



EMPLOYMENT TRIBUNALS

Claimant: Mr L Indigo
Respondents: 1. Eric Chiong
2.H Leisure Group Limited
3.Vivicolor Limited

Heard at: Liverpool (in person)

On: 26 March 2025

Before: Employment Judge Shotter, Dawn (sitting alone)

REPRESENTATION:

Claimant: Not in attendance
Respondent 1, 2 & 3: Mr M Ali, director of third respondent

JUDGMENT

The judgment of the Tribunal is that all claims are dismissed against the respondents under rule 47 Tribunal Rules 2024.

REASONS

1. This is a preliminary hearing listed on the 17 October 2025 to decide the following issues:
 - (i) Who it was that engaged the claimant during his work in Southport from 21 December 2023 until 4 April 2024? The claimant says that he is not sure. The first respondent says that he did not engage him personally, but suggests it was the second respondent. It may also have been the third respondent, who was the license holder for the premises. The Tribunal will need to determine whether any of the three respondents engaged the claimant.

- (ii) Whether the claimant was engaged by any of the respondents in any of the following capacities:
 - a. As a worker as defined by section 230 of the Employment Rights Act 1996 and Regulation 2 of the Working Time Regulations 1998;
 - b. As an employee as defined by section 83(2) of the Equality Act 2010; and/or
 - c. As an employee as defined by section 230 of the Employment Rights Act 1996.
 - (iii) Whether the claimant had two years continuous service as an employee with any of the respondents, as required to pursue a claim for unfair dismissal.
2. Case management orders were made that have not been complied with by the claimant, who has not been in touch with the respondent since the preliminary hearing (which he did not attend because he was unwell). The claimant has not provided any documents in support of his claim or a witness statement as ordered, and there is no information on the Tribunal file other than the sparse ET1. The respondents have complied with case management orders and I have before me a bundle of documents and two witness statements.
 3. The last correspondence from the claimant relating to the above issue was 17 August 2024 and nothing has been heard since. Mr Ali assured me the claimant has not been in contact with anyone from the respondent's side.
 4. We started today's hearing late and the Tribunal attempted to contact the claimant by using the two telephone numbers on file, and emailed him. He was also tannoid. There was no response. The claimant has given no reason for not attending today.

Law

5. Where a party fails to appear at a hearing, either in person or through a representative, the employment tribunal may dismiss the claim or proceed with the hearing in the absence of that party — rule 47 Tribunal Rules 2024. 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. This has been done.
6. The Tribunal is obliged under rule 47 to consider the reasons for the party's absence. This has been done. No reason has been given.

7. Mr Ali, who appeared on behalf of all respondents, travelled down from Scotland last night and spent a night in a hotel, prepared to deal with the issues in this case and brought with him a bundle including the witness statements. I took the view that the claimant, who has now failed to attend two hearings and failed to produce the evidence ordered at the last preliminary hearing, has had sufficient opportunity to prepare his case, and it is not just and equitable to adjourn a third time given the claimant's default and lack of explanation for his non-attendance today.
8. In conclusion, all claims are dismissed against the respondents under rule 47 Tribunal Rules 2024.

**Employment Judge Shotter
26 March 2025**

Judgment sent to the parties on:
15 April 2025

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For the Tribunal

Notes

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

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

