

THE INDUSTRIAL TRIBUNALS

CASE REF: 22530/19

CLAIMANT: Anonymised

RESPONDENT: Anonymised

JUDGMENT

Unanimous judgment of the tribunal is as follows:-

- (1) The claimant's claim for unauthorised deduction for wages is dismissed.
- (2) The claimant's claim for annual leave under the Working Time Regulations (Northern Ireland) 2016 is well founded and the claimant is awarded £73.23.

CONSTITUTION OF TRIBUNAL

Employment Judge: Employment Judge Orr

Members: Ms F Cummings
Mrs M O'Kane

APPEARANCES:

The claimant did not appear and was unrepresented.

The respondent was represented by Ms Agnew, Barrister-at-Law, instructed by J G O'Hare Solicitors.

1. The judgment was announced at the end of the hearing together with full oral reasons.
2. The claimant did not attend the hearing. The tribunal was presented with an email from the claimant, this email followed a telephone call from the claimant with a member of the tribunal administrative staff. The claimant had informed the tribunal staff member in the telephone call that she was attending the hearing and was fifteen minutes away by car but had received death threats from the respondent and was terrified about coming into the building. The claimant referred to an alleged recording of the death threats and stated that she would forward the recording by email.
3. The unanimous decision of the tribunal was to proceed with the hearing. There was no evidence that the claimant had been subject to any threats. Furthermore a

Preliminary Hearing had taken place on 31st October 2020 with the claimant and the respondent's representative, at no stage during the Preliminary Hearing did the claimant inform the tribunal of safety fears or death threats that would prevent her attending the hearing, in fact, the claimant had made it clear that she would be attending today's hearing and would be accompanied. The claimant did not provide a copy of any recording to substantiate her allegations.

4. The claimant claims unauthorised deductions from wages and failure to pay annual leave (holiday pay) under the Working Time Regulations (NI) 2016.
5. The respondent had served one witness statement and that witness give sworn oral testimony at the hearing. That evidence was undisputed and the tribunal was satisfied that the evidence was truthful and accurate.
6. After full consideration of the sworn evidence and all documentary evidence submitted to the tribunal in the hearing bundle, the tribunal determined that the claimant did not suffer an unlawful deduction from wages.
7. The tribunal accepts that the claimant was entitled to £73.23 as compensation for accrued annual leave under the Working Time Regulations (Northern Ireland) 2006 during the three weeks of her employment.
8. The total amount award to the claimant is £73.23.
9. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 2 November 2020, Belfast.

This judgment was entered in the register and issued to the parties on: