



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Amir Zaka

**Respondent:** Hitachi Capital (UK) Plc

**Heard at:** Reading **On: 12 August 2022**

**Before:** Employment Judge Gumbiti-Zimuto

**Appearances**

**For the Claimant:** In person

**For the Respondent:** Mr J Davies, counsel

## JUDGMENT

1. Upon the preliminary hearing considering the question whether at the relevant time the claimant a disabled person was, it is adjudged that the claimant was not disabled within the meaning of section 6 Equality Act 2010.
2. The claimant's complaints of unfair dismissal and disability discrimination are stuck on the grounds that the claims have no reasonable prospect of success.
3. The final hearing of the claim listed to take place on 17-19 July 2023 is vacated.
4. Upon discussing the claims that remain outstanding with the parties and upon clarifying that the claimant is not making complaints of harassment or victimisation within the meaning of the Equality 2010 and it being determined that the remaining claims relate to claims for money arising out of the claimant's final pay which has been withheld by the respondent.
5. There shall take place a final hearing upon the claimant money claims for breach of contract and unpaid wages with a time allocation of 1 day.
6. The final hearing will take place at Reading Employment Tribunal, 30/31 Friar Street, Reading RG1 1DX on the **12 January 2023**. The case will be heard by an Employment Judge. The hearing will start at 10.00 am. You must arrive by 9.30 am.

7. Sometimes hearings start late, are moved to a different address or are cancelled at short notice. You will be told if this happens.

## File of documents

8. By **15 September 2022**, the claimant and the respondent must agree which documents are going to be used at the hearing.
9. The respondent must prepare a file of those documents with an index and page numbers. They must send a hard copy to the claimant by **22 September 2022**.
10. The file should contain:
  - a. The claim and response forms, any changes or additions to them, and any relevant tribunal orders. Put these at the front of the file.
  - b. Other documents or parts of documents that are going to be used at the hearing. Put these in date order.
11. The claimant and the respondent must both bring a copy of the file to the hearing for their own use.
12. The respondent must bring two more copies of the file to the hearing for the Tribunal to use by 9.30 am on the first morning.

## Witness statements

13. The claimant and the respondent must prepare witness statements for use at the hearing. Everybody who is going to be a witness at the hearing, including the claimant, needs a witness statement.
14. A witness statement is a document containing everything relevant the witness can tell the Tribunal. Witnesses will not be allowed to add to their statements unless the Tribunal agrees.
15. Witness statements should be typed if possible. They must have paragraph numbers and page numbers. They must set out events, usually in the order they happened. They must also include any evidence about financial losses and any other remedy the claimant is asking for. If the witness statement refers to a document in the file it should give the page number.
16. At the hearing, the Tribunal will read the witness statements. Witnesses may be asked questions about their statements by the other side and the Tribunal.
17. The claimant and the respondent must send each other copies of all their witness statements by **13 October 2022**.

18. The claimant and the respondent must both bring copies of all the witness statements to the hearing for their own use.
19. The respondent must bring two more copies of the witness statements to the hearing for the Tribunal to use by 9.30 am on the first morning.

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Employment Judge Gumbiti-Zimuto

Date: 15 August 2022

Sent to the parties on: 1/9/2022

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For the Tribunals Office

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions:**

All judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.