



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss N Walcott

v

Sainsbury's Supermarkets Limited

Heard at: Norwich

On: 3 March 2023

Before: Employment Judge Postle (by CVP)

Appearances

For the Claimants: Did not attend and was not represented

For the Respondent: Mr Welch, Counsel

JUDGMENT of PRELIMINARY HEARING

Background

1. There was a Case Management Hearing before Employment Judge Fraser on 2 November 2022, at which the Claimant was Ordered to provide further and better particulars in respect of her claims for direct sex discrimination, sexual harassment and victimisation and to provide that information by 7 January 2023. Neither the Claimant, or her Representative, have provided that information in breach of the Tribunal's Orders.
2. There was also before Employment Judge Fraser, at the above Hearing a Strike Out and / or Deposit Order. Employment Judge Fraser made a Deposit Order in the sum of £50 in respect of each allegation, again to be paid by 7 January 2023, in respect of the following:
 - 2.1 Under claim dated 14 September 2020,
 - a. detriment on the grounds of exercising a right to be accompanied under s.12(1) Employment Relations Act 1999 and s.48 Employment Rights Act 1996; and
 - b. dismissal on the grounds of exercising a right to be accompanied under s.12(1) Employment Relations Act 1999 and Part X of the Employment Rights Act 1996.

- 2.2 Under claim dated 29 September 2020,
- a. detriment on the grounds of exercising a right to be accompanied under s.12(1) Employment Relations Act 1999, s.48 Employment Rights Act 1996; and
 - b. dismissal on the grounds of exercising a right to be accompanied under s.12(1) Employment Rights Act 1999 and Part X of the Employment Rights Act 1996.
3. In default of that Order, as the sums Ordered have not been paid, those claims are automatically struck out.
4. In relation to the failure by the Claimant / her Representative to comply with the Tribunal's Orders in relation to the claim under the Equality Act 2010 for the protected characteristic of sex, those claims are struck out for the failure to comply with those Orders by the due date of 7 January 2023.
5. Counsel for the Respondents tells me that Mr Neckles representing the Claimant, telephoned his Chambers this morning to suggest he had not received the Case Management Orders or Deposit Orders made by Employment Judge Fraser on 2 November 2022. Clearly those Orders were made at the time of those Hearings and they would have been aware of those Orders, as was at that Hearing the date set for today's Case Management Hearing.
6. In those circumstances, there is no reason why the Claimant / her Representative should not be attending today and would thus appear in any event, they are wasting the Tribunal's and the Respondent's time. In effect are not actively pursuing the claims against the Respondent which Employment Judge Postle notes the claim was filed way back in September 2020.

Employment Judge Postle

Date: 16th March 2023

Sent to the parties on: 26.3.2023

GDJ
For the Tribunal Office