



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs H J Gowland

**Respondent:** BusinessWorks International Limited

**Interested Party:** Secretary of State for Business & Trade

**Heard at:** Newcastle Employment Tribunal (remotely by CVP)

**On:** 14 December 2023

**Before:** Employment Judge Sweeney

## Appearances

For the Claimant, No attendance

For the Respondent, No attendance

For the Secretary of State: Parag Soni

## JUDGMENT

1. The proceedings are dismissed pursuant to rule 47 Employment Tribunal Rules of Procedure 2013.

## REASONS

1. By a claim presented on 11 September 2023, the claimant brought complaints in respect of a redundancy payment, arrears of, notice pay and holiday pay.
2. She was the major shareholder and director in the Respondent business which she had set up in 2018.
3. Unsurprisingly, no response was served by the Respondent. However, the Secretary of State, upon being joined as an interested party under rule 96 resisted the Claimant's claims.
4. Orders were made on **12 October 2023** which, among other things, required the Claimant to send documents and a witness statement. The Claimant has not complied

with the directions. By letter dated **16 November 2023**, Employment Judge Jeram directed the parties to continue to comply with those orders. She directed the Claimant to prepare a file of documents and send a copy to the Secretary of State. She also directed the Claimant to ensure that in her witness statement she address why she says she was an employee or worker – which is in dispute. The Claimant did not prepare a file or send any documents or a statement.

5. On 28 November 2023, the Secretary of State took over presentation of the bundle for the purposes of assisting the Claimant and the Tribunal. Mr Soni provided the Claimant with an indexed bundle of documents and asked her to send her witness statement. The Claimant did not acknowledge the correspondence. She did not send a statement to the Secretary of State or to the Tribunal.
6. On **03 December 2023**, she applied for a postponement of today's hearing. This was considered by Judge Loy, who refused the application on **08 December 2023**. He explained what she needed to do if she wishes to apply for a postponement. The Claimant emailed again on **13 December 2023** requesting a postponement. This was considered by Judge Aspden. She refused the application for reasons set out in the Tribunal letter of the same date. The Claimant then emailed again on 13 December 2020 at 11.30am. The correspondence had been referred to me. However, I refused to postpone the hearing as the Claimant had not complied with Judge Aspden's direction. The Claimant sent three further emails at 16:01, 20:12 and 20:16. This still did not comply with Judge Aspden's directions and did not contain what the emails purported to (e.g. a police report). When those emails were picked up this morning, I directed that they be forwarded to Mr Soni, representing the Secretary of State.
7. Mr Soni appeared at today's hearing. As anticipated, the Claimant did not attend.
8. There had been no material change of circumstances following the orders of Judges Aspden and Loy or since my order refusing the application to postpone. I treated the late correspondence from yesterday evening as a further application. However, as the position had not changed, I declined to postpone the hearing. I noted that the Claimant had not complied with any of the original directions.
9. I considered rule 47 of the Employment Tribunal's (Constitution and Rules of Procedure) Regulations 2013, which states as follows:

'If a party fails to attend or to 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 enquires that may be practicable, about the reasons for the party's absence.'
10. I also considered the Claim Form (which sets out how the Claimant had set up the business, recruited all the staff and essentially in which she says she ran the business) and noted again the absence of any witness statement or documents from the Claimant. I had regard to the emails sent by the Claimant in which she refers to mental health issues.

11. Having done so, I considered the appropriate course of action to dismiss the proceedings.

Employment Judge **Sweeney**

Date: 14 December 2023