



# EMPLOYMENT TRIBUNALS

**Claimant**

Mr S. Tryjankowski

AND

**Respondent**

Freight Transport Association  
Limited (t/a Logistics UK)

**HEARD AT:** London South Tribunal  
(by CVP)

**ON:** 17 November 2022

**BEFORE:** Employment Judge Douse (Sitting alone)

**Representation:**

**For Claimant:** Non-attendance

**For Respondent:** Ms Heaney, Solicitor

Background

The Tribunal notified the parties of this hearing on 26 October 2022. On the afternoon of 16 November 2022, the Claimant's partner/representative - Monika Chmielewska - sent an email to the Tribunal notifying that neither she or the Claimant would be attending the hearing due to work commitments. That email was provided to me this morning, shortly before the hearing. Her email was in response to the Tribunal providing long-in details for today's video hearing. Although an adjournment was not specifically requested, I asked the clerk to the Tribunal to contact Ms Chmielewska to check how she wished to proceed. She indicated that they would like to attend a hearing in another date if that was possible. Thereafter, she was uncontactable by telephone.

The Respondent's representative had not been copied in to the email earlier, so was unaware of the Claimant's non-attendance until I informed them. They advised that they had used the two email addresses within the claim form to try to agree the preliminary

hearing bundle, but had received no response. They submitted that the Respondent had already been prejudiced by the delay in the claim being presented – the subject of today’s hearing – and would be negatively affected by any further delay. They invited me to proceed in the Claimant’s absence.

I noted that the Claimant/his representative had sufficient notice of the hearing and an opportunity to request an adjournment at an earlier date if either were not available. They could also have provided further written representations and evidence. I took into account that English is not the Claimant’s first language and that he is assisted by a non-legal representative, but I was satisfied that the notice of hearing was sufficiently clear about the purpose of today’s hearing and the need to attend. The notification of non-attendance was made at short notice, and only in response to the Tribunal’s correspondence rather than proactively. There had already been a delay in the claims being presented, and this hearing was to consider the Tribunal’s jurisdiction in relation to time limits.

Having considered all of the circumstances, I determined that it was in the interests of justice to proceed with the hearing without further delay.

## **JUDGMENT AT A PRELIMINARY HEARING**

1. The claims of Unfair dismissal and wages/notice pay were presented out of time and it was reasonably practicable for the claimant to have presented them in time. The Tribunal does not have jurisdiction to hear the claim and they are struck out.
2. The claim of discrimination because of race was presented out of time and it is not just and equitable to extend time. The Tribunal does not have jurisdiction to hear the claim and it is struck out.

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. Parties must be aware that if written reasons are requested a detailed judgment will be issued which will be on the Tribunals’ website to which members of the public have access.

Employment Judge K Douse

Dated: 17 November 2022

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