

**THE INDUSTRIAL TRIBUNALS AND
FAIR EMPLOYMENT TRIBUNAL
PRELIMINARY HEARING
REVIEW BY TELEPHONE CONFERENCE**

CASE REF: 10244/19

CLAIMANT: John Joseph Daley

RESPONDENTS: 1. Bunzi UK Ltd, t/a Bunzi McLaughlin
2. Catherine Valley
3. Joy Barry
4. Pdraig Turley
5. Tom McGleenan

DATE OF HEARING: 13 August 2020

REPRESENTATIVES OF PARTIES:

CLAIMANT BY: The claimant did not appear and was unrepresented.

RESPONDENTS BY: The respondents were represented by Ms Emma-Jane Flannery, Solicitor, Arthur Cox Solicitors (By telephone).

Record of Proceedings

The purpose of this Preliminary Hearing was to identify the issues to be determined by the tribunal, to make appropriate Case Management Orders, to make appropriate orders to manage risk in relation to the current pandemic and to maintain the administration of justice in accordance with Presidential Guidance and Tribunal Guidance and to list the case for Hearing. To comply with the Guidance and to minimise the risk of virus transmission the parties were reminded that the Preliminary Hearing would last for a maximum 30 minutes.

The Preliminary Hearing was completed within the designated time of 30 minutes.

The Tribunal Office attempted to contact the claimant on a number of occasions on the contact telephone number provided, however "*the call could not be completed as dialled*". The claimant had been emailed with notice of preliminary hearing on 30 July 2020 to the email address supplied by him. The Employment Judge directed that the Preliminary Hearing proceed in the absence of the claimant.

1. Ms Flannery confirmed that the respondents were not making an application for a Preliminary Hearing for a Deposit Order at this time, however wished to reserve their position in this regard.

2. The tribunal made the following Orders:

By 5.00 pm on 3 September 2020 the claimant is ordered to:

- (i) provide a full and satisfactory explanation in writing for his failure to take part in the Review Case Management Preliminary Hearing on 13 August 2020 to both the tribunal office and the respondents' representative.
 - (ii) confirm in writing to **both** the tribunal office and the respondents' representative if he is proceeding with his claim.
 - (iii) provide to the Tribunal Office and to the respondent's representative a contact telephone number by which he can be contacted for the purposes of a future Case Management Hearing.
3. In the event that the claimant does not comply with the above Orders this may result in an application by the respondents which may ultimately result in the claimant's case being struck out. If the claimant complies with the above Orders a further Review Case Management Preliminary Hearing will be listed for the purposes of case management.

Employment Judge:

Date: August 2020

Notice

1. **If any party fails and/or is unable to comply with any of the above Orders, any application arising out of such failure or inability to comply must be made promptly to the tribunal and in accordance with the Industrial Tribunals and Fair Employment Tribunal Rules of Procedure 2020.**
2. **Failure to comply with any of these Orders may result in a Costs Order or a Preparation Time Order or a Wasted Costs Order or an Order that the whole or part of the claim, or as the case may be, the response may be struck out and, where appropriate, the respondent may be debarred from responding to the claim altogether.**
3. **Under Article 9(4) of the Industrial Tribunals (Northern Ireland) Order 1996, any person who, without reasonable excuse, fails to comply with a requirement to grant discovery and inspection of documents under Rule 27 of the Industrial Tribunals and Fair Employment Tribunal Rules of Procedure 2020 shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale - £1,000 at 27 January 2020, but subject to alteration from time to time.**
4. **Under Article 84(9) and (10) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (as amended) any person who, without**

reasonable excuse, fails to comply with a requirement to grant Discovery and Inspection of documents under Rule 27 of the Industrial Tribunals and Fair Employment Tribunal Rules of Procedure 2020 shall be liable on summary conviction to a fine not exceeding Level 5 on the standard scale - £5,000 at 27 January 2020, but subject to alteration from time to time; and if without reasonable excuse the failure continues after conviction shall be liable on a second or subsequent summary conviction to a fine not exceeding one tenth of level 5 of the standard scale for each day on which the failure continues.

- 5. A party may apply to the tribunal to vary or revoke any of the above Orders in accordance with the Industrial Tribunals and Fair Employment Tribunal Rules of Procedure 2020.**