



EMPLOYMENT TRIBUNALS
(England and Wales)

**CASE MANAGEMENT ORDER
OF THE PRESIDENT**

In the matter of the national minimum wage in the context of sleep in shifts: *Mr S Garton & others v Lifeways Paragon & others* (No. 2)

CLAIMS in connection with the payment of the national minimum wage in the context of sleep in shifts having been made against the above respondent (and other respondent companies within the group of companies of which the respondent is a part) in *Mr S Garton & others v Lifeways Paragon & others*

AND these claims having been stayed in England & Wales (and, it is understood, sisted in Scotland) pending the Supreme Court's decision in *Royal Mencap Society v Tomlinson-Blake* (heard on 12-13 February 2020)

AND these claims being case managed at the Manchester Employment Tribunal in accordance with the President's case management order dated 4 February 2016 at <https://www.judiciary.uk/wp-content/uploads/2015/03/lifeways-CMO1-3.pdf>.

AND new or further claims having been brought against the respondent and other companies in the same group that give rise to the same or similar issues albeit covering a different period of time (*Young v Lifeways Community Care Ltd* 2411416/2019 and *Bannister v Lifeways Community Care Ltd* 2404538/2019)

AND it being anticipated that further such claims will be presented in due course

AND having received representations dated 15 April 2020 from RPC on behalf of the respondent companies

AND appreciating that these claimants have not yet had an opportunity to make representations

AND having regard to the overriding objective under Rule 2 of the First Schedule to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

AND having regard to the distribution of judicial and administrative workload and resources as between the Employment Tribunal regions

IT IS ORDERED THAT:

THE new claims and any further similar claims in England & Wales against a Lifeways group company shall be presented at or transferred to the Manchester Employment Tribunal for case management in accordance with the order dated 4 February 2016


AND shall be stayed pending the Supreme Court's decision in *Royal Mencap Society v Tomlinson-Blake*

AND the respondents shall not be required to present an ET3 response to such claims until 28 days after the Supreme Court's decision in *Royal Mencap Society v Tomlinson-Blake* is promulgated

AND any party or representative wishing to make representations for the further conduct of any such claims should do so upon application to the Regional Employment Judge at Manchester (and copied to any other interested party or person)

AND a copy of this Case Management Order shall be sent to ACAS and to all known interested parties, and shall be published on the Judiciary website at:

<https://www.judiciary.uk/publications/directions-employment-tribunals-england-wales/>.

SIGNED: 

Judge Brian Doyle
President

DATED: 23 April 2020