



EMPLOYMENT TRIBUNALS

Claimants: Mrs Joanna Sobanska-Nowak

Respondent: Polish Barbeque Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claims for unpaid wages and unpaid holiday pay and for breach of contract (unpaid notice pay) are well founded and the remedy to which the claimant is entitled will be determined at a Remedy Hearing.
2. The claimant appears to lack qualifying service with the respondent of not less than two years ending with the effective date of termination of employment pursuant to section 108 of the Employment Rights Act 1996 ("the 1996 Act"). It appears that the claimant has no right in those circumstances to advance any claim for unfair dismissal pursuant to sections 94-98 of the 1996 Act. That matter will be resolved at the Remedy Hearing referred to below.
3. The hearing listed for 5 February 2018 at 9:45am at 2nd Floor, Kings Court, Earl Grey Way, Royal Quays, North Shields, NE29 6AR is cancelled. A Remedy Hearing is to be listed with an estimated length of two hours before an Employment Judge sitting alone at North Shields as soon as possible. Notification of the date and time of the Remedy hearing will follow under separate cover. The Orders set out in the letter from the Employment Tribunal to the parties dated 16 October 2017 are revoked.
4. The claimant is ordered to bring to that hearing a statement of all sums claimed from the respondent and two copies of all documents relied on to support such claims.
5. The respondent will only be able to partake in the Remedy Hearing to the extent permitted by the Employment Judge.

REASONS

1. The claimant filed a claim with the Tribunal on 13 October 2017 which was served on the respondent on 16 October 2017.
2. The respondent has failed to file any response to the proceedings.
3. The claimant claims various sums from the respondent which are not specifically set out in the claim form and therefore I conclude that a Remedy Hearing is required.

Employment Judge A M Buchanan

Date: 14 November 2017

JUDGMENT SENT TO THE PARTIES ON

15 November 2017

AND ENTERED IN THE REGISTER

M Charters
FOR THE TRIBUNAL OFFICE