



EMPLOYMENT TRIBUNALS

Claimant Mr C Y Poon
Represented by In person

Respondent Solmax Group UK Ltd
Represented by Did not appear and was not represented

Employment Judge Ms A Stewart (sitting alone)

Held at: London Central by CVP **on:** 2 March 2023

JUDGEMENT

1 The Claimant's complaint, under section 23 of the Employment Rights Act 1996, that he has suffered unlawful deductions from his wages in the sum of £9,676.92 gross, is well-founded.

2 Accordingly, it is ordered that the Respondent pay to the Claimant the sum of £7,726.23 net, having accounted to HMRC for due deductions for tax and National Insurance on the gross sum.

3 The Claimant's claim for redundancy pay is not well-founded and fails because he does not have the requisite period of 2 years service.



Claimant	Mr C Y Poon
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Respondent	Solmax Group UK Ltd
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REASONS

1 The Claimant worked for the Respondent as a junior graphic designer from 1 November 2021 until he paused his working until he heard something from the company management regarding unpaid wages, on 31 May 2022. His written contract, signed by both parties on 7 October 2021, provides for his salary to be £25,500 gross p.a and for 25 days holidays p.a. plus public holidays.

2 He stated that he was paid £2,125.00 gross, £1,696.64 net, per month for the first 3 months, and received payslips. There were 9 staff in total at the start of his employment, dropping to 8 on 1 January 2022 and to only 2, including the Claimant, on 1 April 2022.

3 The Claimant stated that from 1 February 2022 there was no pay and no payslips, but the 2 managers promised staff that they would be paid at the end of the month, this promise repeated every month, when the company owner, Abdulrehman Sandhu, returned from the USA. This never transpired and the Claimant has been paid nothing since the end of January 2022. He and one other member of staff were encouraged to continue working on a specific project until they finished it, in the promise that they would earn a share in it, which, however, was never specified.

4 The Claimant's contractual holiday entitlement, accrued over the 7 months of his employment, amounted to 14.56 days (rounded up to 15). He took 3 days leave around Christmas 2021, but no other days leave, although he got permission to work from home for 5 days during 2022. He did have all public holidays off. He is therefore owed 12 days holiday pay for leave not taken at the end of his employment.

5 The Claimant continued to pursue Mr Sandhu by email and to seek his whereabouts from the senior managers, but to no avail. He sent many emails to Mr Sandhu, chasing contact with him. He eventually paused his work as no pay was forthcoming at the end of May. He did not receive a reply or any contact from Mr Sandhu since just before Christmas 2021.

6 In mid-May the landlord of the office premises changed the locks and shut out the 2 remaining staff members, for non-payment of rent. They continued to work from home in order to finish the project with which they had been charged.

7 The Respondent has not presented a Response to this claim and did not appear today either in person or by representation.

8 The Tribunal was satisfied on the evidence before it today that the Claimant was not paid the sums to which he is contractually entitled and his wages act claim therefore succeeds.

9 Calculated as follows:

4 months gross pay – 4 x £2,125.00 = £8,500.00.

4 months net pay – 4 x £1,696.64 = £6,786.56.

Daily Rate: - Gross; £25,000.00 divided by 52 weeks = £490.38 divided by 5 days per week = £98.07. 12 days gross holiday pay is therefore £1,176.92.

Net ; £1,696.64 per month x 12 months = £20,359.68 divided by 52 weeks = £391.53 divided by 5 days per week = £78.30. 12 days holiday net pay is therefore: £939.67.

Gross total : £8,500.00 + £1,176.92 = £9,676.92.

Net total: £6,786.56 + £939.67 = £7,726.23

Signed: Employment Judge A Stewart

Employment Judge

Date 2 March 2023

Judgment sent to the parties on

07/03/2023

FOR THE TRIBUNAL OFFICE