



EMPLOYMENT TRIBUNALS

Claimant: Miss E Gul

Respondent: Thompson Crosby and Co Ltd

Heard at: London Central via CVP **On:** 4th November 2022

Before: Employment Judge D Wright (Sitting Alone)

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

1. The claimant's claim is in time.
2. The respondent has unlawfully failed to pay wages to the claimant and the tribunal orders it to pay her £23,694.35 net. Such sum to be paid within 14 days of the date of service of this order.
3. The respondent is to account to HMRC for any tax and NI due.

REASONS

1. The claimant ceased working for the Respondent on 28 February 2022 and her last pay was due then. Ordinarily the time limit for bringing a claim would begin on that date and she would need to have instituted proceedings or contacted ACAS by 27 May 2022.
2. I find that the claimant had this date in mind and entered into discussions with the respondent, resulting in the respondent agreeing to pay the wages in May 2022. Payments were made on 4 May and 9 May 2022 but then they stopped again.
3. I find that the date of the last deduction was therefore 9 May 2022. The Claimant began early conciliation with ACAS on 8 August 2022, within the timeframe allowed. Proceedings were subsequently issued on 9 August 2022.
4. If I am wrong about the clock being "reset" then I find that it would, in all the circumstances, be just and equitable to extend the time for the claimant to

bring proceedings.

5. The claimant entered into good faith negotiations with the respondent and was led to believe that payments were going to be made without the need to engage ACAS or the Tribunal. She acted upon a promise and did not start proceedings, thus attempting to save the public purse money and the tribunal time.
6. Once it became clear that the sums were not going to be paid, despite the respondent's promises, she began proceedings within the three month period.
7. This is not a case where the claimant has sat on their hands and done nothing, she has actively pursued the claim and entered into a form of ADR, even if not through ACAS. Therefore I find that it is just and equitable to extend the time frame.
8. The respondent has not engaged with proceedings. They have not filed an ET3, nor responded to other correspondence. The ET3 and other correspondence have been sent to the respondent's registered address shown at Companies House and I find that it has been validly served.
9. Under Rule 21 the respondent would not have been permitted to address the tribunal today without my permission and therefore I find that it is fair to continue today in their absence.
10. I have reviewed the claimant's payslips and heard her evidence. I have also been directed to emails from the respondent outlining the difficulties they were having paying wages.
11. I therefore find that the claimant has not been paid the sum of £23,694.35 net of tax and the respondent is therefore to pay that sum within 14 days of this order being served.
12. The respondent has declared this income to HMRC already and therefore the respondent is to account to HMRC for any outstanding tax and national insurance contributions.

Employment Judge **D Wright**

Date 04/11/2022

JUDGMENT SENT TO THE PARTIES ON

04/11/2022

FOR THE TRIBUNAL OFFICE

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