



# EMPLOYMENT TRIBUNALS

**Claimants:** Miss K Olesinka  
Miss K Nazaruk  
Mrs S Kostecka

**Respondent:** Urszula Dabek

**Heard at:** North Shields

**On:** 13 July 2018

**Before:** Employment Judge S A Shore

## REPRESENTATION:

**Claimants:** In person

**Respondent:** Mr M Cameron, Consultant

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimants' claims of failure to pay holiday pay, unauthorised deduction of wages, failure to give an itemised pay statement and failure to provide a written statement of terms of conditions of employment are all dismissed because they all arose before 11 April 2017 and the Respondent was the subject of a bankruptcy order on 5 May 2017, which ended on 5 May 2018. The Tribunal therefore has no jurisdiction to deal with the claims.

# REASONS

1. The claimants were employed by the respondent for different periods of time between 22 September 2015 and 1 January 2017. They presented their claims to the Tribunal on 11 April 2017.

2. On 5 May 2017, a bankruptcy order was made against the respondent under number 5025266. I noticed a reference to the order in the bundle prepared by the parties and checked the online site of the Insolvency Service to confirm the details of the respondent's bankruptcy.

3. It is a matter of law that in respect of any debt provable in the bankruptcy (as all the claimants' claims were) there is no remedy other than so proving. It is also a matter of law that no action or other proceedings may be instituted against the bankrupt without the leave of the Court that made the order (section 285(3)(b) Insolvency Act).

4. I accept that the claimants may not have been advised of the respondent's bankruptcy or given the opportunity to prove the monies they say they are owed in the bankruptcy. That may be a matter that they can take up with the respondent's trustee in bankruptcy and/or the Redundancy Payments Service but I am afraid that this Tribunal has no jurisdiction to hear the claimants' claims, so I have no alternative but to dismiss them.

Employment Judge S A Shore

Date 13 July 2018

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