



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms O Orekoya  
**Respondent:** Mitie security Limited  
**Heard at:** East London Hearing Centre  
**On:** 18 June 2018  
**Before:** Employment Judge Foxwell

**Representation**

Claimant: In person  
Respondent: No attendance

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of £2,692.80.
2. The Tribunal makes no Order in respect of her claim for the value of annual leave which was not taken or for psychological damage.

## REASONS

1. The claimant is employed by the respondent as a security officer. Having gone through early conciliation between 9 February 2018 and 9 March 2018 she presented claims for unpaid wages and for holiday pay to the Tribunal on 20 March 2018. She also requested compensation by way of general damages for psychological injury.
2. The claim was served on the respondent at the address given by the claimant in accordance with the Tribunal's Rules but it failed to enter a response. It has not attempted to participate in these proceedings despite the Tribunal sending subsequent

correspondence to its registered office. In the circumstances I am satisfied that it is appropriate to enter judgment against it under Rule 21.

3. I accept the claimant's evidence contained in her claim form and confirmed by her in person that she was employed to work a minimum of 6 days a month doing 12 hour days at a rate of £9.35 per hour. I also accept her evidence that the respondent failed to pay her in accordance with these terms in the 4 months between November 2017 and February 2018. Accordingly, I award her £2,692.80 as an unlawful deduction from wages as claimed in her claim form.
4. I declined to make any order for unpaid holiday pay as the Claimant remains employed and there is no evidence that she took or attempted to take holiday in the period relevant to the claim. A payment in lieu of untaken holiday can only be claimed when the employment has come to an end.
5. Finally, I did not make an award for psychological injury as the Tribunal has no power to make such an award in claims for unpaid wages or holiday pay.

Employment Judge Foxwell

18 June 2018