



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss K Bowers  
**Respondent:** Desire Cakes and Shakes Limited

## AT A HEARING

**Heard at:** Leeds                      **On:** 31<sup>st</sup> March 2021  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** In person  
**Respondent:** Did not attend

This has been a remote hearing been not objected to by the parties. The form of remote hearing was CVP video conferencing. A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing

## JUDGMENT

1. The title of the Respondent is amended to Desire Cakes and Shakes Limited.
2. The Respondent's application for an extension of time in which to serve a Response is refused upon there being no attendance to pursue that application.
3. Pursuant to rules 21 and 47 of the Employment Tribunal Rules of Procedure 2013 the case proceeded in the absence of the Respondent with sworn evidence given by the Claimant.
4. The claim for unfair dismissal is dismissed upon withdrawal because the Claimant does not have the necessary 2 years' continuous employment.
5. In so far as is necessary the Claimant is given leave to amend the claim, by relabelling of the narrative in her claim form, also to include a complaint of unauthorised deductions from wages.
6. Any claim for payment of £75.00 allegedly owing from a previous period of employment is dismissed upon withdrawal, as it would be out of time.
7. The Claimant worked 4 shifts of 5 hours on consecutive days between 15<sup>th</sup> and 18<sup>th</sup> October 2020, for which she was paid £120.00, which is £9.00 less than she was owed at the applicable National Minimum wage rate of £6.45 per hour.

Case: 1806848/2020 (V)

8. The Claimant worked 35 ½ hours between 19<sup>th</sup> and 24<sup>th</sup> October for which she was paid for only 21 at £6.45 per hour on 19<sup>th</sup> January 2021.
9. It is therefore declared that the Respondent has made unauthorised deductions from the Claimant's wages and it is ordered to pay to her the sum of £102.53 gross.
10. The Respondent has failed to provide to the Claimant a written statement of her terms and conditions of employment and is therefore further ordered to pay an additional award of 2 weeks' pay pursuant to section 38 of the Employment Act 2002, namely £387.00 (calculated on the basis of a 6 day week at 5 hours per day at the rate of £6.45 per hour).
11. The Order under rule 50 of the Employment Tribunal Rules of Procedure 2013 made on 16<sup>th</sup> December 2020 is continued, so as to apply to the promulgation of this judgment.

EMPLOYMENT JU DGE LANCASTER

DATE 31<sup>st</sup> March 2021

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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