



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss D Licha  
**Respondent:** Winner Recruitment  
**HELD AT:** Liverpool **ON:** 25 July 2018  
**BEFORE:** Regional Employment Judge Parkin  
(sitting alone)

## REPRESENTATION:

**Claimant:** In person  
**Respondent:** No response presented and no attendance.

## JUDGMENT

The judgment of the Tribunal is that:

1. The respondent made unlawful deductions from the wages of the claimant and is ordered to pay the claimant the sum of £184.00 gross.
2. Pursuant to Regulations 14, 30(1)(b) and 30(5) of the Working Time Regulations 1998, the respondent is ordered to pay the claimant the sum of £466.65 gross as compensation for accrued paid annual leave.
3. Pursuant to Section 24(2) of the Employment Rights Act 1996, respondent is ordered to pay the claimant the sum of £74.00 as compensation for financial loss.

## REASONS

1. By a claim presented on 15 May 2018, the claimant claimed unlawful deduction from wages and holiday pay arising from the termination of her employment as a parcel sorter at Hermes in Warrington on 24 January 2018.
2. No response was presented to the claim by the respondent, which was served with Notice of Claim at its business address in Sutton Coldfield, Birmingham. Whilst the name of the respondent is a trading name, it appears likely that the full identity of the respondent is Winner Recruitment (Birmingham) Ltd which

has its registered office at the same address. There is no suggestion that the Notice of Claim was not received at the address where it was sent.

3. The claimant was greatly assisted in her claim by Citizens Advice Cornwall, Camborne office which had sent a full schedule of loss with supporting documentation to the Tribunal and the respondent. At the hearing, the claimant gave evidence herself which was accepted in full by the Tribunal. She incurred expenses of £74.00 for her return bus fare to attend the hearing.
4. The claimant dealt throughout with Marcel Gajdik who recruited her to work on the Hermes contract for Winner Recruitment, as above the trading name of the business which provided casual and temporary staff to work at Hermes.
5. The claimant was promised that the staff shuttle bus to get to work was free but found that deductions were made from her wages for bus transport, despite her not giving her written consent for this. Furthermore, no written contractual documentation supporting the making of such deductions was provided to her. The deductions made totalled £184.00.
6. During employment she received only one day's holiday pay for paid annual leave and was entitled to an additional 51.85 leave hours, based upon her hours worked for the respondent at the hourly rate of £9, a total of £466.65.
7. The Tribunal applied Part II of the Employment Rights Act 1996, in particular sections 13, 23 and 24 and the Working Time Regulations 1998 in particular Regulations 13 13 A, 14 and 30.
8. The respondent made unlawful deductions from the claimant's wages and is ordered to pay her £184.00 and failed to pay her accrued paid annual leave compensation upon termination of employment and is ordered to pay her £466.65. The claimant incurred financial loss in attending the hearing and the respondent is ordered to pay her £74.00 compensation for the cost of her return bus fare.

Regional Employment Judge Parkin

Date: 25 July 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON

1 August 2018

FOR THE TRIBUNAL OFFICE

## **NOTICE**

**THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990**

Tribunal case number(s): 2410859/2018

Name of Miss D Licha v Winner Recruitment  
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: 1 August 2018

"the calculation day" is: **02 August 2018**

"the stipulated rate of interest" is: 8%

MRS L WHITE  
For the Employment Tribunal Office

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