



THE EMPLOYMENT TRIBUNALS

Claimant
Ms B Jenkins

Respondent
Utel Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

AT NORTH SHIELDS
EMPLOYMENT JUDGE GARNON (sitting alone)

ON 30th JULY 2018

REMEDY JUDGMENT FOLLOWING A JUDGMENT ON LIABILITY ONLY **(made under Rule 21 of the Employment Tribunal Rules of Procedure 2013)**

The Judgment of the Tribunal is: (a) on the claim of unlawful deduction of wages (described in the liability judgment as unpaid wages due) I order the respondent to repay to the claimant £ 7523 and (b) on the claim of breach of contract (described in the liability judgment as notice pay) I award no damages .

REASONS

1. A judgment by Employment Judge Hargrove on 8th June 2018 held the claimant was entitled to “ notice pay “ and “unpaid wages due ” . He ordered further information to enable the claims to be quantified
2. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 (the Act) . The claimant in her further information gives credit for overtaken holiday and sick leave to neither of which is the respondent entitled. She should have been paid £11500 gross for the 3 months she worked She fairly estimates the gross value of the net sums she was paid by dividing by 7 and multiplying by 10 to allow 30% deductions for tax and NI to give £3977. The award is the difference between the two figures. The notice pay claim. turns out to be for pay during the notice period which is better expressed as unlawful deduction of wages (see Delaney-v-Staples) so to make any award would duplicate the one made

T M Garnon EMPLOYMENT JUDGE
JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON 30th JULY 2018