

THE INDUSTRIAL TRIBUNALS

CASE REF: 7719/19

CLAIMANT: Tracy Duggan

RESPONDENT: Matthew McGaffin

DECISION ON A PRE-HEARING REVIEW

The decision of the tribunal is that the claim is amended to include an additional respondent, McGaffin Mechanical Limited, to the existing complaints of constructive unfair dismissal and part-time worker discrimination. The claimant's application to amend her claim form to include an additional complaint of indirect sex discrimination against the two respondents is refused.

CONSTITUTION OF TRIBUNAL

Vice President (sitting alone): Mr N Kelly

APPEARANCES:

The claimant appeared in person and was unrepresented.

The respondent was represented by Mr Sean Doherty, Barrister-at-Law, instructed by J Blair Employment Law Solicitors.

1. The decision was given orally with reasons at the conclusion of the hearing.
2. The claim will therefore proceed as a claim of alleged constructive unfair dismissal against McGaffin Mechanical Limited and as a claim of alleged part-time worker discrimination against both respondents.
3. The parties are to agree and the respondent's solicitor will lodge agreed legal and factual issues in the tribunal **by 5.00 pm on 11 October 2019.**
4. The interlocutory procedure was explained to the parties. Either party may serve Notices for Additional Information and/or Discovery on the other party *by first class post or by email no later than 5.00 pm on 1 November 2019.*
5. Any party in receipt of any such Notice shall reply in full to the other party *by first class post or by email no later than 5.00 pm on 22 November 2019.*

6. The procedure at the hearing and the witness statement procedure was explained to the parties.
7. The claimant shall provide a **signed and dated** witness statement in respect of both liability and remedy, including a one page calculation of alleged loss of wages, *by first class post or by email* to the respondent's solicitor **no later than 5.00 pm on 6 December 2019.**
8. The respondents shall provide **signed and dated** witness statements in respect to both liability and remedy *by first class post or by email* to the claimant **no later than 5.00 pm on 20 December 2019.**
9. The respondents' solicitor shall provide four copies of the exchanged witness statements and four copies of the exchanged relevant documentation (without duplication and with an Index) in the Tribunal Office **three working days** before the commencement of the hearing.
10. The hearing is listed **for 21, 22 and 23 January 2020.**
11. The tribunal hearing the case will read the witness statements and to the extent necessary parts of the exchanged documentation between **10.00 am** and **11.30 am** *on the first day of the hearing.* The hearing will therefore start at **11.30 am** *on the first day* and at **10.00 am** *on the two subsequent days.*
12. The parties shall agree between themselves a timetable for the cross-examination and brief re-examination of each witness allowing time for final submissions within the time allotted for hearing.

Vice President:

Date and place of hearing: 19 September 2019, Belfast.

Date decision recorded in register and issued to parties: