



# **EMPLOYMENT TRIBUNALS**

**Claimant:** Mr S Sitkowski

**Respondent:** Staff 247 People Solutions Limited

## **AT A RULE 21 HEARING**

**Heard:** at Nottingham **On:** 7 April 2022

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

### **Appearances**

For the claimant: Did not attend

For the respondent: No response entered & did not attend

## **JUDGMENT**

1. The respondent made an unauthorised deduction from the claimant's wages. The respondent shall pay the claimant the gross sum of **£108.24**.
2. The respondent treated the claimant less favourably because of his religion or belief. No separate remedy is ordered.

## **REASONS**

1. On 12 October 2021 the claimant presented claims of unauthorised deduction from wages, discrimination and unfair dismissal. The latter was struck out due to lack of qualifying service. The respondent subsequently failed to enter a response.
2. Until today, Mr Sitkowski has engaged with the tribunal correspondence and provided further information at various stages.
3. In many cases of this nature, a rule 21 Judgment can be entered on the papers. Indeed, this case would have followed that course but for the claim of discrimination which required clarification and evidence of the loss or damage. As a result, on 8 March 2022, Mr Sitkowski and the respondent were given notice of today's attended rule 21 hearing.
4. Neither party attended. Attempts were made to contact the claimant by the telephone number he had given on the claim form but the person who answered indicated that it was the wrong number.
5. Against that background, I had a range of potential orders available to me. On this occasion, justice can be served by giving judgment for the money claims in the amount

consistently claimed by the claimant. I do that because that is the course that would have been taken if that was the only claim and because I can see Mr Sitkowski had, some months previously, raised the fact that he was now working during the week. That does not excuse his non-attendance or failure to apply to vary the listing but to dismiss the claim at this stage would be unjust. On the other hand, the claimant has had the opportunity to evidence any greater loss or damage and has not done so.

6. For those reasons, I make a declaration in respect of the discrimination claim but no compensation. I give a financial award for the sum deducted from his wages.

EMPLOYMENT JUDGE R Clark

DATE 6 April 2022

JUDGMENT SENT TO THE PARTIES ON

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AND ENTERED IN THE REGISTER

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FOR SECRETARY OF THE TRIBUNAL