



EMPLOYMENT TRIBUNALS

Claimant: Mr M B Far

Respondent: Bohemian Hair Salon Ltd

Heard at: FMH at Watford (by CVP) **On:** 7 November 2024

Before: Employment Judge Daniels (sitting alone)

Appearances:

For the claimant: In person (assisted by a Farsi translator, Mr Davani, duly sworn in).

For the Respondent: Ms Dehghani

JUDGMENT

1 The name of the respondent was amended by consent to Bohemian Hair Salon Ltd. All records will be amended accordingly.

2 The claim for unlawful deductions from wages is well founded in part.

3 As an award has been made and the respondent breached s1 ERA 1996 and s38 Employment Act 2004 an award for a failure to provide a statement of terms and conditions is also payable.

REMEDY

1 The claimant's rate of pay was £10.42 per hour. It was agreed he would work 7 paid hours a day with 1 hour unpaid rest break, per day, for the normal opening hours of 12-8pm. The daily rate of pay was £72.04 per hour gross. His normal working week agreed was 6 days with one unpaid day off.

2 The claimant worked for only 1 day for which wages were payable on 20 December 2023; from 2-6 January 2024 and from 9 to 19 January 2024 (save for 2 days he did

not work). He was due to be paid for 14 days' work in total. He was paid by the respondent £500 in cash, £20 in petty cash expenses and £140 by 3 bank transfers, gross. The total gross payment was £660.

- 3 The balance due to the claimant for unlawful deduction from wages is £1021.16, less the £660 paid, namely **£361.16.**
- 4 There are exceptional circumstances such that an award for 2 weeks' pay for failure to provide a s1 statement would be inequitable as the claimant was uncooperative with regard to provision of his NI number and personal data and this led to a delay in providing a statement. An award of 1 weeks' pay would be just and equitable. This sum is a further **£437.64.**
- 5 The total gross payment due to the claimant is **£798.80** payable in 14 days.
- 6 The Recoupment Regulations do not apply.

Employment Judge Daniels

7 November 2024

Sent to the parties on:

14/12/2024

For the Tribunal:

N Gotecha