



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Helen Pugh

v

Gurjeevan Singh Shergill

Heard by CVP

On: 3 December 2020

Before:

Employment Judge Wedderspoon

Representation:

Claimant:

No attendance

Respondents:

Mr. Wood, Solicitor

JUDGMENT

1. The claimant's claim for pay and wages is struck out on the basis that the claim has no reasonable prospect of success.

REASONS

1. The claim brought a complaint for pay and/or unpaid wages against Mr. Shergill who is a director of the claimant's employer, Sequoia CH Group Limited. The claimant had a conciliation certificate against Mr. Shergill but had not entered the conciliation process with Sequoia CH Group Limited at any time.
2. The claimant failed to attend the hearing today. The Tribunal contacted her mobile telephone but there was no response. The Tribunal was persuaded to hear the strike out application in the claimant's absence pursuant to Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, Schedule 1 in the circumstances that the claimant had received notice of the hearing and the application and the Tribunal had attempted to contact her to join the hearing today.
3. A claim for unpaid pay/wages should be pursued against the employer not an individual. It is a condition of pursuing a claim in the employment tribunal that a party participates in ACAS conciliation with a party who is pursued for a claim. The claimant has not sought to conciliate with her employer and failed to attend today to provide an explanation why she has not done this.
4. In the circumstances, the claimant has no reasonable prospect of success in pursuing an individual for her pay/wages claim and it is dismissed.

Employment Judge Wedderspoon

Date: 3 December 2020

Sent to the parties on:

Date: 4 December 2020

Note - Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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