



EMPLOYMENT TRIBUNALS

Claimant

Mrs N Gilbert

v

Respondent

Alphan Café Limited

Heard at: Birmingham (via CVP)

On: 7 August 2023

Before: Employment Judge Fredericks-Bowyer

Appearances

For the claimant: Mr Gilbert (lay representative)

For the respondent: Did not attend

JUDGMENT

1. Judgment is entered in the absence of the respondent following application of Rule 47 Employment Tribunal Rules of Procedure 2013. Before deciding to continue, I noted:-
 - 1.1. The respondent's representatives had removed themselves from the record;
 - 1.2. The Tribunal e-mailed the respondent twice but there was no reply and the respondent did not connect;
 - 1.3. There was no telephone number provided for the respondent;
 - 1.4. The respondent was in breach of its obligation to prepare documents and a bundle for the hearing; and
 - 1.5. The claimant had received no contact from the respondent since its representatives came off the record.
2. The respondent failed to pay the claimant the National Minimum Wage throughout her employment and it is ordered to pay the claimant **£5,597.10** to make up that shortfall.
3. The respondent made unlawful deductions from the claimant's wages throughout the period for which she is able to claim after application of the time limit set out in section 23(4A) Employment Rights Act 1996: from 10 November 2020 to 28 July 2022.

4. The respondent must pay the claimant **£1,991.93** for accrued but untaken and unpaid holiday between 10 November 2020 and 10 November 2022.
5. The respondent must pay the claimant **£96.35** for unlawfully deducted sick pay in August 2021, which is a feature of the overall continuing run of deductions.
6. The respondent failed to provide the claimant with written particulars of her employment and it is considered just and equitable to award the higher amount of four weeks' pay as set out by s38 Employment Act 2002: the respondent must pay the claimant the sum of **£855.00**.
7. The amounts set out at paragraphs 2, 3, 4 and 5 above are gross amounts which are subject to tax and deductions. The amount set out at paragraph 6 above is not subject to tax and deductions.
8. **The total GROSS amount to be paid to the claimant, before deductions, is £8,540.38.**

Employment Judge Fredericks-Bowyer

7 August 2023