



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss C A Ezenyili

v

Amazon UK Services Ltd

Heard at: Reading Employment Tribunal

On: 15 May 2024

Before: Employment Judge George

Appearances

For the Claimant: Did not attend having been given notice of the hearing

For the Respondent: Ms F Berry, counsel

JUDGMENT

The claim is dismissed on the non-attendance of the claimant under Rule 47 Employment Tribunals Rules of Procedure 2013.

REASONS

1. At this preliminary hearing in public I have had the benefit of an electronic file of documents of 102 pages and page numbers in these reasons refer to that file. I had also been sent a skeleton argument prepared by Ms Berry, the barrister representing Amazon at today's hearing and an agenda prepared by the respondent's representative.
2. The background to today's hearing is set out in detail in my record of a preliminary hearing from 22 March 2024 (page 90). I do not repeat everything I recorded there but remind myself of what I recorded there about the events of the preliminary hearing in private on 22 March 2024.
3. In brief, on 22 March 2024 I listed a preliminary hearing in public for 15 May 2024 and reserved it to myself. The intention was to consider the following:
 - 3.1 Had the claimant withdrawn her claim in its entirety by an email sent shortly before the March hearing? I did not think it fair to decide that question then and there for reasons explained in paragraph 28 of my

case summary (page 94). On 22 March 2024 the claimant appeared to say her withdrawal was not in fact withdrawal of the whole claim but was equivocal. It seemed to me to be necessary in the interests of justice to give careful thought to something likely to have a fundamental impact upon the claim.

- 3.2 If I were to conclude that the claim had not been withdrawn, then I would go on, in effect, to deal with the original purposes of the 22 March 2024 hearing. I explained to the claimant in paragraph 31 of my case summary the way in which the various questions to be decided at today's hearing would be approached.
4. Today's hearing was listed when the claimant was present. She had not been able to join the hearing in circumstances suitable for conducting the main purposes of it, but she was present when arrangements were made for today's hearing. It was listed to take place at a date that was convenient to her. Furthermore, I am reminded by Ms Berry that there was a discussion about whether today's hearing should be listed to take place in person at Reading because the claimant stated on 22 March 2024 that she did not have a private space to participate in that hearing. Ms Ezenyili assured the tribunal that, although on 22 March she was not at her normal place of residence, at the future hearing she would be at home and able to access the hearing through her laptop having a private space in which to do so.
5. At about 7.30 am this morning, the claimant wrote to the tribunal saying that she was unable to attend the hearing due to unavailability of internet connection. She stated,

"I am writing to inform you about my inability to attend the hearing due to unavailability of internet connection.

I do not have internet service for the hearing. I have no job, I feed from charity food Bank.

I have no resources needed to attend the hearing. I don't know what to do about this."
6. She added further information about the distress that the events which are the subject of the claim caused her. She states that she is "so weary".
7. I caused the clerk to attempt to telephone the claimant to see whether she could join the hearing by telephone, since we have the facility for her to do that as an alternative. He made two attempts but she did not answer a call to the number the tribunal has for her.
8. She also mentioned in the email of 15 May 2024 that she has financial difficulties due to being unemployed and uses a food bank. Consequently, she says, as she did on the last occasion, that she has no financial resources to attend the hearing in person. She is apparently unable to

suggest any alternatives or say how this situation might change in the future.

9. This puts us in the situation of Rule 47 which provides that,

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”
10. I am satisfied that the claimant had notice of today’s hearing because it was listed at a hearing when she was present and the notice of hearing was sent to her on 11 April 2024. It is clear from her email that she knows that she should attend today. The information available about the reason she gives for non-attendance is that set out in her email, namely that she does not have an available internet connection and cannot afford to attend in person. Such enquiries as are practicable have been made to try to find an alternative method by which she could join the hearing but without success.
11. In my case management orders I set out the tests that I would be applying today in language that I hoped the claimant would be able to understand. I invited her to consider writing something as an alternative way of expressing her views. She had explained certain difficulties she has addressing the issues in and surrounding this case and described herself as having a vulnerable state of health. Nevertheless, I advised her to consider writing something down as an alternative way to participate in today’s hearing. She was also provided with sources of free legal advice when that case summary was sent to the parties.
12. She did join the hearing on the last occasion by video on her smartphone. That makes it particularly difficult to understand why she is apparently unavailable today. If it is the case that she does not have an internet connection for the hearing, it is likely that she knew that before early this morning. She was apparently able to send an email today and has been unavailable to a telephone call. In all of those circumstances, including her late notification of the challenges relied on as the reason for her non-attendance, I am not satisfied that that non-attendance is explained by the reason she gives.
13. This is the third preliminary hearing in this case and I have set out in my previous order the limited progress that there has been in what is a relatively old claim. Such limited progress is unusual in employment tribunal claims and undesirable when the aim is to bring disputes to resolution as soon as possible. This is the second time that hearings have been scheduled to consider the same issues to no effect – quite apart from the the claimant’s failure to provide further information about her claim before the hearing conducted by Employment Judge Bansal on 11 January 2024.
14. Postponing this hearing to take place in-person would not provide access to justice for the claimant given what she has said about the financial constraints on her travelling to Reading to participate. She has had the

opportunity to set out what her case on the preliminary issues in writing in order for her perspective to be taken into account.

15. In all of those circumstances I am not satisfied that I should proceed with the hearing or should postpone it for yet another hearing because past events suggest a fair prospect that would lead to the further waste of the tribunal's resources and the respondent's resources. I dismiss the claim for non-attendance under Rule 47 Employment Tribunal Rules of Procedure 2013.

Employment Judge George

Date:22 May 2024.....

Sent to the parties on: 28/06/2024

For the Tribunal Office

Recording and Transcription

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