



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr B Thomas

v

Safe Environment UK Ltd

Heard at: Leeds

On: 12 February 2020

Before: Employment Judge JM Wade

Appearance:

For the Claimant: No attendance

For the Respondent: Mr Major (director)

JUDGMENT

The claimant's complaints are dismissed upon his failure to attend or be represented at today's hearing, pursuant to Rule 47.

REASONS

1. Today by 11.45 am the claimant had not attended the hearing. I directed our clerk to make a telephone enquiry, and a note was made that the claimant had previously emailed the Tribunal to advise that he could not attend today. There was no trace of that email to be found. He was asked to forward it again. After some minutes waiting for him to do so, he had not done so.

2. I have concluded that he does not pursue his claim in light of the robust response entered by the respondent company, and the absence of any contact on the file from the claimant. The respondent representatives have attended today. There was no application for a postponement and the claimant did not suggest that when speaking to our clerk.

3. The possible judicial decisions today are:

3.1. Consideration of strike out of the claim on a future occasion, giving the claimant the opportunity to attend or make representations;

3.2. An unless order for dismissal on a future date, in default of a confirmation that the claim is pursued;

3.3. Proceeding with today's hearing and determining the claim in the claimant's absence;

3.4. Dismissal today, pursuant to Rule 47 only (that is without determining the merits of the claim);

3.5. Postponement of my own motion.

4. The nonattendance of a party puts other parties and the Tribunal to wasted costs and expense, and deprives other Tribunal users of those resources both judicial and administrative. Currently there is strain on those resources as a result of increased workload with no prospect of that reducing.

5. Options 1, 2 and 5 are not prejudicial to the claimant, but they put the respondent and the Tribunal to ongoing cost simply by the proceedings being undisposed and delay in the determination of substantive issues.

6. Option 3 would involve considerable time today, which may well be wasted, and the claimant would not have had an opportunity to hear what is said.

7. Option 4 wastes little time and cost but deprives the claimant of pursuing his claim. Option 5 takes the case no further forward. Ordinarily this case would have been determined today within thirteen weeks of issue in this region.

8. I exercise my discretion to dismiss pursuant to rule 47 today (Option 4). I include in my consideration that the claimant has not provided a schedule of loss in accordance with directions, or otherwise indicated he pursues his claim. Fairness to the respondent and all other tribunal users requires a balance to be struck. On this occasion the right balance lies in bringing these proceedings to an end for nonattendance.

Employment Judge JM Wade

Dated: 12 February 2020