



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr F Laghari

v

CSS Limited

Heard at: Watford, by telephone

On: 24 June 2022

Before: Employment Judge Hyams, sitting alone

Appearances:

For the claimant: Not present or represented

For the respondent: Mr P Croker, solicitor

JUDGMENT

The claimant's claims made in these proceedings are dismissed.

REASONS

- 1 In these proceedings, the claimant claimed (by ticking the relevant boxes for these things in box 8.1 on page 6 of the ET1 claim form) that he was discriminated against because of race and because of religion or belief. He also wrote on that page that he was making claims of "Wrongful and Discriminatory Dismissal, Remove all shifts without any Notice and Lie. Workplace Discrimination, Victimisation, , Harassment and Stressful working Atmosphere".
- 2 The claimant stated his claim in general terms in box 8.2 of the claim form. The first three paragraphs of the 6 paragraphs in box 8.2 were the only relevant ones as far as the claim of discrimination was concerned. It is not necessary to set them out or refer to them in any detail. They were in very general terms,

and they could be read (i.e. taking a practical and pragmatic approach) as being in substance a claim of victimisation within the meaning of section 27 of the Equality Act 2010.

3 On 14 January 2022, this case management order was made:

‘Employment Judge Manley has directed me to write to the parties with the following orders to be complied with by no later than 4th February 2022.

Discrimination generally: request for further information about discrimination

Harassment

1. Details of everything the claimant says was harassment related to race setting out in date order;
 - 1.1. what was said or done;
 - 1.2. by whom;
 - 1.3. to whom;
 - 1.4. when, and
 - 1.5. where?

Direct discrimination

2. Details of each and every detrimental thing done to the claimant because of race the claimant relies on, setting out in date order;
 - 2.1. what was been said or done;
 - 2.2. by whom;
 - 2.3. to whom;
 - 2.4. when, and
 - 2.5. where?
 3. As the tribunal may have to make a comparison about your treatment, is there someone who you compare yourself with as being treated better than you who does not have the same race as you? (This person is referred to as a “comparator”).
- 4 A preliminary hearing was listed to take place at 2pm on 24 June 2022. I conducted that hearing.
- 5 I called (via the BT Meetme conference call facility) the claimant three times during the hearing, on the mobile telephone number given by him on the ET1 claim form as his contact telephone number. He did not answer my calls.

- 6 Mr Croker did attend the hearing on behalf of the respondent. After (at 2.15pm) I had made a third unsuccessful attempt to contact the claimant, I concluded that rule 47 of the Employment Tribunals Rules of Procedure 2013 (“the 2013 Rules”) applied. That provides:
- “If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”
- 7 Mr Croker informed me that as far as the respondent was aware, the claimant had neither complied with the order set out in paragraph 3 above nor given any explanation for that non-compliance.
- 8 In all of the above circumstances, I concluded that the claimant was not pressing his claims and that it would be in the interests of justice for them all to be dismissed.
- 9 If the claimant had genuinely good reason for not attending the hearing of 24 June 2022, then he can apply for a review of my above judgment, but unless he (1) puts before me evidence of a good reason for not attending and (2) complies with the order set out in paragraph 3 above, his application for reconsideration will be likely to have no chance of success and therefore will be liable to be dismissed.

Employment Judge Hyams

Date: 4 July 2022

JUDGMENT SENT TO THE PARTIES ON

14 September 2022

FOR THE TRIBUNAL OFFICE