



EMPLOYMENT TRIBUNALS

Claimant

v

Respondent

Mr J Okhagie

Tesco Stores Limited

Heard at: Watford

On: 29 to 30 November 2017

Before: Employment Judge Wyeth

Representation

For the Claimant: Mr K Harrison (Trade Union Representative)

For the Respondent: Mr R Ryan (counsel)

JUDGMENT

1. The claimant's complaint of victimisation is dismissed upon withdrawal.
2. The claimant was unfairly dismissed.
3. Had the claimant not been unfairly dismissed, there was an 80 per cent chance that his employment would have been terminated fairly.
4. The claimant contributed to his dismissal by 75 per cent.
5. This matter is listed for a remedy hearing for 2 hours starting at 2pm on 22 January 2018.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. Remedy case management

- 1.1 The following orders are made on the initiative of the Judge in accordance with rule 29. The parties may apply to vary these orders should they wish to do so.

2. Disclosure of documents

- 2.1 The parties are ordered to give mutual disclosure of documents relevant to the issue of remedy by list and copy documents so as to arrive on or before **22 December 2017**.

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.

3. Statement of remedy/schedule of loss

3.1 The claimant is ordered to provide to the respondent and to the tribunal, so as to arrive on or before **22 December 2017**, a properly itemised updated schedule of loss. The claimant is ordered to include information relevant to the receipt of any state benefits. The respondent is ordered to provide a counter schedule by **5 January 2018**.

4. Bundle of documents

4.1 The parties are to agree a short bundle for use at the remedy hearing. The parties are to agree the content of the bundle by **5 January 2018**. The parties are to ensure sufficient copies (at least two excluding their own) are brought to the tribunal for use at the hearing.

5. Witness statements

5.1 It is ordered that witness statements relevant to remedy are exchanged so as to arrive on or before **12 January 2018**.

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 Wyeth

11/12/2017

Sent to the parties on:

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For the Secretary to the Tribunals