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EMPLOYMENT TRIBUNALS

Claimant: Ms Zarnab
Respondent: OJA Global Limited
Heard at: East London Hearing Centre by CVP
On: 30 November 2023
Before: Employment Judge Allen KC

Representation

Claimant: in person
Respondent: did not attend

JUDGMENT

1. The Claimant's claim for unpaid wages is upheld.
2. The Respondent must pay to the Claimant the total sum of £1,912 gross.

REASONS

- 1 Following an early conciliation period between 5 and 20 June 2023, the Claimant presented an ET1 claim form on 10 August 2023.
- 2 Her claim was for unpaid wages. The ET1 claim form stated that she was a warehouse operative and that her employment started on 22 July 2022 and that she was paid £240 per week. No information was given as to the number of hours worked. The narrative section of the form stated: "no payment was given for the past 3-4 months".
- 3 The notice of claim was sent out by the tribunal on 19 September 2023. The notice of hearing was sent by the tribunal on 10 October 2023. The notice contained case management directions requiring the Claimant to send to the respondent a document setting out how much she is claiming and how the amount has been calculated; and

copies of all supporting documents and evidence. The Claimant says that she did send a document to the Respondent and that the Respondent had deleted most of the evidence supporting her claim such as clocking in and clocking out records and pay slips.

- 4 The Claimant was also ordered to send in copies of all the documents and evidence for this hearing for the tribunal to use. She did not do that.
- 5 The Respondent did not respond to the notice of claim or send any communication to the tribunal. The Respondent is a limited company. The only active director is Mariam Jimoh. The company is active, albeit that it has been subject to a number of potential compulsory strike off notices in the last 3 months.
- 6 On 28 October 2023 the tribunal sent to the Respondent a notice that no response having been received, a judgment may now be issued; and that the Respondent could only participate in any hearing to the extent permitted by the Employment Judge. There was no response from the Respondent to that notice.
- 7 On 13 November 2023 the Claimant was directed to supply to the tribunal on or before 20 November 2023 a copy of her contract and any pay slips received from her employer. She did not do this. She says today that she has never received a contract. She brought copies of 3 payslips with her today dated for the two-week periods to 21 April 2023; 19 May 2023 and 2 June 2023. She also brought with her today copies of her bank statements for the period 3 April 2023 to 31 July 2023 showing payments made by the Respondent up to 21 April 2023 in accordance with payslips and subsequently for £200 on 6 July 2023 but not for the period thereafter. The Claimant also showed me on her mobile telephone her bank statement for the month of August 2023, which also showed that no payments had been made to her by the Respondent.
- 8 The Claimant also showed me today screenshots of the clocking in and out app which showed her attending work for some of the period of claim.
- 9 The hearing was listed for 12 noon today. The Respondent did not attend. The Claimant did not attend at 12 noon. She was contacted by telephone by the tribunal clerk and she said that she was running half an hour late. No reason was given. I waited until 12.30 before starting the hearing. At 12.30, the Claimant still had not attended the hearing. She said that she was 5 minutes away. She attended at around 1pm at which point I started the hearing. She stated that she had been 'running late because I had some work to do' and that she had 'no contact details for the tribunal'. The tribunal had emailed her on several occasions and its contact details are available on the tribunal's website. I consider that her failure to attend or contact the tribunal showed contempt for the tribunal.
- 10 The Claimant gave evidence on oath. She stated that Zarnab was her full name. She stated that she had worked for the Respondent as a warehouse associate since 2021 and that in the relevant period, she should have been paid £12 per hour. She is also a student. She stated that the Respondent was a supplier of 'African food' such as yams. She stated that she had worked as a warehouse associate for 40 hours in the 2 week period from 22 April 2023; 26 hours in the 2 week period from 6 May 2023; 20 hours in each of the 2 week periods from 20 May; 3 June; 17 June; 1 July; and 21 July 2023; and 10 hours for the period from 5 August 2023 to 17 August 2023 when her employment ended. She stated that she was generally paid without deduction of tax

or national insurance, given the low level of pay. She stated that during that period, she had been paid only £200 on 6 July 2023.

- 11 Some of the Claimant's evidence was supported by the pay slips and bank statements which I had seen. I accepted that they showed that she had not had payments made by the Respondent in the period between 22 April and 17 August 2023 aside from the payment of £200 on 6 July 2023.
- 12 I accepted the rest of the Claimant's evidence as to the number of hours that she did. It was consistent with the documentary evidence which she had been able to produce and also with an email which she had send to Mariam Jimoh on 2 June 2023 requesting payment for unpaid periods of work and with the screenshots which she had taken of the clocking in and out app.
- 13 On the basis of that evidence, I found that the Claimant has worked for a total of 176 hours during the period of 22 April 2023 to 17 August 2023. At a rate of £12 per hour, she should have been paid £2,112 gross for that period. She was only paid £200 and therefore the shortfall due to her is £1,912 gross.
- 14 The Respondent is ordered to pay the sum of £1,912 gross to the Claimant.

Employment Judge Allen KC

30 November 2023