



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr W Sissons

**Respondent:** Stelco Europa Limited (in voluntary liquidation)

**Heard at:** Nottingham **On:** 1 October 2021

**Before:** Employment Judge Flint (sitting alone)

## Representation

Claimant: Represented by Mr G Price, counsel

Respondent: Not in attendance

# JUDGMENT

1. The respondent has made an unlawful deduction from the claimant's wages and is ordered to pay the claimant the gross sum of £6784, in respect of the amount unlawfully deducted.

# REASONS

2. This hearing was conducted remotely (by cloud video platform). The claimant attended with counsel. The respondent failed to attend.
3. It was noted that the respondent had initially participated in proceedings by returning the ET3 response form but had then failed to comply with the Tribunal's case management directions: the respondent had not sent any documents or statements to the claimant or Tribunal. The only communication received from the respondent (after the ET3) was a letter to the Tribunal, received by email and dated 27 September 2021. The letter informed that the respondent "had gone into administration and is being liquidated". The letter provided the details of ThorntonRones as the insolvency practitioners and asked "Please kindly address any future correspondence to ThorntonRones". The letter was simply signed "Tony", presumably Mr Tony Aujla (who had completed the ET3).
4. An online Companies House check on 28 September 2021 confirmed that the respondent was a private limited company that was in liquidation.
5. Rule 47 of the Employment Tribunals Rules of procedure states:

"If a party fails to attend or be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that

may be practicable, about the reasons for the party's absence."

6. Considering Rule 47, I decided to proceed in the absence of the respondent. It was clear that the respondent was aware of the proceedings and of today's hearing. There was no application by the respondent to adjourn the hearing. It had not complied with case management directions. This was to be contrasted with the claimant, who had complied with the Tribunal's directions and was in attendance. As a consequence, it was in the interests of justice to proceed with the hearing.
7. I accepted in full the evidence of the claimant in his statement dated 15 July 2021, which sets out that the gross amount deducted from his wages was £5899.39. In doing so, I noted that the respondent accepted in its ET3 response that it had withheld these wages.
8. I increased the sum awarded by 15%, an amount of £884.61, because I was satisfied that the respondent had failed to comply with the ACAS Code of Practice on disciplinary grievance procedures insofar as it held back the claimant's wages without giving him the opportunity to make representations in a fair and transparent process. The full amount awarded was, therefore, £6784.

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Employment Judge Flint

\_\_1/10/2021\_\_\_\_\_

Date

JUDGMENT & REASONS SENT TO THE PARTIES ON

6 October 2021

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FOR THE TRIBUNAL OFFICE