



## EMPLOYMENT TRIBUNALS

**Claimant**

Ms E Carr

**Respondent**

v HIS Market Global Limited

## PRELIMINARY HEARING

**Heard at:** London Central Employment Tribunal

**On:** 14 December 2017

**Before:** Employment Judge Wade

**Appearances:**

**For the Claimant:** Mr G Anderson (Counsel)

**For the Respondent:** Ms C Darwin (Counsel)

## JUDGMENT

1. The pregnancy and maternity discrimination claim is dismissed on withdrawal.
2. The equal pay bonus claim (as opposed to the section 13 bonus discrimination claim) is also dismissed on withdrawal.
3. By consent the equal value claims are stayed pending the outcome of the like work claims.

## CASE MANAGEMENT SUMMARY AND ORDERS

**Full merits hearing date vacated**

- 1.1 The hearing was due to start on 4 April but that date is vacated.
- 1.2 The directions order of 13 October is suspended.

### List of issues

- 2.1 The parties have agreed a list of issues as attached.
- 2.2 They have also agreed that the claimant's equal value claims be stayed pending the outcome of the like work claims.

### Further and better particulars

3. **By 10 January** the claimant will send further and better particulars of the following to the respondent:
  1. Why the grievance outcome was discriminatory
  2. Why the grievance appeal outcome was discriminatory
  3. What she says were the discriminatory acts continuing into the "in time" period.
  4. Why she says the background facts are admissible following *Gillespie*.

### Further directions

- 4.1 **By 26 February** the parties are to write to the Tribunal requesting further directions if necessary.
- 4.2 The respondent is to state whether it still seeks a Preliminary Hearing regarding any of the following issues and if so why:
  1. The respondent's correct name. The respondent will take a view once it has considered the claimant's arguments.
  2. The respondent will take a view following the provision of further and better particulars whether it wishes to apply for the background matters argued in paragraphs 3-13 be excluded following *HSBC Asia Holdings v Gillespie* [2011] ICR 192.
  3. Whether and if the section 13 claims should be struck out because they are out of time and it is not just and equitable to allow them to proceed nor were they part of a continuing act. It is agreed that the equal pay claim is in time. The grievance appeal is also in time, there may be others.
  4. The claimant claims compensation for injury to health resulting from discrimination. She has clarified this as mental ill health. The recent occupational health report may help to provide more information. If full medical evidence is required it may make sense for the first hearing to decide liability only.
- 4.3 The parties are to state whether they seek a telephone or an in person preliminary hearing and list the issues to be decided.
- 4.4 A final hearing will not be listed at this stage as there will be availability in the autumn if the timetable is set at a directions hearing in late February or March.

## **CONSEQUENCES OF NON-COMPLIANCE**

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

**Employment Judge Wade on 18 December 2017**