



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Ben Haj Fraj

**Respondent:** Teleperformance Limited

**Heard at:** London Central (remote hearing) **On:** 11 September 2024

**Before:** Employment Judge B Smith (sitting alone)

## REPRESENTATION:

**Claimant:** Did not attend

**Respondent:** Ms Lundy (HR Manager)

# JUDGMENT

The judgment of the Tribunal is as follows:

The claim of unauthorised deduction of wages is dismissed under rule 47 Employment Tribunals Rules of Procedure (2013).

# REASONS

1. The claimant did not attend the hearing. The tribunal took into account the information available to it about the claimant's non-attendance before making a decision. The tribunal made those enquiries about this that were appropriate and practicable, namely considering the hearing file, and the tribunal clerk contacted the claimant by email at 9:55 on the day of the hearing and attempted to contact the claimant by telephone.
2. The telephone line was dead and the claimant did not respond to the email sent by the tribunal on the day of the hearing before the hearing had ended or an email sent by the tribunal to the parties with joining instructions sent at 16:33 the day before the hearing.
3. The claimant was sent a notice of hearing either by post or email dated 1 July 2024. The postal address used by the tribunal is that which the claimant

used on the claim form and the email address used by the tribunal was that used by the claimant on the claim form and used by the claimant to communicate with the tribunal about a query on 24 June 2024.

4. In those circumstances the tribunal was satisfied that the claimant had notice of the claim and had not attended for any good reason. In the absence of a good reason or any postponement application it was not in the interests of justice to postpone the hearing.
5. It should be noted that the respondent did not receive the notice of hearing and was only alerted to the fact of the hearing when joining instructions were received by email the day before. However, the respondent's representative indicated that they had suffered from difficulties receiving post in the past. Taking into account the information available to the tribunal, in the absence of a covering email, it is more likely than not that the notice of hearing was sent to the respondent by post and therefore it is accepted that they did not have notice of the hearing. However, no such explanation was provided by the claimant.
6. Accordingly, the claim was dismissed under rule 47 Employment Tribunals Rules of Procedure (2013).

Post script

7. After the hearing had ended at 10:19, and the above decision having been made, the claimant responded to the tribunal's email sent on the day of the hearing. The claimant's email was sent at 10:26 and stated '*Hi there ive been trying to join since morning but nothing is working.*' The parties were given an opportunity to rejoin the hearing at 10:49 for 11:00 but no parties rejoined the hearing. At that point the respondent was unavailable.
8. The claimant sent a further email at 11:03 stating '*Hi sure but the link doesn't work*'. The tribunal digital support officers attempted to provide the claimant with other options to join the hearing including by telephone but these were unsuccessful. The help included the claimant being provided with telephone dial in details by email at 11:15. The claimant did not appear to attempt to use the telephone dial in details by 11:30 when the tribunal was seeing if the hearing could be reconvened.
9. In the circumstances the tribunal did not decide it was appropriate to reconsider the decision to dismiss under rule 70 Employment Tribunals Rules of Procedure (2013) of its own motion.

Employment Judge Barry Smith  
11 September 2024

SENT TO THE PARTIES ON

17 September 2024

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FOR THE TRIBUNAL OFFICE