



## EMPLOYMENT TRIBUNALS

**Claimant**

**Respondents**

**Miss Lais Queiroz Pieve**

**v**

**Abasto Ltd t/a  
Abasto Wine & Empandas**

## PRELIMINARY HEARING

**Heard at: London Central (by Cloud Video Platform)**

**On: 14<sup>th</sup> August 2023**

**Before: Employment Judge Gidney with members, Mr Alleyne and Mr Harrington Roberts**

### **Appearances**

**For the Claimant: Mr Treend (Litigation Friend)**

**For the Respondent: Not attending**

## JUDGMENT

**The Judgment of the Tribunal is that:**

- 1. The Claimant's claims for unlawful deduction from wages pursuant to s13 and s23 Employment Rights Act is well founded and Judgment shall be entered against the Respondent in the sum of £579.50.**
- 2. The Respondent shall pay to the Claimant, in addition to the sum ordered above, the sum of £133.73 to compensate the Claimant for the financial losses sustained by her which is attributable to the matter complained of, pursuant to s24(2) of the Employment Rights Act 1996.**

**3. In the circumstances, the total Judgment sum due to the Claimant is £713.23.**

**Reasons**

1. This hearing was listed by Employment Judge Norris on the 26th of June 2023. At that hearing Judge Norris made the following order:

*'Even on the Respondents own case, it acknowledges that the Claimant is owed pay for September 2022 which it had not paid by the end of June 2023. I said that the Tribunal may consider making an employer penalty on the next occasion. I explained to Mr Emara that the Employment Judge (likely to be me) would be able to take into account the Respondents means if the Tribunal makes such a penalty. However. It would be expected that the parties will be able to settle the case without the needing to come back to tribunal given that the Respondent's concession that they money is owed.*

*If it is settled no consideration will be given to making an employer penalty in this case. If the case is not settled, there will be a hearing at which the Tribunal will also consider ordering the Respondent to pay to the Claimant in addition to any amount of compensation awarded and regardless of any employer penalty made, such further amounts may be appropriate to compensate her for any financial loss she has sustained that is attributable to the withholding of her wages (section 24(2) Employment Rights Act, 1996'.*

2. The Respondent elected not to attend today's hearing. It had notice of the hearing, having emailed the Tribunal on 8<sup>th</sup> August 2023 to say that it understood it had paid the outstanding wages in the sum of £579.50. The Claimant confirmed today that no such payment had been received and that the Respondent had, in its email of 8<sup>th</sup> August 2023, correctly identified her banking details.
3. In the circumstances I entered Judgment for the Claimant for the outstanding wages that the Claimant asserted (and the Respondent had accepted in its email) were outstanding.
4. Pursuant to the Order (and warning to the Respondent) made by Judge Norris I then considered whether to make an employer penalty award to the

Claimant, pursuant to section 24(2) of the Employment Rights Act 1996 which states:

*24. Determination of complaints.*

*(1) Where a tribunal finds a complaint under s23 well-founded, it shall make a declaration to that effect and shall order the employer—*

*(a) in the case of a complaint under s23(1)(a) to pay to the worker the amount of any deduction made in contravention of s13.*

*(2) Where a tribunal makes a declaration under subsection (1), it may order the employer to pay to the worker (in addition to any amount ordered to be paid under that subsection) such amount as the tribunal considers appropriate in all the circumstances to compensate the worker for any financial loss sustained by him which is attributable to the matter complained of.*

5. The Respondent has kept the Claimant out of her wages since the last Court Hearing in June, and has had the benefit of those wages for a year. I find it is appropriate to make a penalty award to the Claimant. The Claimant was able to find new employment in November 2022, but was forced to rely on family for financial assistance during that period.
6. In the circumstances I consider an additional payment, equivalent to one week's net pay is an appropriate amount in all of the circumstances to compensate the Claimant for the financial loss that she has suffered, which I have assessed in the sum of £133.73.

14<sup>th</sup> August 2023

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**Employment Judge Gidney**

Sent to the parties on:

14/08/2023

For the Tribunal:

“The reasons for this decision were given orally at the hearing. Written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of this written judgment being sent to the parties.

Public access to employment tribunal decisions: Note that both judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the parties”.