



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Mata

**Respondent:** Niha Cuts and Beauty Limited

**Heard at:** Croydon (By CVP) **On:** 16 May 2022

**Before:** Employment Judge Self

## Appearances

For the Claimant: In Person (via an Italian interpreter)

For Respondent: Mr I Tayyab - Director

## JUDGMENT

1. The hearing today is postponed and will be relisted with a three-hour time estimate.
2. The Respondent shall pay to the Claimant, by agreement, the net sum of £731.10 in respect of unpaid holiday pay.

## REASONS

1. This matter was listed before me today to consider the remaining claims of breach of contract / unlawful deduction of wages. The litigation has had a chequered history relating to an employment relationship that finished in December 2019. It came before EJ Khalil on 6 October 2020 when it was not ready for trial and so was postponed and since that time there have been postponements at the behest of the Tribunal.
2. The Respondent applied to postpone the hearing as he was at his brother's wedding in Morocco. The postponement was refused and the Claimant was told on the working day before this hearing that he would also need to make an application to give evidence from abroad and follow the recent Presidential Guidance. I am satisfied that Mr Tayyab has taken such steps as he could taking into account the short notification of the problems his location caused but no answer has been forthcoming from the government department responsible for such application that would allow this hearing to continue today.

3. I am satisfied that whilst Mr Tayyab's preference would have been for a postponement he genuinely believed that if not forthcoming then he would be able to deal with the case by video. As a litigant in person I do not consider that he should be penalised for not knowing the very recent position foisted upon the tribunal system vis a vis witnesses giving evidence from overseas territories and it would not be fair for the hearing to proceed in his absence. Unfortunate though it is I had no option but to postpone this hearing and it will be relisted in due course.
4. The issues are set out in the Judgment of EJ Khalil and I will not repeat the same here. On the last occasion the Respondent accepted that he owed unpaid holiday pay but I was told that he had still not paid it over to the Claimant. I can see no reason why the claimant should wait further and so I have given Judgment for that sum. The Respondent told me he would pay the same within a week and I expect him to do so.
5. Both parties told me that they had submitted bundles for this hearing and statements pursuant to the directions. The Claimant indicated that the Respondent was late but there is no need to visit that further. My clerk told me today that he could not locate either bundle but took copies of the papers the Claimant wished to put forward which should be on the tribunal file. I have seen a statement from the Claimant and also documents which are relevant to the issues (contract, pay slips, time sheets). Those papers **MUST** be available on the next occasion and have already been seen by the Respondent
6. The Respondent needs to resend his documents to the Tribunal to ensure there are no issues on the next occasion. Mr Tayyab informed he would be back in the UK very soon. Now that he is aware of the issues of giving evidence from overseas he should make sure he is in the UK on the date for the next hearing.

## DIRECTIONS

1. The Respondent shall forward his bundle and witness statement to the Claimant and the Tribunal by 31 May 2022.
2. **This matter will be listed before an Employment Judge sitting alone at 2 pm on 15 July 2022 with a time estimate of 2 hours.** The hearing will be heard on this date save for exceptional circumstances.
3. The Claimant will require the services of an Italian Interpreter.

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Employment Judge Self  
Date: 17 May 2022

Sent to the parties on  
Date: 19 May 2022