



EMPLOYMENT TRIBUNALS

PRELIMINARY HEARING

Claimant: Mr M Gillard

Respondent: Minster Law Limited

HELD at Sheffield by telephone

ON: 28 October 2022

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: Miss J Duane, Counsel

Respondent: Mr A Ahmed, Counsel

JUDGMENT AND ORDER

The Judgment of the Employment Tribunal is that:

1. The emails dated 16 November 2021 and 18 November 2021 (at pages 63 to 68 inclusive of the preliminary hearing bundle) (*the emails*) are protected by without prejudice privilege.
2. For the purposes of the unfair dismissal complaint the emails are also protected from disclosure pursuant to section 111A of the Employment Rights Act 1996.
3. Without prejudice privilege attaching to the emails has not been lost by waiver or by any unambiguous impropriety on the part of the respondent.
4. For the purposes of the unfair dismissal complaint, the statutory inadmissibility of the emails pursuant to section 111A of the 1996 Act has not been lost because of any improper behaviour upon the part of the respondent (within the meaning of section 111A(4) of the 1996 Act).

Pursuant to and consequential upon the Judgment above it is Ordered that:

5. Paragraphs 25 to 28 of the claimant's grounds of claim shall be redacted.

6. The emails shall not be included in the final hearing bundle and any reference to them in any of the other documentation within the final hearing bundle shall be redacted.
7. The parties shall not refer to the emails in their witness statements.

Employment Judge Brain

Date: 7 November 2022