



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms I Starikovic

v

DGS Global London Limited

Heard at: Watford

On: 12 July 2018

Before: Employment Judge Bedeau

Appearances

For the Claimant: In Person assisted by an Interpreter fluent in Russian and English, Ms M I Birdwood-Hedger

For the Respondent: Did not attend, neither represented

JUDGMENT

1. In this case the claimant presented her claim form on 12 March 2018 asserting that she had been underpaid during her employment with the respondent. She came to that conclusion having taken into account what was paid into her bank account compared with what was stated in her P45. The respondent was required to serve a response by the 7 May 2018, a response was not received by that date and judgment was issued in respect of liability on 4 July 2018.
2. The case was listed for a remedy hearing today. I heard evidence from the claimant who presented a small bundle of documents comprising of her bank statements and payslips. Having considered the claimant's evidence, I do make the following material findings of fact.

REASONS

1. The respondent manufactured clothing for a limited market, I am told for models. The claimant worked as a machinist/seamstress on a full-time basis, five days a week from 8:00am to 5:00pm Monday to Thursday and from 8:00am to 4:00pm on Friday. She was given one-hour lunch.
2. She commenced employment with the respondent on 3 October 2016. By all accounts this was a small business employing no more than four or five

people. The claimant's rate of pay in 2016 to the early part of 2017 was £7.20 per hour. I am satisfied that her normal working hours per month was 173.33 hours. I have not been given a contract of employment between the claimant and the company as the claimant was not given one.

3. Up until the early part of 2017 the claimant's gross monthly pay was £1,247.98, with tax and National Insurance being deducted her net pay was £1,112.86.
4. In or around either February/March the claimant's hourly rate was increased to £7.50 per hour. That gave her a monthly gross pay of £1,299.98, with tax and National Insurance being deducted the net pay was £1,157.58.
5. The claimant went on leave from 22 September 2017 to the 13 October 2017, a period of three weeks. I am further satisfied that she was entitled to be paid during her leave. She was given permission by her Line Manager to go on leave. When she returned on 13 October 2017 she was informed by her Line Manager that there was no further work for her. From her bank statements I am satisfied that she was paid at the end of the month her full net salary into her bank account. Her last full monthly payment of £1,157.38 was paid into her bank account on 31 August 2017. Her next payment was on 11 October 2017 of £810.17. This represents three weeks' pay up to the 22 September 2017. The claimant was entitled to one week's pay in lieu of notice as she was ready and willing to work from the 14 October 2017 one week's pay would have taken her up to the 21 October 2017.
6. I have come to the conclusion that the claimant is entitled to four weeks' pay plus one day. The claimant's net weekly pay was £267.09, this equates to £53.42 per day. She was entitled to be paid from 22 September to 21 October 2018. I therefore order the respondent to pay the claimant the sum of £1,121.78 net, that is without deductions in respect of tax and National Insurance.

Employment Judge Bedeau

Date: ...12.09.18.....

Sent to the parties on: ...17.09.18.....

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For the Tribunal Office