

# IN THE INDUSTRIAL TRIBUNAL

Case N° 7 of 2016

**Yannick Joseph Gomez**

Complainant

-and-

**WN Works Limited**

Respondent

## Ruling

On the 17<sup>th</sup> March 2016, the Complainant filed an Originating Application for unfair dismissal on the grounds that “I was made redundant because there was no more work available to the company. I believe there is but there is no supplies no budget”.

On the 4<sup>th</sup> April 2016, the Respondent filed a Notice of Appearance in which it was stated that the Complainant “was dismissed due to shortage of work and that we” are a labour company and as such I hire employees to other companies and they terminate them as and when required. I have and always pay what they are entitled under the CATA agreement for redundancy”.

By letter dated the 14<sup>th</sup> April 2016, the Administrative officer of the Tribunal informed both parties but not the secretary or myself that a meeting was being convened on the 22<sup>nd</sup> April 2016 with reference this case. On the 22<sup>nd</sup> April 2016 the Complainant and Mr Wayne Ballester a director of the Respondent, appeared at the venue for the hearing and found that neither the Secretary of the Tribunal or myself, for the reason above stated, appeared. Not unnaturally neither the Complainant or Mr Ballester were best pleased to put it mildly. Indeed the Complainant that same day went to see the Secretary to the Tribunal, and even though she apologised for the administrative error, he left her office stating angrily that he wanted nothing further to do with the Tribunal.

On the 18<sup>th</sup> May 2016, the Administrative Officer of the Tribunal issued letters to both parties informing them that the Tribunal would be convening on the 6<sup>th</sup> June 2016 for the purposes of practice directions in the case. Prior to the 6<sup>th</sup> June 2016, the Secretary to the Tribunal spoke to the Complainant for the purposes of confirming with him the date of the meeting and at that point the Complainant informed her that she was not to call him again as he would not answer and not to send any further letters as he would tear them up.

On the 6<sup>th</sup> June 2016, Mr Ballester appeared before me but not the Complainant. On that date, much to the annoyance of Mr Ballester who stated he would not attend again, I adjourned the proceedings to the 11 July 2016 in order to give the Complainant one last chance to appear before me.

By letter sent by registered post and dated the 14<sup>th</sup> June 2016, the Complainant was informed that the Tribunal would be convening on the 11<sup>th</sup> July 2016 for the purposes of disposing of the case. On the 16<sup>th</sup> June 2016, the Complainant attended at the offices of the Secretary to the Tribunal and, amongst other things, informed her, and indeed wrote on the originating application, "I'm not going in for the meeting".

On the 11<sup>th</sup> July 2016, neither the Complainant or the Respondent made an appearance before me and I dismissed the complaint filed by the Complainant in exercise of the powers granted to me under the Industrial Tribunal Rules and in particular the power provided by Rule 16 (i) of said Rules. I am satisfied that not only were all reasonable steps taken to notify the Complainant of the proceedings of the 6<sup>th</sup> June and 11<sup>th</sup> July 2016 but also that the Complainant has no desire whatsoever to continue with the complaint, and in those circumstances I am of the opinion that it is just and fair to dismiss the proceedings.

Dated this 11<sup>th</sup> day of July 2016.



**Joseph Nuñez**

**Chairman**