



EMPLOYMENT TRIBUNALS

Claimant: Mrs F Bazanela

Respondent: Exclusive contract services Ltd

Heard at: Southampton **On:** 15th of March 2019

Before: Employment Judge Hargrove

Representation

Claimant: In person

Respondent: No attendance.

JUDGMENT

Upon hearing evidence from the claimant in person, and there being no attendance by or on behalf of the respondent, and upon consideration of the contents of the ET3 response, it is adjudged as follows: –

1. The respondent has made an unlawful deduction from the claimant's wages totalling £1344, contrary to section 13 of the Employment Rights Act 1996, and pursuant to section 24 the respondent is ordered to pay that sum to the claimant.

REASONS

1. By a claim received on the 18th of December 2018 the claimant asserted that she had been regularly underpaid during her employment as a manager cleaner for the respondent at the Salisbury branch of Sainsbury's between the 10th of January 2018 and the 10th of October 2018. The claim was in respect of what are called magic hours, which are our set aside for special cleaning treatment at a client's premises. In this case it appears to be common ground that Magic hours were worked at the store for approximately four hours per week throughout the period that the claimant worked there.
2. The respondent put in a detailed response in which it asserted that the

claimant had been paid for all the hours she worked and that the magic hours at these premises were all worked during the normal contractual working hours; and that accordingly the claimant having been paid for all her normal working hours, there were no wages outstanding to her upon termination of her employment.

3. Having heard the claimant's evidence and considered documents produced by her including timesheets and payslips, I am satisfied that the claimant's claim is correct and that the claimant has not been paid for the extra hours she did indeed work. I reach that conclusion having considered as an example the payslip dated the 23rd of March 2018 which records that during a 4 week period The claimant was paid for 144 basic hours work, at £9 per hour amounting to £1296 +3 hours overtime or cover and was paid holiday pay for 6 hours. The claimant produced to the tribunal her 4 weekly timesheet for that period which showed that during that period she in fact worked for 163 hours. I am therefore satisfied that she has been underpaid wages, as she claims, throughout the period of her nine months employment. She claims that she has been underpaid by 16 hours per month over nine months. During the period from January to June 2018 inclusive she was paid at the flat rate of £9 per hour, and accordingly the underpayment for that period is £864. During the last three months of her employment she was paid at the rate of £10 per hour, amounting to an additional underpayment of £480, totalling £1344.

Employment Judge Hargrove

15 March 2019
Date