



## EMPLOYMENT TRIBUNALS

**Claimant**

**Mr B Davies**

**Respondent**

**Healthcare Environmental  
Services Limited**

v

## PRELIMINARY HEARING

**Heard at: North Shields**

**On: 7 & 8 August 2017**

**Before: Employment Judge Johnson (sitting alone)**

**Appearance:**

**For the Claimant: Ms K Jeram of Counsel**

**For the Respondent: Mr C Edward of Counsel**

## JUDGMENT

Upon hearing Ms Jeram for the claimant and Mr Edward for the respondent and by consent:-

- 1 The claimant's complaint of unfair dismissal is well-founded and succeeds.
- 2 The respondent's real reason for dismissing the claimant was a reason related to the TUPE transfer of the claimant's employment from SRCL Limited to the respondent on 1 October 2015.
- 3 The respondent is ordered to pay to the claimant compensation for unfair dismissal in the sum of £6,931.25.
- 4 The claimant's application for costs is postponed.

## ORDERS

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

- 1 If the claimant intends to pursue an application for costs, then by not later than **25 August 2017** the claimant shall serve upon the respondent (and copy to the Employment Tribunal) a formal application for costs, setting out the grounds upon which the application is made and the basis upon which the respondent is said to have acted vexatiously, abusively, disruptively or otherwise

unreasonably in the way that these proceedings have been conducted or the basis upon which the response had no reasonable prospects of success. There shall be attached to any such application a detailed schedule of costs, together with an explanation as to how those costs are said to be reasonable and proportionate to the issues in the case.

- 2 By not later than **15 September 2017** the respondent shall serve its reply to the claimant's application for costs, setting out its case on whether there has been any vexatious, abusive, disruptive or unreasonable conduct and whether the response had any reasonable prospect of success. Should the respondent wish to call any evidence in support of its reply then it must attach to the reply copies of that evidence.
- 3 By not later than **29 September 2017** the parties shall inform the Employment Tribunal as to whether they wish to have the costs application dealt with "on paper" without a hearing, or whether a hearing is required. If a hearing is required the parties shall provide the Employment Tribunal with two alternative dates for that hearing together with a time estimate.

**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 Johnson**

**Date 14 August 2017**

**Sent to the parties on:**

**16 August 2017**

**For the Tribunal:**