



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Robbie Rands

**Respondent:** Bonjour Café Limited

**Heard at:** London South Tribunal **On:** 19<sup>th</sup> March 2021 **by:** CVP

**Before:** Employment Judge Clarke (sitting alone)

## **Representation**

Claimant: Mr Rands (in person)

Respondent: Ms Elena Dobрева

## **JUDGMENT**

This case was listed for final hearing today by CVP. Both parties were present at a telephone hearing on 16<sup>th</sup> October 2020 where directions were given, and the hearing date was set. The parties were notified of today's hearing date by the written order from that hearing (sent to the parties on 20<sup>th</sup> October 2020) and by a subsequent notice of hearing dated 26<sup>th</sup> October 2020. Neither party complied with the directions. The Respondent did not receive log on details for the hearing until this morning and failed to log on at the listed time. After numerous efforts to contact the Respondent by e-mail and telephone, Ms Dobрева, on behalf of the Respondent, was finally connected by audio only at around 12:20 but was unprepared for the hearing. After initial discussions as to the issues in the case, the hearing was adjourned until 2pm to give the Respondent time to prepare. The Respondent was warned that the hearing would proceed in her absence if she failed to reconnect unless she had contacted the Tribunal to advise that she was unable to do so for technical reasons. The Respondent did not reconnect at 2pm. By 2:23pm no e-mail had been received from the Respondent and 3 attempts to contact her by telephone had failed as the phone diverted to voicemail. The hearing therefore proceeded in the absence of the Respondent.

The judgment of the Tribunal is that:

- (1) The Claimant's claim that the Respondent had made an unlawful deduction from the Claimant's wages pursuant to section 13(1) of the Employment Rights Act is well founded. This means that the Respondent has made an unlawful deduction from the Claimant's wages and is ordered to pay to the Claimant in the **net sum of £1,183.72**, in respect of the amount deducted.

For the avoidance of doubt, the net sum ordered is based on a gross deduction of £1,326.00 reduced by national insurance and income tax as per the draft payslip produced by the Respondent for the pay period March 2019.

- (2) The Respondent's counterclaim is struck out.

Employment Judge L Clarke

Date: **19<sup>th</sup> March 2021**

Judgment sent to the parties and entered in the Register on: 2<sup>nd</sup> June 2021

The reasons for this decision were given orally at the hearing. Written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of this written judgment being sent to the parties.

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Note that both judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the parties.