



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms F Novsarka

**Respondent:** M&K Pharma Limited (in creditors' voluntary liquidation) and others

**Heard at:** Birmingham Employment Tribunal

**On:** 10 February 2020

**Before:** Employment Judge Cookson

## Representation

Claimant: Mr Horan (counsel)

Respondents: Did not attend or offer any representations

# JUDGMENT

1. In the absence of any response having been filed by the second and third respondent in claim number 1306712/2019 and in light their failure to attend the open preliminary hearing or offer any explanation for not attending this hearing, and as I have determined that I can properly make a determination in that claim from the information available to me in accordance with Rule 21, the claimant's claim of victimisation contrary to section 27 of the Equality Act 2010 against the second and third respondents succeed;
2. In light of the fact that an application to postpone or adjourn the substantive hearing in this case was made less than 7 days before the date on which the hearing was due to begin and in light of the unreasonable conduct of the second and third respondents in these proceedings generally and in particular by their failure to comply with the requirements of Rule 30A (1), a wasted costs order shall be considered against second and third respondents in accordance with Rule 76(1)(a) and (c);
3. The Secretary of State for Business, Energy and Industrial Strategy shall be joined to these proceedings in relation to claims relating to unpaid wages, notice pay and unpaid holiday pay;

**Case No: 1301360/2017 & others**

4. The claims numbered 1301306/2017 and 1304212/2018 are stayed to enable the claimant to make an application to the Secretary of State for Business, Energy and Industrial Strategy for payment of those monies referred to in paragraph 3 of this order;
5. This case shall be listed for a one day hearing to determine the amount of remedy payable to the claimant and the issue of costs in accordance with paragraphs 1 and 2 to be listed for one day’s hearing on the first available date 14 days from the date that this judgment is set to the parties.

Employment Judge Cookson

Date 25 February 2020

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

Notes

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.

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