



EMPLOYMENT TRIBUNALS

Claimant: Mr C. Rodrigo
Respondent: NXG Enterprises Limited
Heard at: East London Hearing Centre
On: 1 April 2020 (in public and by telephone)
Before: Employment Judge A. Ross

Representation

Claimant: In person
Respondents: No attendance

JUDGMENT

1. The complaint of unlawful deduction from wages succeeds.
2. The Respondent shall pay the Claimant unpaid wages of £1331.59
3. Upon the Claimant confirming that the Respondent has paid his full redundancy payment, the claim for a redundancy payment is dismissed.

REASONS

1. This Claim was listed for final hearing today. Because of the Covid-19 emergency, a face-to-face hearing with the parties was not possible.
2. The case remained listed, to hear from the parties as to whether they were ready and willing to proceed by telephone. In the event, only the Claimant attended; he was keen for the case to proceed.
3. I decided that the hearing should proceed by telephone. My reasons are as follows. I have set these out in writing given the absence of the Respondent.
4. I took into account the relevant Rules of Procedure 2013, specifically rule 59, rule 41 and rule 46. Rule 46 allows a final hearing to be conducted wholly by telephone provided the Tribunal considers that it would be just and equitable to do so, provided that it takes place in public.
5. The Tribunal ensured that this hearing was in public. I sat in Tribunal 1 with the speaker phone on. The list was pinned up in the waiting area, as usual, so any

member of the public in the building could know what case was being heard. The Claimant gave his evidence on affirmation (repeating the words of the affirmation after me).

6. Quite apart from the fact that the rules were complied with, I was satisfied that it was just and equitable to proceed because:
 - 6.1. The Claimant expressed a desire to continue with full hearing. He has been waiting about a year for the wages in issue. There would be a long delay to the Claimant if the Tribunal did not proceed to hear the case today. This would be unfair to the Claimant.
 - 6.2. The amount outstanding at this hearing was a liquidated sum.
 - 6.3. The Respondent had not filed any Response. It had never denied the bonus sum of £1331.59 was owed. This is admitted in a letter dated 7 May 2019, a copy of which was sent by the Claimant to the Tribunal.
 - 6.4. The Respondent did not attend, and nor did it argue that it was not just for the hearing to proceed.
7. Having taken the affirmation, I heard short oral evidence from the Claimant, which I accepted. The sum claimed was a bonus due in March 2019, which was to be paid on or about 31 May 2019. The Claimant's evidence was corroborated by the documentary evidence from the Respondent, dated 7 May 2019, which indicates that the sum claimed was due to the Claimant and would be paid on 31 May 2019.
8. I found that the bonus was properly payable to the Claimant on 31 May 2019 and it had not been paid.
9. The Claimant had informed the Tribunal in February that the redundancy payment had been made in February 2020; and that there were no other sums outstanding to him.
10. I concluded that the bonus fell within the definition of wages within section 27 Employment Rights Act 1996. The Claimant was entitled for judgment for the unpaid bonus of £1331.59.

Employment Judge A. Ross
Date: 1 April 2020