



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 2417311/2018, 2417312/2018 & 2417313/2018**

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**Held In Glasgow on 5 June 2019**

**Employment Judge Robert Gall**

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**Mrs A Cameron**

**First Claimant  
In Person**

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**Mr A Thompson**

**Second Claimant  
In Person**

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**Mrs J Laing**

**Third Claimant  
In Person**

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**Simon Driscoll Consultancy Limited**

**Respondent  
Not present and  
Not represented**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The Judgment of the Tribunal is as follows:

- (1) Mr Thompson is due to be paid by the respondents the sum of £3972.22 gross in respect of wages due to him. He is also due to be paid the sum of £1057.69 gross by way of notice pay, the failure to pay

**E.T. Z4 (WR)**

him that money being a breach of contract. The respondents are ordered to pay those amounts to him.

(2) Mrs Cameron is due to be paid by the respondents the sum of £1554.60, gross, representing payment of wages due to her. The respondents are ordered to pay that amount to her.

(3) Ms Laing is due to be paid by the respondents the sum of £2500, gross, in respect of wages due to her. She is also due to be paid by the respondents £16.67 in reimbursement of mobile phone charges and £118.83 in respect of commission due to her. The respondents are ordered to pay those amounts to her.

As stated at the Hearing, in terms of Rule 62 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, written reasons will not be provided unless they are asked for by any party at the Hearing itself or by written request presented by any party within 14 days of the sending of the written record of the decision. No request for written reasons was made at the Hearing. The following sets out what was said, after adjournment, at the conclusion of the hearing. It is provided for the convenience of parties.

### REASONS

1. This case called for hearing at Glasgow on 5 June 2019. All three claimants were present. The respondents were not present. Their attendance was not however expected given that they had not lodged form ET3.
2. A Preliminary Hearing had taken place at Glasgow on 5 March 2019. Although no ET3 had been lodged by the respondents, Mr Driscoll had appeared. The procedure in terms of which the respondents could seek to defend the claim by lodging form ET3 late, applying for that to be received and setting out any explanation as to why, in the view of the respondents, it should be received although late was explained to him. He stated his intention and provided an undertaking that he would submit form ET3 immediately after that PH. Despite that, no form ET3 appeared with the Tribunal.

3. At the PH on 5 March it became clear that the second set of claims lodged had not been served upon the respondents. Those were identical to the first set of claims. The Employment Judge who heard the PH requested the administration to serve those second claims upon the respondents. This occurred. They were served on 5 March 2019. Form ET3 was due to be presented, if the claims were to be defended, by 2 April 2019. No form ET3 was received however whether prior to 2 April or after that date.
4. A letter was sent to the respondents on 15 April 2019 confirming that as no response form, form ET3, had been received in respect of the claims, the respondents were not permitted to defend the claims at the hearing on 5 June. It was confirmed that those hearings would proceed as undefended.
5. It was therefore perhaps not surprising that there was no appearance or representation by the respondents at the hearing on 5 June.
6. At the hearing I heard evidence from Mr Thompson, Mrs Cameron and Ms Laing. The claimants all lodged documents. Those comprised employment contracts, bank statements, letters exchanged at time of termination of employment and payslips where available.
7. I was satisfied that all of the witnesses were credible and reliable. I accepted their evidence. That evidence was supported by the productions lodged by them.

#### Mr Thompson

8. I accepted that Mr Thompson had not been paid for the time during which he was employed in November 2018. Calculating his salary on a pro rata basis for that time the sum due to him is £3972.22, gross. I am satisfied that this has not been paid to him by the respondents. Judgment for that amount is awarded. The respondents are ordered to pay that sum to him.
9. Mr Thompson resigned from employment with the respondents. When he did that he gave them one month's notice. The respondents accepted this, however, with immediate effect. That constitutes dismissal. No notice was given by the respondents. Mr Thompson attended the premises of the

respondents and carried out work for them for the period of one week after his resignation was submitted. He is due wages in respect of that week. The sum due to him is £1057.69 gross. I am satisfied that this has not been paid by the respondents. Judgment for that amount is awarded. The respondents  
5 are ordered to pay that sum to him.

### **Mrs Cameron**

10. Mrs Cameron worked in November 2018 for the respondents and was not paid for that month. Her gross monthly amount payable by the respondents was £1554.60. I am satisfied that this has not been paid to her by the  
10 respondents. Judgment for that amount is awarded. The respondents are ordered to pay that amount to Mrs Cameron.

### **Ms Laing**

11. Ms Laing worked for a short period for the respondents. She resigned. The letter confirming that resignation was accepted also confirms sums due to her  
15 by the respondents. Those sums are her pro rata salary of £2500 gross, reimbursement of mobile phone charges amounting to £16.67 and commission amounted to £118.83. I am satisfied that those sums have not been paid to her by the respondents. I noted that the letter confirming liability for those amounts was signed by Mr Thompson. It was signed prior to  
20 resignation by Mr Thompson. He was at that point the chief operating officer of the respondents. I was satisfied he had authority to issue this letter. It was to Mr Thompson that Ms Laing reported. Judgment for those amounts is awarded. The respondents are ordered to pay those amounts to Ms Laing.

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Employment Judge: R Gall  
Date of Judgment: 5 June 2019  
Entered in register: 17 June 2019  
and copied to parties

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