



## EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr Glenroy Watson** v **1. London Underground limited** **2. Malcolm Pinnell**

## PRELIMINARY HEARING

**Heard at: Watford**

**On: 6 October 2017**

**Before: Employment Judge Henry**

**Appearances:**

**For the Claimant: Ms M Stanley Counsel**

**For the Respondents: Mr A Allen, Counsel**

## JUDGMENT

1. The claimant's complaint for detriment on union grounds, by dismissal on 2 April 2016 and the claimant being informed that the dismissal was in "abeyance" as opposed to saying it had been revoked on 15 April 2016, has been presented to the tribunal outside the requisite time period pursuant to s.147 of the Trade Union and Labour Relations (consolidation) Act 1992 and for which the tribunal does not have jurisdiction to consider the claims.
2. The claimant's complaint for race discrimination on being informed that his attending RMT Headquarters on 3 May 2016 could not be sanctioned, the complaint having been presented outside of the requisite time period for which it is not just and equitable to extend time to consider that complaint. The tribunal does not have jurisdiction to entertain the same.
3. For the avoidance of confusion, the claimant's claim for detriment on union grounds, being a failure to conclude the grievance title "Formal complaint of bullying and harassment" submitted on 22 July 2016, proceeds. The claimant's further complaint for disability discrimination at paragraph 5.1.1 to 5. 1.9 of the Tribunal order sent to the parties on 29 March 2017 remain issues for the tribunal's determination.

## ORDERS

**Made pursuant to the Employment Tribunal Rules 2013**

1. The orders to the parties on 29 March 2017 are amended as follows:
2. **Disclosure of documents**
  - 2.1 Disclosure shall take place no later than **20 October 2017**

3. **Bundle of documents**

- 3.1 The claimant shall notify the respondents of the documents to be included in the bundle at his request on or before **10 November 2017**.
- 3.2 The respondents shall prepare and furnish to the claimant a full, indexed and paginated bundle to arrive on or before **17 November 2017**.

4. **Witness statements**

- 4.1 Witness statements are to be exchanged on or before **8 November 2017**.
- 4.2 On the issues for the tribunal's determination following the preliminary hearing having been reduced, it is agreed that the hearing of this case can now be completed within 4 days. The hearing has accordingly been amended to be heard over **4 days** to commence on **15 January to conclude on 18 January 2018**.

5. **Note of discussion**

- 5.1 It is here recorded that paragraph 5.4 of the tribunal's order sent to the parties on 29 March 2017 is not an issue for the tribunal's determination but merely narrative/comment by the claimant.

**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.

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**Employment Judge Henry**

25 October 2017

Sent to the parties on:

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For the Tribunal:

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