



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss D Whiley

**Respondent:** Colin Limited

**Heard at:** London South (Croydon)

**On:** 16 February 2018

**Before:** Employment Judge John Crosfill

## Representation

Claimant: No appearance or representation

Respondent: Mrs Christiana Bakare of Counsel

# JUDGMENT

1. The Claimant's application for a postponement made by e-mail timed at 12:19 on 15 February 2018 is refused. The Claimant has shown no good reason why she could not have attended the hearing.
2. Upon being satisfied that the Claimant knew of the hearing date and time and that she knew that no postponement had been granted it was in the interests of justice to proceed with the hearing pursuant to rule 47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
3. Having had regard to the evidence of Mr Awoselo and upon an examination of the ET1, ET3, signed contract of employment, pay slips, correspondence and time sheets:
  - a. The Claimant's claim for notice pay brought pursuant to the Employment Tribunals (Extension of Jurisdiction) Order 1994 is dismissed. The Claimant was paid for 1 weeks notice in accordance with the terms of her contract of employment.
  - b. The Claimant's claim for payment for holidays accrued but untaken at the date of her dismissal brought pursuant to Regulation 30 of the

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Working Time Regulations 1998 or Part II of the Employment Rights Act 1996 is not well founded. The Claimant was paid in respect of all remaining accrued holiday in the payment made in July 2017.

- c. The Claimant's claim for unpaid sick pay brought either under the Employment Tribunals (Extension of Jurisdiction) Order 1994 or Part II of the Employment Rights Act 1996 is not well founded. The Claimant was paid all sums properly due to her under her contract of employment.
- d. The Claimant's claim for damages arising from any failure to pay pension contributions brought under Employment Tribunals (Extension of Jurisdiction) Order 1994 is dismissed. All pension contributions from the Respondent due were paid (although omitted from payslips).

Employment Judge John Crosfill

Date 16 February 2018

Note

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