



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4104882/2017

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Heard in Glasgow on 30 May 2018

Employment Judge: Sally Cowen

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Mrs L Brown

**Claimant
Represented by:-
In Person**

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Trophies & Gifts Ltd

**Respondent
Not Represented
Not Present**

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JUDGMENT

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1. The respondent's application for postponement of the Hearing on 30 May 2018 is refused.

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2. The Tribunal makes a declaration that the claimant is entitled to the sum of Twenty Three Thousand, Two Hundred and Ninety Two Pounds and Fifty Six Pence (£23,292.56) as a result of the unlawful deductions from wages contrary to Section 13 of the Employment Rites Act 1996.

E.T. Z4 (WR)

3. Payment of the said sum to be made within 14 days of the date of this Judgment.

SUMMARY REASONS

5 **Postponement**

4. The respondent replied by email to have the Hearing postponed due to the withdrawal of their solicitors and Mr Sharif of the respondents being unavailable due to a hospital appointment. These reasons were considered and rejected by Employment Judge Gall on 29 May 2018. No further explanation has been received from the respondents, nor any attendance at Tribunal today. There does not appear to be to the Tribunal any exceptional circumstances by which a postponement should be allowed in this case.

15 **Findings**

5. The claimant has been employed by the respondents for approximately 11 years. Her claim for arrears of pay covers the period 2016, 2017 and 2018 to date and arises from Section 13 of the Employment Rites Act 1996.
- 20 6. The last payment made to the claimant was on 31 May 2017, thereafter she has received no monthly payment from the respondents. She registered her claim with ACAS on 18 September 2017 and lodged her ET1 with the Employment Tribunal date stamped 10 October 2017. The Tribunal is therefore satisfied that this claim remains in time.
- 25 7. The Tribunal was referred to the schedule provided by the claimant on the 28 November 2017 as to the amounts which she was due and owing and the amounts received up to the end of September 2017. Those are accepted by the Tribunal.
- 30 8. The claimants evidence to the Tribunal today confirmed that she has been absent as sick since the 17 August 2017. The Tribunal finds that she would be entitled to one month of contractual sick pay as this was the usual

application of the respondents' discretion. Thereafter the claimant was entitled to 28 weeks of statutory sick pay calculated from the start of October 2017 to the end of the week ending 13 April 2018. The Tribunal finds that 27 weeks statutory sick pay at £89.35 per week and one week at £92.05 per week are payable.

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9. The Tribunal therefore finds that the total sum of Twenty Three Thousand, Two Hundred and Ninety Two Pounds and Fifty Six Pence (£23,292.56) is payable to the claimant.

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Employment Judge: Sally Cowen
Date of Judgment: 18 June 2018
Entered in register: 21 June 2018
and copied to parties

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