



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondents

Mr G. Giza

**(1) Avon Protection plc
(2) Teresa Bond
(3) Liz Davies
(4) Rob Wills
(5) Martyn Bailey
(6) Darren Ralph
(7) Unite the Union
(8) Tony Hulbert**

Held at: Exeter by Video

On: 6 July 2023

Before: Employment Judge Small

Appearances

Claimant:

No Attendance

First to Sixth Respondents:

Ms A. Cameron, Solicitor

Seventh and Eighth Respondents:

Mr N. Gillam, Solicitor

JUDGMENT

1. The claims are struck out because they are not actively pursued.

REASONS

1. Once again, the Claimant did not attend a Preliminary Hearing listed to identify his claims and list them to a final hearing.
2. He did not attend the hearing listed on 9 March 2023 either.
3. In the Notice of Hearing for today dated 31 May 2023 Employment Judge Dawson warned the Claimant that if he did not attend, this Order may be made. For that reason, the hearing was listed in public.

4. On 9 March 2023 Employment Judge Bax ordered an explanation for the non-attendance that day. On 28 April 2023 Employment Judge Roper issued a strike out warning because there was no explanation provided. The Claimant did email in on 5 May 2023 to the effect that he had had to move into a room in his mother's house with his 3 children. He reminded the Tribunal that his claim to disability discrimination is based on stress and anxiety and learning difficulties he has had from childhood with dyslexia. That he emailed in led to a decision not to strike him out then, but instead to list today's hearing with a strike out warning should he not attend once more.
5. The Respondent has informed the Tribunal of their understanding of the Claimant's change of address. The Respondent also informed the Tribunal that the Claimant has refused to attend Occupational Health in February 2022 and has failed to supply sick notes since December 2022. It appears that he has not been communicating with the Respondent notwithstanding technically remaining on the books. Entitlement to sick pay, contractual and SSP expired some time ago.
6. Whilst the Claimant is likely to have changed addresses, that is not material to his made of communication with the Tribunal, which has been by email. The Notice for today's hearing was sent by email. It is likely that the Claimant received it. There has been no communication from the Claimant since 5 May 2023. He did not respond to 2 emails left by the clerk today together with 2 phone calls, one involving a voicemail message. The inference to be drawn from his failure to attend today, the second time he has failed to attend such a hearing, is that his is not actively pursuing the claims. It is appropriate to strike them out. It is the regrettable experience of the Tribunal, that Claimants who do not actively engage with the process, do not win their claims.

Employment Judge Smail
South West Region
Date 06 July 2023

Judgment sent to the parties on
20 July 2023 By Mr J McCormick
