



EMPLOYMENT TRIBUNALS

Claimant: Miss R Turay

Respondent: Teleperformance Limited

Heard at: Croydon by CVP

On: 7 January 2025

Before: Employment Judge Liz Ord

Representation:

Claimant: In person
Respondent: Ms SJ Lundy (Respondent's HR manager)

JUDGMENT

1. The claimant's application for relief against sanction is refused. The claims remain dismissed in their entirety.
2. The full merits hearing listed for 27 and 28 February 2025 is vacated.

REASONS

Background

1. A case management order (CMO) of 1 February 2024 provided a timetable for the parties to take certain steps in these proceedings. This included disclosure of documents by 5 June 2024.
2. The claimant failed to comply with the order.
3. The respondent wrote to the tribunal on 22 July 2024 explaining that they were having difficulty preparing the trial bundle because the claimant was not engaging with the process, despite the respondent chasing her.

4. On 5 August 2024 the respondent applied for an unless order as they had not heard from the claimant.
5. The tribunal wrote to the claimant on 7 August 2024 reminding her of the importance of complying with the CMO. It directed her to confirm within 14 days whether she wished to continue with the claim and, if so, when she would be able to provide the documents and agree a bundle.
6. On 27 August 2024 the respondent wrote to the tribunal saying that the claimant had not made contact.
7. On 25 September 2024 the tribunal wrote to the claimant saying it appeared that she was abandoning her claim. An order was made in the following terms:

“Unless by 4.00pm on Wednesday 9 October 2024, the claimant completes the two steps outlined below, her claim will stand dismissed automatically:-

 1. The claimant must confirm whether she intends to pursue her claim.
 2. The claimant sends the respondent documents she has which are relevant to the issues in her claim.”
8. The respondent wrote to the tribunal on 24 October 2024 saying that they had still not heard from the claimant.
9. On 10 November 2024 the claimant wrote to the respondent informing them that she was still proceeding with the claim and would give them an update towards the end of the month.
10. The respondent made an application to strike the claims on 19 November 2024, referring to the unless order.
11. On 20 November 2024 the claimant wrote to the tribunal and the respondent saying she wished to continue with her claim. With respect to the documents, she said she was in the process of gathering and organizing them and would provide the respondent with the documents as soon as possible. She asked the tribunal to allow the claims to proceed.
12. The respondent wrote to the tribunal on 5 December 2024 saying that nothing had been able to proceed.
13. On 17 December 2024 the tribunal wrote to the parties making reference to the unless order and the claimant’s failure to comply, thereby causing the claims to be automatically struck out. The tribunal said that it would treat her letter of 20 November 2024 as an application for reconsideration. It noted that she had still not provided any documents and there was real doubt as to whether the case would be ready for hearing on 27 and 28 February 2025. It listed her application for 7 January 2025.
14. The application came before me for hearing today. I treated it as an application for relief against sanction.

Submissions

Claimant

15. The claimant said she had ADHD, there was a shortage of medication for her condition and she was overwhelmed by the process. She did not provide any medical evidence or give any details.
16. She had not yet made any disclosure of documents and she said she had been putting it off. She was trying to get a new representative. She apparently had somebody who had been assisting her previously but was not doing so anymore.
17. She confirmed that she wanted to continue with her claim.

Respondent

18. The respondent said they had not been informed of any medical issues and they were unaware that she was trying to get a new representative. They were not clear what the basis of her claim was and there was no way the case would be ready for trial by 27 February 2025.

Conclusion

19. The claimant had made little effort to engage with the process. She had delayed significantly in contacting both the respondent and the tribunal.
20. She had not made either the tribunal or the respondent aware of difficulties she might have been experiencing with the process due to her ADHD and she had not provided any medical evidence.
21. If relief from sanction were to be granted, the trial would need to be relisted as there is no longer sufficient time to prepare by the listed dates. This would cause considerable prejudice to the respondents particularly in terms of witness memories fading and additional cost.
22. Unless orders should be taken very seriously. The claimant has not done so. She has not provided robust reasons to persuade me that it is in the interests of justice to grant the relief requested. Therefore, I refuse the application to set aside the striking out of the claims. The claims remain dismissed in their entirety.

Employment Judge Liz Ord

Date 7 January 2025