



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4104955/2018

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Held in Glasgow on 8 August 2018

Employment Judge: Mr G Woolfson (sitting alone)

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Mr S Hempstock

**Claimant
In person**

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Freshfood Company

**Respondent
Not present and not
represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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1. The claim for unfair dismissal is dismissed.
2. The claim for unpaid wages is upheld and the respondent is ordered to pay to the claimant **£265.92 (TWO HUNDRED AND SIXTY FIVE POUNDS AND NINETY TWO PENCE)**.

REASONS

Introduction

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1. The claimant attended in person, with no ET3 having been submitted by the respondent.

E.T. Z4 (WR)

2. In the Notice of hearing, the Tribunal informed the respondent that it was entitled to attend the hearing but that it would only be able to participate to the extent permitted by the Employment Judge. In the event, the respondent did not attend and was not represented.

5 **The issues to be determined**

3. The issues to be determined are the following:
- 3.1. whether the claimant was unfairly dismissed;
- 3.2. whether the claimant is owed wages.

10 **Findings in fact**

4. The claimant gave evidence and the tribunal makes the following relevant findings in fact:
- 4.1. The claimant commenced employment with the respondent on 12 July 2017.
- 15 4.2. When the claimant commenced employment, the first week of work was unpaid. An arrangement was in place whereby the wages for that week would be paid on termination of employment. The week in question was from 12 to 18 July 2017.
- 20 4.3. The claimant was on sick leave from 2 April 2018 until the termination of his employment on 19 April 2018.
- 25 4.4. In April 2018, the claimant received three payments of sick pay in the sums of £36.28, £92.05 and £92.05. On the termination of employment, he received a payment in respect of holiday pay in the sum of £143.69.
- 30 4.5. The sum due to the claimant for the first week worked is £265.92. This sum was not paid to the claimant on the termination of his employment.

Observations of the evidence

5. The claimant was the only witness. His evidence was unchallenged. The Tribunal accepts the evidence of the claimant. During his evidence, the claimant confirmed that the only sum he was seeking to recover from the respondent was £265.92.

Unfair dismissal

6. Under Section 108 of the Employment Rights Act 1996, to claim unfair dismissal an employee must have been continuously employed for a period of not less than two years ending with the effective date of termination. Although there are exceptions to this, no such claim was presented.

7. The claimant confirmed that his employment commenced on 12 July 2017 and terminated on 19 April 2018. The claimant was not continuously employed for a period of two years. Therefore, the claim for unfair dismissal cannot proceed and is dismissed.

Wages

8. An arrangement was in place whereby the first week worked by the claimant would remain unpaid, until the termination of his employment. However, the claimant has not been paid the relevant sum, being £265.92. The claimant is entitled to payment of that sum, and the Tribunal orders the respondent to make payment to the claimant.

25 **Employment Judge: G Woolfson**
Date of Judgment: 14 August 2018
Entered in register: 20 August 2018
and copied to parties