



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss J Gargan  
**Respondent:** Flow Caritas Ltd  
**Heard at:** East London Hearing Centre  
**On:** 10 February 2022  
**Before:** Employment Judge Park

## Representation

**Claimant:** In person  
**Respondent:** Did not attend

# JUDGMENT

1. The Claimant's claim for unlawful deduction of wages in relation to the calculation of her pay while on furlough for the period of March 2020 until 7 June 2021 does not succeed.
2. The Claimant's claim for unlawful deduction of wages in relation of the failure to pay commission for June 2021 and July 2021 does not succeed.
3. The Claimant was constructively dismissed and her claim for unfair dismissal succeeds. The Respondent is ordered to pay the following compensation:
  - a. The Claimant had 2 complete years' service when her employment terminated on 12 July 2021 and her average weekly pay was £475.08. The Claimant is awarded a basic award of £950.16.
  - b. The Claimant is awarded a compensatory award of £1,738.56 comprising loss of earnings from 12 August 2021 until 6 September 2021 and compensation for loss of statutory rights.
4. The Claimant was entitled to 1 month notice. She was paid in lieu of notice for 12 July until 31 July 2021. Her claim for notice pay succeeds and she is awarded compensation for the remainder of her notice in the sum of £738.46 gross.

5. The Claimant's claim for pay in respect of pay for annual leave that she had accrued but not taken on the termination of her employment succeeds. The Respondent is ordered to pay the sum of £2,907.00 gross in respect of holiday pay.
6. The Claimant's claim for unlawful deduction of wages in relation to underpayments of holiday for periods of leave taken before March 2020 is out of time and does not succeed.

**Employment Judge Park  
Dated: 14 February 2022**