



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Barc

**Respondents:** 1. Anglo Beef Processors UK  
2. Major Recruitment Limited

## JUDGMENT

The complaints of harassment related to age and harassment related to race or nationality, as identified in sections 4.1.1 and 5.1.1 of the “Issues” section of the case summary in the Order of 12 July 2023, are struck out.

## REASONS

1. At a Preliminary Hearing for case management on 12 July 2023, the Tribunal clarified the nature of the Claimant’s claim with his representative. The Tribunal identified that, in relation to his claim of harassment related to age, the Claimant needed to give details of who said what to him, and when. He was ordered to provide those details to the Respondents and the Tribunal by 31 July 2022. He failed to do so. In relation to the claims of harassment related to race or nationality, the Respondents were unable to identify the person the Claimant alleged had harassed him. He was ordered to provide the Respondents and the Tribunal by 31 July 2022 with a description of this person, give details of his job and where in the plant he was based or give some other information by which he could be identified. He failed to do so. The Tribunal identified with his representative that it was unclear whether he wanted to pursue a claim against the Second Respondent. He was directed to write to the Tribunal and the Respondents by 19 July 2022 to confirm whether he agreed that the Second Respondent could be dismissed from the claim. He failed to do so.
2. On 26 July 2023, the Claimant’s representative at the Preliminary Hearing informed the Tribunal that they were no longer representing him.
3. On 10 August 2023, the Tribunal wrote direct to the Claimant to remind him that he had not complied with the directions to provide the information set out above. The Tribunal enclosed a further copy of the Order and directed the Claimant to comply with the Orders by return. He did not.
4. On 23 August 2023 the First Respondent’s representative applied for the claim to be struck out. In that application, it confirmed that the Claimant’s representative had already asked for a 7-day extension to the time for confirming whether the Second

Respondent could be dismissed from the proceedings. The Respondents had agreed to that extension. She made a further request on 26 July for an extension of time to 31 July but on the same date she ceased to act for the Claimant.

5. Once the Claimant became unrepresented, the First Respondent's representative wrote to him repeatedly to ask him to provide the details he had been ordered to give. He replied in only general terms that he had been the subject of discrimination. He said he had given the details to his representative, but when the First Respondent's representative contacted her to confirm whether that was the case, they received no response.
6. The First Respondent applied for the claim to be struck out on one or more of three grounds provided for in Rule 37 of the Tribunal's Rules of Procedure:
  - a. the claimant's unreasonable conduct of his claim, in failing to provide the details ordered,
  - b. his failure to comply with the Tribunal's Orders
  - c. the fact that it is no longer possible to have a fair hearing of the claim because the Respondents do not know the case they have to answer.
7. In response to the First Respondent's application, the Claimant wrote to its representative and said he had not had access to the internet for a long period of time and so had not been able to reply to their enquiries. He did not explain why he still was not providing the information he had been ordered to provide. He went on to accuse the representative of giving permission to the Respondents to commit criminal activities and said that they were at risk of financial liability. The First Respondent's representatives added the content of this email to its argument that the Claimant was conducting his claim unreasonably.
8. On 4 September 2023 the Tribunal wrote to the Claimant warning him that it was considering striking out his claim because he had not provided the information he had been ordered to provide. It gave him until 11 September 2023 to give his reasons why this should not happen or request a Hearing at which he could give those reasons. On 12 September 2023 the Claimant replied he did not agree with the court ruling because he was bullied and abused at work. He still did not provide the information he had been ordered to provide.
9. The Tribunal is satisfied that those aspects of the claim to which the Orders relate should be struck out because of the Claimant's unreasonable conduct of his claim, his failure to comply with the Tribunal's Orders and the fact that it is not possible to have a fair hearing. Although English is not the Claimant's first language and his correspondence with the Respondent's representatives and the Tribunal has been in Polish, the Respondents' representatives and the Tribunal have been able to translate his emails into English. From the content of his emails and the fact that he was represented for two weeks after the Orders were made, the Tribunal is satisfied that the Claimant is aware of what information he has been ordered to provide. It is also apparent, however, from the Claimant's emails that he is not willing to do anything more than re-assert in general terms that he has been the subject of discrimination and abuse. It is not possible for there to be a fair hearing of the harassment claims when the Respondents have not been given sufficient detail of the harassment the Claimant alleges. The First Respondent's representative has gone to some lengths to assist the Claimant in providing the missing information, agreeing to an extension of time and explaining to him direct what was needed, once he was no longer represented. In spite of that, the Claimant has shown no signs of intending to comply with the Tribunal's Orders. In all the circumstances, the Tribunal considers it

proportionate to strike out those aspects of the claim in relation to which the necessary details have not been provided.

- 10.** Whilst the Tribunal agrees that the Claimant's email in response to the strike out application was intemperate, it does not accept that it would be proportionate to strike out the rest of his claim on that basis. **He must understand, however, that if he continues to fail to comply with the Tribunal's Orders to prepare the claim for the Hearing, he risks a further application to strike out the rest of his claim.**

Employment Judge Cox

Date: 6 October 2023