



# EMPLOYMENT TRIBUNALS

**Claimants:**

Mrs A Kauser (1)  
Mrs A Chana (2)

v

**Respondent:**

Privilege Care Limited

**Heard at:**

Reading

**On:** 18 June 2021

**Before:**

Employment Judge Hawksworth (sitting alone)

**Appearances**

**For the Claimants:** No attendance or representation

**For the Respondent:** Mr J Roddy (paralegal)

## JUDGMENT

1. Mrs Kauser's claim for unpaid wages was presented outside the time limit. There was no evidence before me to allow time to be extended to allow these complaints to be heard. Mrs Kauser's claim therefore fails and is dismissed.
2. Mrs Chana has not set out the basis of her claim for unpaid wages. Her claim therefore fails and is dismissed.

## REASONS

3. Reasons were provided at the hearing but are set out here because the claimants were not present.
4. The hearing of these claims was originally listed for 18 September 2020 by video but the claimants did not attend. The clerk was able to contact the claimants to enquire about the reasons for their non-attendance and (as recorded in Employment Judge Lang's case management summary) they said that they were not comfortable with a video hearing and would prefer an in-person hearing. EJ Lang converted the hearing to a preliminary hearing and gave directions including an order that by 2 October 2020 the claimants should write to the tribunal setting out the nets sums claimed and explaining the basis for those calculations.

5. Mrs Kauser complied with the order of the tribunal to provide details of her claim, albeit slightly late. She wrote to the tribunal on 28 October 2020 to say that her claim relates to underpayments for the period 15 August 2017 to 15 December 2017. On 17 June 2021, yesterday, she provided evidence in support of her claim in the form of rosters. These date from 7 to 20 August 2017.
6. Mrs Chana did not comply with the order of the tribunal to provide details of her claim. Her ET1 says that she is owed £1,269 but does not explain the basis for her calculation. Mr Roddy spoke to her and she said that the basis of her claim is that she did not receive into her bank account the amounts due according to her payslips. Mr Roddy asked her to provide copy bank statements but she did not do so.
7. A new date was set for the hearing of 13 November 2020. The hearing was to be in person at Reading employment tribunal. It had to be postponed because of the ill health of the respondent.
8. On 12 December 2020 the parties were sent a notice with a new date for the hearing. It said that the claim would be heard today at Reading Employment Tribunal. I can see from the tribunal file that the notice of hearing was sent on 12 December 2020 at 08.13 to the email addresses which the claimants have used today.
9. The hearing today has been a hybrid hearing (both in-person and by video), Mr Roddy and the respondent's director Mr Wijesinghe having asked to attend by video. The tribunal sent a notice to the claimants on 17 June 2021 to say that they could attend in person at Reading tribunal or remotely by video.
10. Neither of the claimants has attended today. Both emailed this morning to say they were unable to attend. At 07.28 Mrs Kauser emailed the tribunal to say that her phone was broken and she only received the notice yesterday. She asked for a new date. Mrs Chana emailed the tribunal at 09.52 to say that she was not available and to ask for a new date.
11. The respondent invited me to dismiss the claims under rule 47 for non-attendance. I treated the claimant's emails as postponement requests. I decided that it would not be in line with the overriding objective to postpone this hearing again. That would be the third time the hearing had been postponed. I took into account that the claimants had received notice of today's hearing on 12 December 2020, over 6 months ago, and that the hearing had been listed as an in-person hearing at their request.
12. Where a party fails to attend a hearing, Rule 47 allows the tribunal to dismiss the claim or proceed in the absence of the party. I decided to proceed with the hearing in the claimants' absence. I heard evidence from Mr Wijesinghe, the director of the respondent. He had prepared a witness statement. The respondent had also prepared a bundle of documents of 78 pages and a supplemental bundle which contained 40 pages.

13. My conclusions on Mrs Kauser's claim are as follows. The claim relates to the period from 15 August 2017 to 15 December 2017. The time limit for bringing a claim for unpaid wages is three months from the date the payment was due. The time limit for bringing this claim was 14 March 2018. Mrs Kauser's claim was presented on 22 August 2019 after early conciliation from 9 July 2019 to 9 August 2019. It was therefore presented around 17 months out of time. Mrs Kauser has not provided any witness statement or other evidence to explain why the claim was presented out of time or why time should be extended to allow the claim to be heard out of time. The tribunal cannot consider Mrs Kauser's claim because it was submitted to the tribunal outside the time limit. The claim cannot succeed and is dismissed.
14. My conclusions on Mrs Chana's case are as follows. Mrs Chana has not explained the basis on which she claims £1,269. She said to Mr Roddy that she was not paid the amounts on her payslips. Her payslips for May 2019 to September 2019 were included in the bundle by the respondent. Mr Wijesinghe says that Mrs Chana has been paid all sums due to her. Mrs Chana has not provided any bank statements or other evidence to support her claim that she did not receive the money set out on those payslips. Mrs Chana has to prove that there were unauthorised deductions from her wages or that there was a breach of her employment contract in relation to pay. She has not done so. Her claim therefore fails and is dismissed.

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**Employment Judge Hawksworth**

Date: 18 June 2021

Sent to the parties on: ..12 July 2021.  
THY

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For the Tribunal Office

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