

**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Nos: S/4100241/17 and S/4105678/16**

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**Held in Glasgow on 10 July 2017**

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**Employment Judge: Robert Gall  
Members: Mr I Ashraf  
Ms Neelam Bakski**

**Mr John Orr**

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**Claimant  
Represented by:  
Mr D Hay -  
Advocate**

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**South Lanarkshire Council**

**Respondent  
Represented by:  
Mr G Stewart -  
Solicitor**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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The Judgment of the Tribunal is that the Hearing set down for 10 July 2017 and the subsequent 4 days is postponed. Within 28 days of 10 July 2017 parties will confirm to the Tribunal whether fresh dates are to be set for the Tribunal Hearing at present or whether either party is of the view that the Hearing should not proceed at present.

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**REASONS**

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1. This case called for Hearing on 10 July 2017. It was set down for that day and the subsequent 4 days.

**E.T. Z4 (WR)**

2. Mr Hay for the claimant indicated that he had difficulty in proceeding due to very unfortunate personal circumstances. Further, he explained that there had been an accident over the weekend immediately preceding 10 July 2017 which had resulted in the death of an employee of the respondents whilst carrying out works on a road in East Kilbride. The circumstances of that accident might be of relevance to the case brought by the claimant. It was recognised that there would likely to be a fatal accident enquiry and that it might be inappropriate for evidence to be given on the various matters in this case given that circumstance. In addition one of the witnesses who was to appear in this case for the claimant, Mr Burnside, had been present at the incident which had resulted in the death of his colleague. For these reasons Mr Hay sought a postponement of the Hearing set to commence on 10 July 2017.
3. Mr Stewart for the respondents said that he understood the reasons advanced for postponement. He did not oppose postponement on the basis of the personal circumstances involving a member of Mr Hay's family. He was unclear as to whether the incident over the weekend, about which he said he knew little, would impact upon this case.
4. The Tribunal adjourned. It returned shortly after adjourning. It was confirmed to parties that the postponement application was granted. Discussion took place at to proceedings in the case. At the conclusion of the discussion, the agreed course was that parties would be given 28 days from date of the PH in which to consider their position as to the Hearing being set down for fresh dates or whether it was appropriate to sist the case pending any fatal accident enquiry in relation to the very unfortunate accident at the weekend.

5. Depending upon the view taken by each of the parties, the case will either be set down for Hearing involving issuing of date listing letters or will be sisted.

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Employment Judge: Robert Gall

Date of Judgment: 10 July 2017

Entered in register and copied to parties: 12 July 2017

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