

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4100230/2018 and S/4100686/2018

5

Held in Glasgow on 11 April 2018

Employment Judge: Lucy Wiseman

10

Miss Jennifer Mason

Claimant
In Person

15

Mr Jamie Crawford

First Respondent
No response

20

Mr Kieran Cannon

Second Respondent
In Person

25

Mr Ian Close

Third Respondent
No response

30

Imperium Leisure Ltd

Fourth Respondent
No response

35

Roasters Diner Ltd

Fifth Respondent
No response

40

45

E.T. Z4 (WR)

Get Roasted Ltd

Sixth Respondent
No response

5

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

10

The Tribunal decided:-

(i) the claimant was employed by Get Roasted Ltd;

15 (ii) Get Roasted Ltd is ordered to pay to the claimant the sum of £259.20 in respect of wages and £205 in respect of holiday pay and

(iii) the claim against Jamie Crawford (S/41 00230/201 8) and the claim against the Second, Third, Fourth and Fifth respondents, are dismissed.

20

REASONS

1 The claimant presented a claim to the Employment Tribunal on 11 January
25 2018 alleging she had not been paid wages in full or holiday pay.

2 The respondents did not enter a response.

3 A Preliminary Hearing was arranged to determine the correct identity of the
30 respondent.

4 Mr Kieran Cannon, second respondent, attended for the Hearing today. Mr
Cannon had not entered a response. I explained (in terms of rule 21
Employment Tribunals (Constitution and Rules of Procedure) Regulations
35 2013) that he had no right to defend the proceedings, but would be entitled to

participate in the Hearing to provide such information as I considered would assist me in determining the identity of the employer.

5 I heard evidence from the claimant and I was referred to two documents she
5 produced. I made the following findings of fact.

Findings of fact

6 The claimant commenced work on 5 September 2017 at Roasters Deli.

10 7 The claimant was employed by Get Roasted Ltd, which was owned by Mr
Jamie Crawford.

8 Mr Crawford stepped aside from the business for a period between
September and October 2017, and during this time Mr Declan Doran and Mr
15 Kieran Cannon managed the business.

9 Mr Declan left the business in mid-September and Mr Kieran Cannon
continued to manage the business until late October when Mr Crawford
returned.

20

10 The claimant was not provided with a contract of employment or wage slips.

11 The claimant understood she was employed by Mr Kieran Cannon.

25 12 The claimant learned of the return of Mr Crawford at the end of October and
resigned.

13 The claimant was paid wages on 4 October (£650) for the period 5 - 22
September. She was paid again on 31 October (£993.60) for the period 23
30 September to 22 October.

14 The claimant was not paid wages for the period 23 October to 31 October (£259.20).

15 The claimant was not paid holiday pay (£205).

5 **Decision**

16 I decided on the basis of the information before me, that the claimant was employed by Get Roasted Ltd. I acknowledged the claimant believed Mr Crawford had exited the business prior to her employment, and that she had been employed by Mr Doran and Mr Cannon. However, I accepted they had only come in as managers for the business.

17 I decided, in circumstances where Get Roasted Ltd had not entered a response, that it would be appropriate to not only determine the issue regarding the correct identity of the employer, but to also determine the merits of the claim brought by the claimant.

15 18 I accepted the claimant's evidence that she had not been paid wages for the period 23 - 31 October, and that she had not been paid holiday pay. The claimant is entitled to receive payment of wages and holiday pay from Get Roasted Ltd. I accordingly order Get Roasted Ltd to pay to the claimant the sum of £259.20 in respect of wages and £205 in respect of holiday pay.

20 19 The claim against the other respondents (1 - 5) is dismissed.

25 **Employment Judge: L Wiseman**
Date of Judgment: 17 April 2018
Entered in register: 23 April 2018
and copied to parties