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EMPLOYMENT TRIBUNALS

Claimant: Miss A Lucas
Respondent: Employment Innovation UK Limited
Heard at: East London Hearing Centre
On: 10 September 2018
Before: Employment Judge C Hyde, sitting alone

Representation

Claimant: In person
Respondent: No response entered and did not attend and was not represented

JUDGMENT

The judgment of the Tribunal is that

1. It is declared that the Respondent unlawfully deducted the sum of **£2327** from the Claimant's wages contrary to section 23 of the Employment Rights Act 1996 in respect of unpaid wages; and
2. the Respondent is ordered to repay that sum to the Claimant forthwith.

REASONS

- 1 Reasons are provided in writing for this judgment as the Respondent did not attend and was not represented at the hearing and had not presented a response.
- 2 The Tribunal heard evidence from the Claimant and examined various documents in support of her complaint.
- 3 The Tribunal found that the Claimant worked for the Respondent from 8 January

2018 until 2 March 2018. The arrangement was that she would originally work for 35 hours a week and be paid for the hours that she worked. From February 2018 onwards given that the Respondent had indicated that it was experiencing difficulty in paying her and she had not received any pay it was agreed that the arrangement would be that she would work a maximum of three days a week for the Respondent. She therefore commenced alternative employment on the remaining two days of the week.

4 The Tribunal also accepted her account of the termination of her employment on 2 March 2018.

5 The Claimant further had worked for the Respondent for a total of 179 hours between 8 January and 2 March 2018. The Claimant had actually worked for the Respondent before that but that was on a voluntary basis. It was from 8 January that it was agreed that she would be paid and at the rate of £13 per hour. The Tribunal accepted the figures that the Claimant put forward in her claim form at Section 9.2 and found that the Claimant had worked 105 hours in January, 70 hours in February and 4 hours in March. The suggestion of 5 hours worked on Friday 2 March 2018 was an error and the total of 4 hours given on that page was confirmed by the Claimant as accurate.

6 The Claimant had thus earned a total of 179 hours and at the rate of £13.00 per hour. The Tribunal also accepted that the Claimant had received no payments whatsoever from the Respondent.

7 In all those circumstances, the Tribunal was satisfied that the Respondent had unlawfully deducted the sum of £2,327 from the Claimant's wages. The Respondent was ordered to repay that sum to the Claimant forthwith.

8 The Tribunal explained to the Claimant that she would need to account for tax and national insurance payment in respect of that sum as it was a gross sum.

Employment Judge C Hyde

24 September 2018