



# EMPLOYMENT TRIBUNALS

**Claimant**

Ms S Leaver

**Respondent**

v Vinaya Patel Limited, T/A Subway St Ives.

**Heard at:** Bury St Edmunds (by CVP)

**On:** 17 November 2020

**Before:** Employment Judge Laidler

**Appearances**

**For the Claimant:** In person.

**For the Respondent:** Mr Sarju Patel, Director.

**COVID-19 Statement on behalf of Sir Ernest Ryder, Senior President of Tribunals.**

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was by Cloud Video Platform (CVP). A face to face hearing was not held because of the Coronavirus pandemic.

## JUDGMENT

1. The respondent to pay to the claimant the sum of £324.53 within 7 days of the date on which this Judgment is sent to the parties or provide evidence as to when and how it was paid.
2. Whether the claimant is entitled to any further payment will be determined at a hearing to be listed with a time estimate of 2 hours.
3. Case management orders are made as set out in the separate case management document.

## REASONS

1. Both parties attended this hearing in person. The claim form had been issued on 28 June 2019 and a previous hearing listed in November 2019 postponed by the Tribunal. The claimant claimed she is due a payment of £600 in respect of 80 hours worked for the respondent paid at £7.50 per hour.

2. The respondent had defended the proceedings stating that it had paid £122.55 on 5 March 2019 and a further payment of the same amount thereafter. It had acknowledged that the claimant was owed £324.53 for 43.27 hours worked.
3. Both parties indicated at this hearing that documents had been provided to the other or in the claimant's case to ACAS but none of these were before the Tribunal. The claimant submitted that she had changed her bank account from that originally used but had asked that bank, Nationwide for a year's supply of bank statements so she could check that no further payments had been made by the respondent into it. She had disclosed those bank statements. She also has kept a handwritten record of her hours worked and has relevant WhatsApp messages for when shifts were changed. These had not been provided to the Tribunal.
4. For the respondent it was submitted that they had rotas showing the hours worked by the claimant but again these had not been provided.
5. Applying the overriding objective, the Judge determined the above Judgment should be made and case management orders have been made as set out in the separate document. A further hearing will be listed before this Employment Judge with a time estimate of 2 hours to determine the matter.
6. The parties were however encouraged to utilise the services of ACAS to see whether a negotiated compromise could be reached of these matters.

Employment Judge Laidler

Date: 23 November 2020

Sent to the parties on: 01/12/2020

Jon Marlowe  
For the Tribunal Office