



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondents

Mr O Lasekan

v

(1) Munnely Support Services  
Limited  
(2) Munnely Group Plc  
(3) Bishopsgate Contracting  
Solutions Limited

**Heard at:** Watford, by telephone

**On:** 21 November 2022

**Before:** Employment Judge Hyams, sitting alone

## Appearances:

**For the claimant:** Not present or represented  
**For the respondents:** Ms Joanne Frew, solicitor

## JUDGMENT

The claimants' claims are dismissed.

## REASONS

- 1 The claims with the above case numbers are three of a number of claims made against several companies including the first respondent for unpaid wages and holiday pay. The claims were made as multiple claims, and the sums sought by the individual claimants were not stated.
- 2 I had before 21 November 2022 conducted four preliminary hearings for case management purposes in relation to the multiple claims. Those hearings (using case number 3310921/2019 as the lead case for administrative purposes) took place on 13 December 2019, 22 June 2020, 10 August 2020 and 30 April 2021. The cases of all but four claimants had by 21 November 2022 been compromised. The claimant whose cases have the numbers stated in the

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header to this document, Mr Lasekan, is one of those four claimants. I refer to him below as “the claimant”. At the time when his claims were presented, he was represented by Thompsons Solicitors.

- 3 On 10 June 2022, the respondents’ solicitors wrote to the tribunal, asking for the striking out of the claims of the other three claimants whose cases had not been compromised on the basis that (1) they were originally represented by Thompsons, (2) Thompsons had informed the respondents on 19 June 2020, 19 March 2021, and 1 June 2021 that they (Thompsons) were no longer instructed to act for the claimants, and (3) the claimants had since then made no contact with the respondents or the tribunal.
- 4 On 23 September 2022, Thompsons were sent a notice of the hearing of 21 November 2022. The hearing was for case management purposes and related to the cases of the four claimants whose claims had not been compromised.
- 5 On 21 October 2022, Thompsons informed the tribunal by letter that they were no longer instructed to represent the claimant, but that he wished to continue to press his claims. Thompsons stated in that letter the claimant’s home address, his email address and his mobile telephone number.
- 6 The tribunal had not, it appeared from the files before me, subsequently (or at all) sent the claimant himself, direct, a notice of the hearing. However, it also appeared from the files that the claimant had not contacted the tribunal at all. Certainly, he had not done so since 10 June 2022.
- 7 I conducted the hearing of 21 November 2022. I first invited Ms Frew to join the hearing using the BT MeetMe conference call facility, and she did so. I then called the claimant on the mobile telephone number which Thompsons had given for him as stated in paragraph 5 above. He did not respond by joining the hearing. I therefore discussed with Ms Frew the terms of an email to send to the claimant. I then sent the claimant (using my judicial email address) an email informing him of the hearing, and informing him that I was adjourning the hearing for 30 minutes. In the email I said that I would call the claimant again after 30 minutes. I informed him also in the email that (1) he would need to attend in order to inform me and the respondents what wages and unpaid holiday pay he was claiming, and (2) if he did not attend the hearing then I would dismiss his claims under rule 47 of the Employment Tribunals Rules of Procedure 2013 (“the 2013 Rules”).
- 8 I then adjourned the hearing and resumed it after 30 minutes. Ms Frew again joined the hearing, and I again called the claimant. I did so twice. He again failed to attend the hearing.
- 9 In the circumstances, rule 47 of the 2013 Rules applied. It is in these terms:

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“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.”

- 10 In the above circumstances, I decided that the claimant’s claims should be dismissed.
- 11 At 13:43 my clerk informed me that he had checked the tribunal’s email inbox and that the claimant had not sent any email to the tribunal in response to mine. I myself had received no reply to my email to the claimant.
- 12 I nevertheless record here that the claimant may have had a good reason for not attended the hearing and not informing the tribunal why he was not going to do so (for example because for some good, i.e. acceptable, practical reason he was not able to do so). However, even if (1) he did have such a good reason and (2) he applies for a reconsideration of this judgment under rule 71 of the 2013 Rules, then he will, in order to have any reasonable prospect of that application succeeding, have to state (a) precisely what sums he is claiming by way of unpaid wages and holiday pay, and (b) the basis on which he says that he is entitled to those sums. That is because without that information, the issues in the case (in addition to the question whether or not the claimant was a worker within the meaning of section 230(3) of the Employment Rights Act 1996 and regulation 2(1) of the Working Time Regulations 1998, SI 1998/1833) cannot be clarified.

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Employment Judge Hyams

Date: 23 November 2022

JUDGMENT SENT TO THE PARTIES ON

.....6 December 2022.....

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FOR THE TRIBUNAL OFFICE