



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH
BEFORE: EMPLOYMENT JUDGE BALOGUN
BETWEEN:

Miss N Stancheva

Claimant

And

Poundland Limited

Respondent

ON: 9 December 2020 (By CVP Video Conference)

Appearances:

For the Claimant: In person (left the hearing after 40 minutes)

Hungarian Interpreter: Ms Lyubov Karalvanova

For the Respondent: Ms Georgia Roberts, Solicitor

JUDGMENT

The claim of unlawful deduction of wages fails and is dismissed.

REASONS

1. By a claim form presented on 20 May 2019, the claimant brought proceedings against the respondent. The claim form was unclear as to the nature of the complaint but at a preliminary hearing on 16 September 2020, it was clarified as being restricted to a claim for unpaid wages. At that same hearing, the current respondent was added to the proceedings in substitution of the one named in the claim form, who was not the claimant's employer.

2. The claimant's case is that she was paid £800 or £900 a month by the respondent and should have been paid £1600 because she worked 14 hours a day and did overtime.
3. The claimant has little, if any, English so was assisted by a Hungarian interpreter. The respondent provided a paper and pdf version of the bundle both of which were sent to the claimant. Included in the bundle was a witness statement of Danielle Merritt, for the respondent. The claimant attended the hearing without any of these documents and did not provide any documents of her own. She also did not provide a witness statement even though she had confirmed at the previous hearing that she would be able to produce one in English with the assistance of others.
4. Within 15-20 minutes of the hearing commencing, the claimant announced that she needed to get some legal advice before proceeding but had not been able to do so as she had no money. I told the claimant that the hearing would not be adjourned as she had had plenty of notice of it and therefore plenty of time to prepare her case, with or without representation. The claimant then announced that she was going to leave the hearing. When I explained to her that if she did so, the hearing would go ahead and a decision would be made in her absence, she replied "ok" and left the disconnected from the hearing. At that point, I released the interpreter and continued with the hearing in the claimant's absence.
5. I heard evidence from Danielle Merritt, Regional HR Manager and from that evidence I make the following findings:
6. The claimant was employed as a Sales Assistant between 29 October 2018 and 8 May 2019. She was contracted to work 12 hours a week, although she often worked overtime. Her starting rate of pay was £7.83 per hour. This increased to £8.21 by the time of her termination. Overtime was paid at the basic hourly rate. Hours worked on the nightshift were paid at a rate of 1.33 for each hour worked between 11pm and 5am.
7. In the bundle are the claimant's payslips covering the whole period of her employment. The total hours worked by the claimant over her employment were 512.79 and her total gross pay, £5,339.02. The claimant has not produced any evidence challenging the accuracy of those figures and I am satisfied from the documents that the sums paid in each pay period correspond with the hours worked.
8. In the circumstances, the claim for arrears of pay has not been made out and is dismissed.

Employment Judge Balogun
Date: 9 December 2020

