

Cases: 1805493/2022,
1805494/2022, 1805496/2022 &
1805498/2022



EMPLOYMENT TRIBUNALS

Claimant: Miss MI Lasakowska
Respondents: Nicholas Associates Group Limited (sued as Staffordce-Ishaaq Kara) & 19 others, see schedule attached

AT A PRELIMINARY HEARING IN PUBLIC

Heard at: Leeds in person and Respondents joining by CVP video link
On: 26th May 2023
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend, after the commencement of the hearing she indicated an intention to participate by CVP rather than in person but did not join within a reasonable time

Respondents:

1805493/2022

R1 Ms Kulwinder Kaur, solicitor
R2 Mr Oliver Darley, solicitor
R3 Mr Colin McDervitt, counsel
R4 Ms Amanda Smith, Group Support Manager
R5 Mr Anthony van de Westhuizen, in-house solicitor

1804594/2022

R1 Ms Katie Barrett, HR Director
R2 Mr Paul Marsh, HR consultant
R3 Mr Colin McDervitt, counsel
R4 Ms Katie Nebard, Managing Director
R5 Ms Josie Harrison, HR Manager

1805496/2022

R1 Mr Euan Smith, solicitor
R2 Mr Andrew Cranna, Director
R3 Mr Paul Brill, in-house solicitor acting for Ms Nicinska personally - (IF Trade Co. Ltd (formerly PMP Recruitment) is in administration and no

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consent has been obtained from the administrators to proceed).

R4 Mr Colin McDervitt, counsel

R5 Ms Danielle Cheal, solicitor

1805498/2022

R1 Did not attend

R2 Ms Kulwinder Kaur, solicitor

R3 Ms Yve Montaz, consultant

R4 Mr Carl Bacharach, in-house solicitor

R5 Mr Jeremy Raizon, counsel

Rule 37, Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

JUDGMENT

All claims have no reasonable prospect of success and are dismissed.

REASONS

1. This case was listed on 15th March 2023 for a preliminary hearing today to consider striking out the claim or ordering a deposit on the grounds that it has no or little reasonable prospect of success.
2. It was listed as a "hybrid" hearing, with only the Claimant attending the Tribunal in person, cause she had said that she "cannot do video".
3. At 19.57 on 24th May 2023 the Claimant emailed the Tribunal. That email suggested that she may not in fact be attending the listed hearing.
4. The Claimant was therefore contacted on the morning of 25th May 2023, to ask her to confirm whether she was going to participate in the hearing, and if not to make any further written submissions in response to the strike-out applications by 4 pm. She did not reply.
5. After the start of the hearing the Claimant emailed the Tribunal to request also to attend by CVP, but despite being given the log-in details she did not do so within a reasonable time, nor did she make any further contact with the Tribunal before the case had concluded.
6. In the circumstances only brief reasons are appropriate under rule 62 of the Employment Tribunals Rules of Procedure 2013 for granting the Respondent's strike-out applications.
7. The claims in the ET1s are all identical, and very short. They are a generic complaint that all the Respondent recruitment agencies asked her "to apply for a "share code" in order to get registered/considered for the role" and that she therefore felt discriminated against. There is no attempt to address the particular circumstances in which she may or may not in fact have had contact with each named Respondent.

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8. In each case the Claimant has ticked the box to say that this is disability discrimination. She does not however identify any disability from which she suffers, say what action she is complaining about nor particularise the type of discrimination alleged.
9. In the box for "some other type of claim" she identifies "discrimination -nationality".
10. As a Polish national the Claimant has to establish that she has a right to work in the UK. The provision of a share code to a prospective employer to enable an online check to be made is expressly authorised by the Home Office.
11. In at least one case (Adecco UK Ltd - Respondent 4 on claim 1805498/2022) the Claimant has in fact provided a share code and has been provided with work. It is not, therefore that she is unable to comply with his request if made, and if she does comply it will, it appears, establish her right to work.
12. In a letter to the Tribunal dated 24th November 2022, revived on 8th December 2022, the Claimant indeed makes it clear that her objection is on the grounds of believed insecurity of her personal information provided in this way.
13. In each case the ACAS early conciliation as between 5th and 6th October 2022, and the claims were issued on the same day. Any claim before 6th July 2022, which certainly applies to a number of complaint, is therefore on the face of it out of time.
14. I remind myself that strike out of discrimination claims, especially where the Claimant is unrepresented is a draconian step, and I have not of course, heard any evidence.
15. In all the circumstances the only sensible conclusion is, nonetheless, that these vague and wholly unparticularised complaints directed against recruitment agencies who are all complying with the legal requirement to establish a right-to-work have no realistic prospect of success.

EMPLOYMENT JUDGE LANCASTER

DATE 26th May 2023

JUDGMENT SENT TO THE PARTIES ON

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AND ENTERED IN THE REGISTER

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FOR SECRETARY OF THE TRIBUNALS

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