



EMPLOYMENT TRIBUNALS

Claimants: (1) Miss T Bergqvist Paulusson
(2) Mr D Hays

Respondent: The Ellsmere Hotel

Heard at: London South Employment Tribunal **On:** 23 January 2020

Before: Employment Judge Ferguson (sitting alone)

Representation

Claimants: Did not attend

Respondent: Did not attend

JUDGMENT

It is the judgment of the Tribunal that:

The claims are struck out.

REASONS

1. The Claimants brought claims against the Respondent on a single claim form presented on 20 March 2018, following a period of early conciliation from 6 to 20 March 2018. The claim form appeared to include some matters over which the Tribunal has no jurisdiction (personal injury; forced labour), but there also appeared to be a wages claim. The Claimants said they had been living at the Respondent hotel in December 2017 and someone at the hotel had made them do washing up and cleaning under threat of eviction. No response to the claims has ever been presented.
2. A one-hour unopposed hearing was listed on 29 January 2019 to determine merits and remedy. By letter dated 7 November 2018 the First Claimant was asked to indicate the legal entity by which she was employed.
3. Neither of the Claimants (or the Respondent) attended the hearing on 29 January 2019. In the absence of any explanation, the hearing was postponed. The Tribunal wrote to the Claimants explaining that the hearing would be relisted and noting that the identity of the Claimants' employer had still not been clarified. The Claimants were advised that it was important they attend on the next occasion, and if they were unable to do so they may wish to send documentary evidence and apply for a telephone

hearing.

4. On 30 January 2019 the First Claimant emailed the Tribunal. She did not explain her non-attendance at the hearing, but asked “How do I apply for a telephone hearing?”
5. Nothing further happened on the case until August 2019, when it was referred back to a judge. The Tribunal wrote to the Claimants on 5 August 2019 saying that the case would be listed for a case management hearing and they were required to attend. If they did not attend the judge would consider whether the claim should be struck out because it was not being actively pursued.
6. A notice of hearing was sent to the Claimants on 9 September, listing a case management hearing at 10am today.
7. No-one attended the hearing and there had been no communication from the Claimants since the email of 30 January 2019. In those circumstances I was satisfied that the claims were not being actively pursued and should be struck out under Rules 37 and 47 of the Employment Tribunals Rules of Procedure.

Employment Judge Ferguson

Date: 23 January 2020