appearances

For the Claimant: No attendance or representation

For the Respondent: Mr K Wilson (counsel)

JUDGMENT

The claim has not been actively pursued and is struck out under rule 37(1)(d) of the Employment Tribunal Rules of Procedure 2013.

REASONS

1. On 28 August 2021 the tribunal wrote to Mr Watson and Gravity Media UK Limited ('Gravity') to say that a preliminary hearing would take place by video today, 14 March 2022 at 10.00am. Mr Watson has not attended the hearing today. He did not contact to the tribunal to explain why he would not be attending, or to ask for the hearing date to be changed. The tribunal administration tried to call Mr Watson twice this morning but he did not answer or call back. I waited until 10.30am before starting the hearing, but Mr Watson did not join.
2. The last time Gravity's solicitors heard from Mr Watson was 2 November 2021, when he replied to a request for further information about his claim. He ended that email saying that he had 'nothing more to say on the subject' and Gravity's representative said to me today that they understood this to mean that he did not intend to pursue his claim.
3. Gravity's solicitors wrote to Mr Watson about the claim and the hearing four times after Mr Watson said that. They sent emails to Mr Watson on 15 November 2021, 22 December 2021, 1 March 2022 and 10 March 2022. Mr Watson did not reply or acknowledge receipt of those emails. In their emailed letter of 22 December 2021, Gravity's solicitors said the claim should be struck out (which means not allowed to continue) because Mr

Watson had not given enough details about his claim and also because they said the claim had no reasonable chance of succeeding.

4. At the hearing today, Gravity’s representative asked me to decide that the claim should be struck out for not being actively pursued.
5. I considered this very carefully. The overriding objective of the tribunal is to deal with cases fairly and justly. This includes ensuring, so far as is practicable, that the parties are on an equal footing. I took into account in particular, that Mr Watson does not have a lawyer or another representative. One way in which the tribunal ensures that claimants like Mr Watson are on an equal footing is to explain the legal principles at a preliminary hearing, to assist them to clarify their claim and to understand the legal labels which attach to their claim. That helps the tribunal and the parties understand what the claim is about. It also helps the tribunal to decide what steps should be taken next to progress the claim. As Mr Watson did not attend today, there was no opportunity for me to discuss his claim with him, to obtain more details of his claim and to understand what his claim is about. It was not possible to move the claim forward today without doing that.
6. I thought about whether another hearing should be arranged to discuss the claim and to consider the respondent’s request in its 22 December letter that the claim should not be allowed to continue. The overriding objective also includes avoiding delay and saving expense (for both parties and the tribunal). Another hearing would lead to delay and additional expense. I decided that in light of Mr Watson’s comment that he has nothing more to say, his lack of communication about the hearing today and his failure to attend today, it seems that he has decided not to continue with his claim. If that is right, arranging another hearing would only lead to delay in resolving things, and more expense. For this reason I decided that the claim should be struck out for not being actively pursued.
7. However, if Mr Watson does wish to continue his claim and if he has a good reason for not attending the hearing today, he may ask me to reconsider my decision. He can do that by writing to the tribunal and the respondent to explain his reason for not attending. He must do so within 14 days of the date on which this judgment was sent to the parties.

Employment Judge Hawksworth

14 March 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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