



## EMPLOYMENT TRIBUNALS

**Claimant**  
Miss S Francis

v

**Respondent**  
Toni & Guy Croydon  
(T) Hairdressing Limited

**Heard at:** Croydon (by video) **On: 5 August 2022**

**Before:** Employment Judge C H O'Rourke

### Appearances

For the Claimant: Not in attendance, or represented  
For the Respondent: Mr J Munro - solicitor

## JUDGMENT

The Claimant's claims of arrears of notice pay, holiday pay and for 'other payments' fail and are dismissed.

## REASONS

**(Being provided, as the Claimant was not in attendance at the Hearing)**

1. The Claimant did not attend this Hearing and the burden of proof being upon her, her claims must fail.
2. Following the commencement of the Hearing, shortly after 2.00 pm, the Claimant not being in attendance, she was contacted by the Tribunal and indicated an intention to attend. The Hearing was adjourned to 2.30. At that point, the Claimant requested, due, she said, to an inability to connect to the Hearing that it be 're-scheduled'. That request was refused, for the following reasons:
  - a. The Claimant had been sent the same joining instructions as the Respondent, who had been able to join and it is her responsibility to ensure that she could do so.
  - b. She had not, in any event, complied with the Tribunal's orders of 15 February 2022, as to providing electronic copies of, firstly, a document setting out how much she was claiming and how this

amount had been calculated, or, secondly, any documents or evidence upon which she intended to rely, despite having been sent a copy of the Respondent's bundle and the witness statement of Mr Martin. The only document provided by the Claimant was her ET1.

- c. Applying Rule 2, the 'Overriding Objective', I did not consider it in the interests of justice (which applies to both parties) to further delay the hearing of this claim, in view of the need to deal with cases which are proportionate to the complexity and importance of the issues (this was a claim of arrears of wages for which the Respondent had provided a persuasive defence and to which the Claimant had provided no response) and also, to avoid delay and to save expense, both for the Respondent and the Tribunal.

3. The Hearing proceeded at 2.40, in the Claimant's absence.

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Employment Judge O'Rourke  
Dated 5 August 2022