



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mr S Williamson

The Tex Services Group Limited

By Videolink

On: 24 August 2021

Before: Employment Judge JM Wade

Appearance:

For the Claimant: No attendance

For the Respondent: Mr Exley (Managing Director)

JUDGMENT

The claimant's claim of a failure to provide written terms and conditions is dismissed upon the claimant's failure to attend or be represented at today's hearing, pursuant to Rule 47.

REASONS

1 Today's circumstances are as follows. The claimant initially presented an unfair dismissal claim, which was dismissed when he failed to respond to a strike out warning by 1 March 2021. That warning had been issued because the claimant did not have the required two years' service. The claim form also contained allegations of the respondent not providing the claimant with his written contract terms and giving short notice. Those claims had not been struck out and this hearing was arranged by videolink to commence at 2 pm. The respondent and I were ready and connected to start promptly.

2 The respondent had also provided copies of the claimant's Section 1 terms and conditions and other documentation before today. It also attended the hearing with three witnesses for the employing company addressing the points in the remaining claim.

3 When it was apparent the claimant was not with us, our clerk contacted the claimant by telephone to check he had the latest joining details for the hearing and he said he could see them. She said she would let me know he would be joining. He then did not do so. When she telephoned again between 2.10 and 2.25 the telephone was not answered. She left a voicemail to the effect that we would wait until 2.25. He did not join by 2.25pm.

4 I do not rule out that something untoward has happened, but I do consider it unlikely and the most likely explanation for non attendance is that the claimant has seen his case has difficulties or he has little to gain by it. Rule 47 provides that,

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where “a party fails to attend or be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of the party.”

5 It is not in the interests of justice to proceed with a time consuming hearing in a party’s absence. Equally it is not fair for the respondent to be burdened by this case any longer, when the claimant has done very little to prepare and has not attended. In all these circumstances I consider dismissal pursuant to rule 47 to be the just course.

Dated: 24 August 2021

Employment Judge JM Wade