



EMPLOYMENT TRIBUNALS

Claimant

Ms T Cassidy

v

Respondent

**Leo Laboratories Limited t/a Leo
Pharma**

PRELIMINARY HEARING

Heard at: Reading

On: 1 September 2017

Before: Employment Judge Gumbiti-Zimuto

Appearance:

For the Claimant: Mr J Wallace (Counsel)

For the Respondent: Mr D Smith (Solicitor)

JUDGMENT

1. The claimant's complaint about dismissal on the grounds of protected disclosure and the claimant complaint about detriments on the grounds of protected disclosure are dismissed following withdrawal by the claimant.

CASE MANAGEMENT SUMMARY

Listing the hearing

1. After all the matters set out below had been discussed, we agreed that the hearing in this claim would be completed within four days. The case will be heard by an Employment Judge and Members. It has been listed at Reading Employment Tribunal, 30/31 Friar Street (***Entrance in Merchants Place***), Reading RG1 1DX to start at 10am or so soon thereafter as possible on **4 to 7 June 2018**. The parties are to attend by 9.30 am.

Amendment of the claim form

2. By no later than the **8 September 2017** the claimant is to send to the employment tribunal and copy to the respondent amended grounds of complaint. In so far as the claimant is making any new claims the claimant is required to make an application to amend the claim.
3. The respondent is to notify the claimant and the employment tribunal whether it objects to the claimant's application to amend the claim. The respondent is to

notify the claimant and the respondent of the basis of its objection by no later than the **15 September 2017**.

4. An employment judge will consider the application to amend the claim and any objections to the application in writing and make a decision which shall be notified to the parties.

Amendment to the response

5. Within 21 days of the employment tribunal's decision on the claimant's application to amend the claim being notified to the parties the respondent is to file an amended response to the claim.

Issues

6. Within 14 days of the respondent's response being sent to the employment tribunal the parties are to work together to produce an agreed list of the issues to be decided in the case.
7. I made the following case management orders by consent.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. Statement of remedy/schedule of loss

- 1.1. The claimant is ordered to provide to the respondent and to the Tribunal, so as to arrive on or before **15 September 2017**, a properly itemised statement of the remedy sought (also called a schedule of loss).
- 1.2. The claimant is ordered to include information relevant to the receipt of any state benefits.

2. Disclosure of documents

- 2.1. The parties are ordered to give mutual disclosure of documents relevant to the issues identified above by list and copy documents so as to arrive on or before **13 November 2017**. This includes, from the claimant, documents relevant to all aspects of any remedy sought.
- 2.2. Documents relevant to remedy include evidence of all attempts to find alternative employment: for example a job centre record, all adverts applied to, all correspondence in writing or by e-mail with agencies or prospective employers, evidence of all attempts to set up in self-employment, all pay slips from work secured since the dismissal, the terms and conditions of any new employment.
- 2.3. This order is made on the standard civil procedure rules basis which requires the parties to disclose all documents relevant to the issues which are in their possession, custody or control, whether they assist the party who produces them, the other party or appear neutral.
- 2.4. The parties shall comply with the date for disclosure given above, but if despite their best attempts, further documents come to light (or are

created) after that date, then those documents shall be disclosed as soon as practicable in accordance with the duty of continuing disclosure.

3. **Bundle of documents**

- 3.1. It is ordered that the respondent has primary responsibility for the creation of the single joint bundle of documents required for the hearing.
- 3.2. To this end, the claimant is ordered to notify the respondent on or before **16 April 2018** of the documents to be included in the bundle at their request. These must be documents to which they intend to refer, either by evidence in chief or by cross-examining the respondent's witnesses, during the course of the hearing.
- 3.3. The respondent is ordered to provide to the claimant a full, indexed, page numbered bundle to arrive on or before **23 April 2018**.
- 3.4. The respondent is ordered to bring sufficient copies (at least five) to the Tribunal for use at the hearing, by 9.30 am on the morning of the hearing.

4. **Witness statements**

- 4.1. It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.
- 4.2. The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the Tribunal, relevant to the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material.
- 4.3. The facts must be set out in numbered paragraphs on numbered pages, in chronological order.
- 4.4. If a witness intends to refer to a document, the page number in the bundle must be set out by the reference.
- 4.5. It is ordered that witness statements are exchanged so as to arrive on or before **21 May 2018**.

5. **Other matters**

- 5.1. The respondent is ordered to prepare a cast list, for use at the hearing. It must list, in alphabetical order of surname, the full name and job title of all the people from whom or about whom the Tribunal is likely to hear.
- 5.2. The claimant is ordered to prepare a short, neutral chronology for use at the hearing.
- 5.3. These documents should be agreed if possible.

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 Gumbiti-Zimuto

Sent to the parties on:

...13 September 2017.....

For the Tribunal:

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