



EMPLOYMENT TRIBUNALS

London South Employment Tribunal 6th December 2023 (video)

Claimant: Ashleigh Harrison

Respondent: Les Ongles London Limited

Full merits hearing

Before: Judge M Aspinall (sitting alone as an Employment Judge)

Appearances: Miss A Harrison, in person
The Respondent did not attend or acknowledge the claims.

JUDGMENT

UPON considering the claim and the papers in the claim; and

UPON hearing, on affirmation, from the Claimant in the absence of the Respondent:

1. The claims for unlawful deduction from wages and for failure to provide pay statements, or adequate pay statements, are allowed.
2. **IT IS DECLARED** that the Respondent made unlawful deductions from the wages properly due to the Claimant for the periods of February and March 2023.
3. The Respondent shall pay, forthwith, to the Claimant the total sum of **£8,112** (as set out below). The Claimant shall account to HMRC for any tax, National Insurance, or other deductions properly due from that amount once she has received it.

Reasons

4. This matter comes before the Tribunal on the Claimant's complaint of unlawful deductions from wages and failure to provide adequate pay statements against the Respondent company. The Respondent has not engaged in these proceedings or responded to the claim.

Introduction

5. The Claimant, *Miss Ashleigh Harrison*, was employed by the Respondent as a Nail Technician from 9 February 2023 until her employment ended on 30 March 2023. She brings claims against her former employer, *Les Ongles London Limited* (Company No. 12749131) for unlawful deductions from wages and failure to provide an adequate itemised pay statement.

Unpaid Wages

6. The Claimant asserts that she was not paid any wages for the months of February 2023 or March 2023 before her employment ended. Her contract provided for payment on the last working day of each month. In February, she was verbally advised that payment would be delayed but she received no wages for either month.

7. I find that the failure to pay the Claimant for 2 months of work constitutes unlawful deductions from wages under Part 2 of the Employment Rights Act 1996. I calculate the total gross amount owed for 2 months' unpaid wages as £4,056, based on the Claimant's gross monthly salary of £2,028.
8. The Claimant is therefore entitled to compensation of **£4,056 gross** under the Employment Rights Act 1996 for unlawful deductions representing 2 months of unpaid salary.

Failure to Provide Pay Statements

9. Further, I accept the Claimant's evidence that she did not receive any adequate itemised pay statements during her employment as required by section 8 of the Employment Rights Act 1996.
10. As a result, I award the Claimant compensation under section 14 of the Employment Rights Act 1996 for this breach of statutory duties. I calculate the compensation as **£4,056 gross**, representing 8 weeks' gross pay capped at the total gross pay amount earned during employment.

Conduct of the Respondent

11. I note with concern that the Respondent employer did not at any stage acknowledge, reply to or contest this claim despite proper service. It has not engaged with the Claimant or the Tribunal process in any way. This demonstrates a blatant disregard for the statutory employment rights of its workers and obligations owed as an employer.

Conclusion

12. For the reasons given above, the Claimant succeeds in her claims for unlawful deductions from wages and failure to provide adequate pay statements.
13. I award total compensation of **£8,112 gross**. The Claimant will account to *HMRC* for any tax and National Insurance contributions due on this amount.

Judge M Aspinall
Wednesday, 6th December 2023