

States of Guernsey



**EMPLOYMENT & DISCRIMINATION TRIBUNAL**

**APPLICANT:** Ms Lucille Wilson

**RESPONDENT:** The Spa at the OGH

**Tribunal Members:** Mrs Caroline Latham (Chairman)  
Mr Roger Brookfield  
Mrs Paula Brierley

**Decision of the Tribunal on 10 September 2015**

**Legislation referred to in this document is as follows:**

The Employment Protection (Guernsey) Law, 1998, as amended (the Law)

1. The above claim was remitted back to the Employment Tribunal Service on 16 July 2015, by the conciliation service, following a failure to resolve the matter through the conciliation process, in order that a hearing be arranged.
2. Following referral, the Secretary to the Employment and Discrimination Tribunal made repeated attempts to contact the Applicant by telephone and in writing, in order to progress the claim. These attempts to make contact with the Applicant included telephone calls and written correspondence. Telephone calls were not answered by the Applicant and she did not reply to written correspondence sent by post.
3. Following receipt of form ET2 from the Respondent on 11 June 2015, a copy was sent by post to the Applicant at the address given on her Form ET1.
4. On 20 July 2015, Secretary to the Employment Tribunal sent an email to Miss Wilson and a letter by post to the address provided by her, requesting that she notify the Secretary of dates when she was available to attend a Case Management Meeting. The Secretary received no written or telephone response.
5. On 22 and 23 July 2015, the Secretary made attempts to contact the Applicant by telephone on the number provided by the Applicant on Form ET1. On no occasion did the Applicant answer her telephone and there was no facility to leave a message.

Any Notice of an Appeal should be sent to the Secretary to the Tribunal within a period of one month beginning on the date of this written decision.

The detailed reasons for the Tribunal's Decision are available on application to the Secretary to the Tribunal, Commerce and Employment, Raymond Falla House, PO Box 459, Longue Rue, St Martins, Guernsey, GY1 6AF.

6. The Secretary received no response from the Applicant, she sent a further letter to the Applicant, by registered post, on 30 July 2015, notifying the Applicant that *“failure to maintain appropriate contact and to furnish the Tribunal Service with information and documents may result in the Tribunal refusing to hear the claim”*. Ms Wilson was requested to contact the Secretary within 14 days of the date of the letter and to provide the information requested. This letter was not returned to the Employment Tribunal Service by Guernsey Post. The Applicant did not respond to the letter.
7. On 20 August 2015, a further letter was sent to the Applicant advising her that in the absence of a response to the letter dated 30 July 2015, the claim had been referred to the Tribunal for consideration and notifying her of the date of a Pre Hearing Review.
8. A Tribunal was convened on 10 September 2015 to determine whether the case could be dismissed under the provisions of Guernsey Employment Law.
9. The Tribunal reviewed the correspondence between the Secretary of the Employment Tribunal and the Applicant together with the records in relation to attempts to make contact by telephone.
10. In considering the powers available to it, the Tribunal had regard to:
 

Section 19(3)(a) of the Employment protection (Guernsey) Law 1998, as amended, states that: *“The Tribunal may refuse to hear and determine a complaint ... In default of compliance by the complainant or applicant with any provision of, or any requirement imposed under, section 18(1) or (2)”*.

Section 18(2) states: *“At any time after the receipt of a complaint under section 16(1) ... the Secretary may require the complainant or applicant to furnish such additional information and documents verified in such a manner, as the Secretary thinks fit”*.
11. The Tribunal, having considered all the information provided to it and specifically correspondence between the Employment Tribunal Service and the Applicant and the records of dates of attempts to contact her by telephone, concluded that the Applicant had not made sufficient attempts to prosecute her claim against the Respondent. Further, the Applicant had failed to acknowledge or respond to correspondence issued by the Secretary to the Employment Tribunal and failed to follow directions.
12. Taking into account the information noted above and in accordance with the Law the Tribunal refused to hear this complaint.

Ms Caroline Latham

.....  
Signature of the Chairman

12 October 2015

.....  
Date

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