



EMPLOYMENT TRIBUNALS

Claimant: Mr C A Baker

Respondent: SIM Switchgear Limited

Heard at: Manchester by CVP

On: 10 December 2024

Before: Employment Judge Lloyd

Representation

Claimant: In person

Respondent: Ms Niaz Dickinson, Counsel

JUDGMENT ON PRELIMINARY HEARING

1. The portion of the claimant's claim for unlawful deduction from wages relating to payments he should have received for sending emails out of work hours is struck out because it has no reasonable prospects of success. He himself told me today that he has not been able to find out if he should lawfully have been paid for the work this involved, and that he thinks it is a grey area. It is not in keeping with the overriding objective to allow a claim to continue. Accordingly, I consider it appropriate to exercise my discretion and strike out this part of the claimant's claim.
 2. For the avoidance of doubt all remaining elements of the claim continue.
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Employment Judge Lloyd

Date: 10 December 2024

JUDGMENT SENT TO THE PARTIES ON

12 December 2024

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>