



EMPLOYMENT TRIBUNALS

Claimant: Mrs K Watling

Respondent: EMS International Limited

HELD AT: Liverpool

ON: 29 January 2018

BEFORE: Employment Judge Barker

REPRESENTATION:

Claimant: In person

Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim for unpaid wages succeeds. The respondent is to pay to Mrs Watling £2750 forthwith for unpaid commission payments;
2. The claimant's complaint that the respondent has failed to pay employer and employee contributions into her pension fund is outside the jurisdiction of the Tribunal and should be referred to the Pensions Regulator;

3. The claimant's claim for statutory maternity pay for the remaining two months of her maternity leave cannot be recovered by way of a claim for unpaid wages in the circumstances of this case.

Employment Judge Barker

Date 29 January 2018

JUDGMENT SENT TO THE PARTIES ON

31 January 2018

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2423548/2017

Name of Mrs K Watling v EMS
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 31 January 2018

"the calculation day" is: **1 February 2018**

"the stipulated rate of interest" is: 8%

MR I STOCKTON
For the Employment Tribunal Office