



EMPLOYMENT TRIBUNALS

Claimant: AB

Respondents: (1) X
(2) Y

JUDGMENT

1. The claim was issued on 21 August 2023. The respondents' response(s) having been dismissed pursuant to an unless order dated 09 August 2024 made under Rule 38 of the Rules of Procedure, there is no valid response to the claim. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with Rule 21 of the Rules of Procedure. The claim for direct sex discrimination, harassment of a sexual nature, unpaid holiday pay, breach of the Working Time Regulations 1998, unauthorised deductions of wages, failure to provide itemised pay statements and failure to provide a statement of initial employment particulars succeeds, and the remedy to which the claimant is entitled will be determined at a Remedy Hearing.

REASONS

1. The respondents did not appear, and they were not represented at the Preliminary Hearing on 08 August 2024.
2. Pursuant to paragraphs 1 and 2 of the Case Management Orders of Employment Judge Feeny issued to parties on 09 August 2024 ("the Tribunal's Orders") the respondents were required to confirm in writing to the Tribunal that they are actively pursuing their response(s) by 4pm on 05 September 2024, in the absence of which their response(s) will stand struck out without further order. The respondents have failed to comply with paragraphs 1 and 2 of the Tribunal's Orders.
3. The respondents have failed to make any representations in writing, or to otherwise correspond with the Tribunal since the hearing on 08 August 2024.
4. The respondents' response(s) are therefore dismissed pursuant to Rule 38 of the Rules of Procedure.

5. Where response(s) are dismissed under Rule 38 of the Rules of Procedure, the effect shall be as if no response(s) had been presented, as set out in Rule 21 (per Rule 38(3) of the Rules of Procedure).
6. The claim for direct sex discrimination, harassment of a sexual nature, unpaid holiday pay, breach of the Working Time Regulations 1998, unauthorised deductions of wages, failure to provide itemised pay statements and failure to provide a statement of initial employment particulars (all of which were recorded by Employment Judge Feeny at the hearing on 08 August 2024 as the claimant's complaints that are before the Tribunal per paragraph 23 of the Tribunal's Orders) succeeds, and the remedy to which the claimant is entitled will be determined at a Remedy Hearing.
7. The respondents will be entitled to notice of any hearings and decisions of the Tribunal but will only be entitled to participate in any hearing to the extent permitted by the Employment Judge.

Employment Judge Beyzade
Dated: 3 October 2024

Amended & approved by:
Employment Judge Povey
Dated: 18 March 2025