

David O'Sullivan's preliminary hearing held at Watford Employment Tribunal

Laura Tiernan
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A preliminary hearing in relation to David O'Sullivan's legal claim against Metroline bus company took place on January 13 at the Watford Employment Tribunal.

A London transport worker for nearly three decades, O'Sullivan alleges he was sacked last February because he demanded health and safety measures to stop the spread of COVID-19 infections at his garage.

O'Sullivan was represented at the preliminary hearing by barrister Adam Ohringer of Cloisters Chambers, with instructions from Leigh Day solicitors. Ohringer is an employment law specialist whose expertise includes equality and discrimination issues, and human rights law.

The hearing took place via videolink due to the pandemic.

The preliminary hearing was held to finalise the legal issues in dispute, to establish a case management timetable and to set a date for the full hearing. It was not possible to finalise all of the issues and a further preliminary hearing has been listed for May 5, 2022.

O'Sullivan explained, "I am seeking permission to amend my claim against Metroline. We'll be asking the Employment Tribunal to allow us to include further details of the protected disclosure I made to the company in January 2021, setting out serious health and safety breaches and calling for remedial action."

A full hearing has been scheduled for February 20, 2023. The hearing is expected to last 7 days. Unfair dismissal claims are generally heard by an Employment Judge sitting alone, but this case will go before a full panel of the Employment Tribunal.

O'Sullivan said, "This case goes to the heart of what rights employees have to protect themselves in the pandemic, and how far they can go in pursuing those rights. It relates to many areas of employment law in

the pandemic, including health and safety, PPE, workplace transmission of COVID-19, the reporting of infections and industrial action."

O'Sullivan's case has been crowdfunded, with a £20,000 Crowd Justice fund that was completed on the eve of the preliminary hearing. He said, "I'd like to thank everyone again for the support I've received. There's no way I could afford lawyers on my own, so this case has only been possible because of public support."

"The donations and messages have been amazing. This case has struck a chord with bus drivers and key workers not just in the UK, but around the world. This pandemic is far from over, and there is a growing mood that we cannot simply accept the ongoing sacrifice of our lives to profit."



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