

THE INDUSTRIAL TRIBUNALS

CASE REF: 7407/19

CLAIMANT: Luka Grzincic

RESPONDENTS:

1. Premier Employment Group Ltd
2. Kelly Eccles

DECISION ON A PRE-HEARING REVIEW

The decision of the tribunal is that the claimant is granted leave to amend his claim by adding further matters as are set out below.

CONSTITUTION OF TRIBUNAL

Employment Judge (sitting alone): Employment Judge Greene

APPEARANCES:

The claimant appeared in person

The respondents were represented by Ms C Jamieson, of counsel, instructed by Cordant Group, in-house solicitors.

1. At a Case Management Discussion on 12 August 2019 Employment Judge Murray directed that a Pre-Hearing Review would convene to consider whether leave is granted to the claimant to amend his claim and to hold a Deposit Hearing.
2. At the Case Management Discussion Judge Murray set out the proposed amendments to the claimant's claim which were as follows:-
 - (1) That Ms Eccles refused to give him the SSP1 form and this meant he was delayed in claiming benefits. He stated that he has claimed the benefits from 11 May 2019.
 - (2) That Ms Eccles did not accept the sick line dated 12 April 2019 and sent the claimant to his doctor to have his doctor fill in the dates of absence for the stated one month. The claimant's claim is that this was inconvenient to him and resulted in the doctor sending the letter to say that filling in those dates was unnecessary.

- (3) The claimant is still submitting sick lines from his GP surgery stating he is unfit for work and he blames Ms Eccles and Premier people for the continued sick lines because they sent him to his doctor to get sick lines in the first place.
3. Employment Judge Murray also directed that if there were other claims or allegations that the claimant wished to make or add to his case he must set out those claims and allegations in bullet point form on one page and send them to the tribunal and to the respondent's representative by 2 September 2019.
4. The claimant sent to the Office of the Tribunals and to the respondent a letter, received on 30 August 2019, which he described as the complaints that he wished to add to his claim. The page set out two paragraphs but did not articulate any specific allegations or claims.
5. The Pre-Hearing Review convened on 26 September 2019 to consider the following issues:-
 - (1) Whether the claim should be amended to include firstly, the matters listed at paragraphs 8(i)-(iii) of the record of proceedings of the CMD which took place on 12 August 2019.
 - (2) Secondly the matters outlined in the letter from the claimant of 30 August 2019.
 - (3) Thirdly, whether time should be extended to allow any such claims to be included in the claim.
 - (4) Whether a Deposit Order should be made against the claimant.
6. At the hearing on 26 September 2019, with the agreement of the claimant and the respondents' representative, five particular claims were identified in the letter of 30 August 2019 which were as follows:-
 - (1) Whether the confidential data sent to the claimant on his cell phone was done by the respondents after the claimant had reported that his cell phone had been hacked although he had reported that on more than one occasion.
 - (2) That the respondents did not seek his permission before creating a profile for him.
 - (3) That despite been told that his cell phone had been hacked the respondent continued to use his cell phone and give out false information to him.
 - (4) That the respondents did not pay, on his behalf, the employer's pension contributions.
 - (5) Whether that the employer's failure to pay his pension contributions amounted to an unlawful deduction from wages.
7. The Pre-Hearing Review issues were dealt with by oral evidence from the claimant and submissions by both parties.

8. On foot of the evidence adduced and the submissions made I was satisfied that a number of the proposed amendments fell within the first category of amendments set out in the decision of **Selkent Bus Company v Moore [1996] ICR 836** and therefore were not subject to scrutiny from the point of view of time limits. I was further satisfied that there was not significant hardship to the respondent in meeting these additional claims. Accordingly, I permitted a number of the proposed amendments.
9. The tribunal did not permit the claimant to amend his claim by adding that text set out at paragraph 8(iii) of the Case Management Discussion of 12 August 2019 (paragraph 5(3) above) nor the third matter arising from the claimant's letter of 30 August 2019 (paragraph 6(3) above).
10. In relation to the unlawful deduction from wages claim the tribunal permitted that amendment to be made.
11. The respondents elected not to pursue that application for a deposit hearing at this time.
12. Full oral reasons for my decision were given at the tribunal.
13. The respondents will have 28 days from the date of issue of this decision to amend their response form.
14. A further Case Management Discussion will convene to give such orders and directions as our necessary to prepare this claim for hearing.

Employment Judge:

Date and place of hearing: 26 September 2019, Belfast.

Date decision recorded in register and issued to parties: