



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4110593/2021

**Preliminary Hearing
Held by CVP on 30 March 2022**

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Employment Judge Jones

Mr Sneddon

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**Claimant
Represented by
Mr McLaughlin,
Solicitor**

Versalis UK Ltd

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**Respondent
Represented by:
Mr Price, of counsel
Instructed by:
Eversheds Sutherland
(International) LLP**

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JUDGMENT and ORDERS OF THE EMPLOYMENT TRIBUNAL

1. The respondent's application for strike out of the claimant's claim is refused.
- 30 2. Unless the claimant complies with the Order previously made to set out the date or dates on which he says the respondent should have made reasonable adjustments and why he says the reasonable adjustments set out by him on 25 January 2022 were reasonable on or before 13 April 2022, the claim will be dismissed without further notice.
- 35 3. The claimant's representative will use its best endeavours to obtain an unredacted or corrupted version of the claimant's GP medical records and provide same to the respondent's agents by 12 April 2022.

4. A preliminary hearing will be listed to take place by CVP before an Employment Judge sitting alone for one day at 10am on 20 May 2022 to determine whether the claimant was a disabled person at all material times for the purposes of the Equality Act 2010.

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REASONS

1. The respondent's application of 2 February 2022 that the claimant's claim be struck out is refused for the oral reasons provided at the hearing.
2. The claimant's representative accepted that the orders made following the Preliminary Hearing of 11 October 2021 had not been complied with to the extent that the claimant had not said when the reasonable adjustments he alleges should have been made by the respondent ought to have been made or why such adjustments were reasonable. Given the delays and failure of the claimant's agent to comply with the Orders of the Tribunal to date, an Unless order is made requiring the claimant to provide this information within 14 days from the date of this hearing, failing which his claim will be struck out without further procedure.
3. Once oral reasons had been provided there was a discussion with the parties regarding further procedure in this case.
4. Parties agrees that it would be in keeping with the overriding objective for the question of the claimant's disability status to be determined at a preliminary hearing. A hearing will therefore be listed to take place by CVP before an Employment Judge sitting alone on 20 May 2022.
5. Counsel for the respondent highlighted that the GP medical records which had been produced in relation to the claimant had been corrupted in some manner. He did not think that this was in any way caused by the claimant's agent but that it may have been something to do with the way in which these were produced by the claimant's GP. In any event, the apparent corruption

made it difficult to follow the detail of the interactions the claimant had with his GP. Therefore the claimant's representative would make an immediate request of the GP to produce a 'clean' copy of the records and undertook to provide this to the respondent within 14 days of the date of the hearing.

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6. Neither party wished to raise any further matter and the hearing was adjourned.

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Employment Judge:	A Jones
Date of Judgment:	30 March 2022
Date sent to parties:	31 March 2022