



## THE EMPLOYMENT TRIBUNALS

Claimant  
Ms M Janiga

Respondent  
Thistle Recycling Solution Limited

EMPLOYMENT JUDGE GARNON  
MADE AT MIDDLESBROUGH

ON 11 March 2019

### JUDGMENT (Liability Only) Employment Tribunals Rules of Procedure 2013 –Rule 21

1. The name of the respondent is amended to that shown above without the need for re-service.
2. The claims are well founded.
- 3.A Hearing will be listed on the first available date after 15 May 2019 to decide remedy at which the respondent may attend to be heard on remedy only.

### REASONS

1. The claimant, who is Polish, was employed from January 2018 as a shop assistant in the Hartlepool shop of a company she thought was called Thistle Recycling Solutions Limited. The shop named “Cash 4 Clothes” bought and sold second-hand clothes .The claimant knows it has shops in Sunderland and Glasgow and believes it has more.
2. In April 2018 she told her manager, a man she knows as “Miron”, she was pregnant. After speaking with a man the claimant believes in charge of finance, called Karol Gocyka, Miron confirmed she would be permitted to work up to the start of her maternity leave. At Mr Gocyka’s request she completed a pregnancy risk assessment form. She was the only member of staff in the shop, working her contracted 20 hours a week plus overtime, so when she was not present the shop was closed. She still has the key. From May 2018 onwards, although she continued to receive payslips, no money was paid into her bank and she was told the shop should not be opened.
3. She used text messages in an attempt to contact both these gentlemen but was ignored. She also sent emails to the office in Glasgow which were unanswered. On 16 July, Miron telephoned her saying she no longer would be working for the company.

4. This was done on the instruction of a person she describes as the “boss” whose name she knows as Mateusz. After trying without success to find out what was happening and why, she commenced Early Conciliation (EC) on 12 September, which ran its full course until 12 October when an EC Certificate was issued.

5. She presented her claim on 27 October but it was not served until 2 January, by post to the registered office of the respondent which, as revealed by a company search is called Thistle Recycling **Solution (without an “s”)** Limited. A minor amendment to the respondent’s name without the need for re-service in my view does no injustice . A claim may be validly served on a limited company at its registered office. A response was due by 30 January 2019 but none was received.

5.The respondent was incorporated on 9 June 2017 and its registered office is Unit 4 South Douglas Street,, Clydebank, Glasgow G81 1PD. Its status is shown as active . It last filed a confirmation statement on 8 February 2019. On 31 January 2019 Mr Mateusz Edward Szramke and Ms Aleksandra Ewa Figacz filed notice they had ceased to have significant control of the company on 11 October 2017. On 13 October 2017 it changed its registered office from 4D Auchingramont Road, Hamilton,ML3 6JT. following the termination of Mr Mateusz Szramke as a director and the appointment of Ms Figacz as such and Mr Andrzej Szramke as company secretary on 5 October 2017. The claimant knows Mr Andrzej Szramke is the father of Mr Mateusz Szramke.

6. On 31 January 2019 the Tribunal received an email from someone signing herself “Alexandra” of “Glasgow Recycling”. It said *“We have received a letter from Employment Tribunal, person who has been dealing with this case has left our company ,we would like to know what is the progress of the case now”* . A company called Glasgow Recycling Ltd (Company Number SC573016) had its registered office at 140 Broxburn Road Glasgow G53 5RY. It was dissolved on 8 January 2019 having been incorporated on 7 August 2017. Another company called Glasgow Recycling Ltd (Company Number SC386348) had its registered office at 4D Auchingramont Road Hamilton, ML3 6JT. It was dissolved on 28 March 2014 having been incorporated on 1 October 2010.A company may trade under a name other than its own. On 4 February 2019 Employment Judge Johnson extended the time for the respondent to file a response to 28 February and ordered a preliminary hearing to clarify the correct identity of the respondents who could be liable to the claimant. This was explained in a letter sent to both parties on 7 February 2019 . Still no response was received and no further word from anyone on behalf of the respondent.

7. On 11 March 2019 I conducted that preliminary hearing, having first performed company searches. When I told the claimant what they showed, her response was that the respondent had changed its trading name and she had been told its “owners” had changed . When she asked Miron for contact details for Mr Mateusz Szramke he said he could not provide them.

8. I am required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if so,

obliged to issue a judgment which may determine liability only or liability and remedy. I have in the claim form, and what the claimant told me at the preliminary hearing, sufficient information to enable me to find the claims proved on a balance of probability but not enough to determine the sums to be awarded. For reasons I will record in a separate Order, the claim will now be amended to add a further respondent, Mr Mateusz Szramke, and the remedy hearing listed far enough ahead to enable him to respond on his own behalf.

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**TM Garnon Employment Judge**

**Date signed 11 March 2019 .**