



EMPLOYMENT TRIBUNALS

Claimant: Eirini Betsa

Respondent: Cinq Sandwiches and Patisseries

Heard at: London South **On:** 30 May 2018

Before: Employment Judge Cheetham QC

Representation

Claimant: In person

Respondent: no attendance

JUDGMENT

1. The Respondent will pay the Claimant the sum of **£408** in respect of unpaid wages.
2. The Claimant has applied for a preparation time order in the sum of **£108** (3 hours' preparation time).
3. If it disagrees with that Order being made, the Respondent will write to the Tribunal within 14 days of the date of this Order being sent to the parties, setting out its reasons.

REASONS

1. This is a claim brought by the Claimant, Ms Betsa, in which she complained that she was owed unpaid wages in respect of work carried out at the Respondent's restaurant.

2. In its Response, the Respondent denied owing any money and asserted that the Claimant was simply undergoing an unpaid trial.
3. The Respondent did not attend. The parties were informed of this hearing date on 3 April 2018, a previous hearing having been vacated at the request of the Respondent. There was no communication by email or telephone from the Respondent explaining their non-attendance. In those circumstances, the Tribunal proceeded in their absence.
4. The Claimant gave evidence through an interpreter and the Tribunal found as a fact that she worked a total of 48 hours between 26 and 31 July 2017 and that she had been told by her manager she would be paid £8.50 per hour. She told the Tribunal – which accepted her evidence – that the Respondent was wrong in describing this as a trial period.
5. The Tribunal therefore concluded that the Respondent had failed to pay the Claimant her wages in the sum of £408.
6. The Claimant then made an application for a preparation time order in respect of the time it had taken her to prepare her statement and relevant documents, as well as deal with correspondence (including in respect of the vacated hearing). She made the application on the basis that the Respondent had acted unreasonably in the way it conducted the proceedings by failing to attend.
7. The Tribunal agreed in principle and considered that the Claimant was entitled to a preparation time order reflecting 3 hours preparation time at the current rate of £38 per hour (£108). However, before that order can be made, the Respondent has an opportunity to write to the Tribunal and stating why that Order should not be made.

Employment Judge Cheetham QC
Date: 6 June 2018