



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4122579/2018 Hearing at Edinburgh on 1 April 2019

Employment Judge: M A Macleod (sitting alone)

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Ms J Wang

Claimant
In Person

Wangping Travel Limited

Respondent
Represented by
Mr J Boyle

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Employment Tribunal is that the claims of the claimant succeed, liability being admitted by the respondent, and that the respondent is ordered to pay to the claimant the sum of **One Thousand Nine Hundred and Six Pounds and Fourteen Pence (£1,906.14)**.

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REASONS

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1. In this case the claimant presented a claim to the Employment Tribunal on 5 November 2018, in which she claimed that the respondent had unlawfully deprived her of arrears of pay and holiday pay, and had failed to pay her the rate required by the National Minimum Wage.

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2. The respondent submitted an ET3 resisting the claimant's claim, but confirming that an offer had been made in terms of the full value of the claimant's claim, namely £1,806.14.

3. A hearing was fixed to take place on 1 April 2019. The claimant appeared on her own behalf, and the respondent was represented by Mr Boyle, solicitor.
- 5 4. At the outset of the hearing, Mr Boyle addressed the Tribunal. He said that the respondent had made efforts to resolve this matter, on the basis that the value of the claim was disproportionate to the complexity of the legal issues under consideration. He noted that the Tribunal had ordered the claimant to provide her National Insurance number, and that once the respondent had this, they would take steps to make payment to her of the sum sought.
- 10 5. On questioning by me, and after further consultation with his client, Mr Boyle confirmed that the respondent admits liability for these claims, and asked the Tribunal to issue a Judgment to the claimant ordered the respondent to pay her the sum of £1,806.14.
- 15 6. The claimant agreed that she had been ordered to provide to the respondent and the Tribunal her National Insurance number, and confirmed that she had brought her card with her. She therefore advised that her National Insurance number is SC680296A. I am satisfied that the claimant has now complied with the Tribunal's Order.
- 20 7. She went on to express her views about the manner in which the respondent had treated her, but agreed that the payment sought in the claim form, comprising the sums sued for in relation to the three heads of claim (namely National Minimum Wage breaches, holiday pay and arrears of pay) was £1,806.14.
- 25 8. However, the claimant asks the Tribunal to award her two additional sums: firstly, she seeks payments in respect of the bank interest she has incurred as a result of having to borrow money from her bank, and use her credit card, due to the respondent's failure to pay her at the appropriate time; and secondly, the claimant seeks a payment in respect of interest accrued since the payments should have been made to her.

9. Mr Boyle observed that no compensation is due to the claimant beyond what she seeks by way of payments since these are not claims which attract compensation; and that interest should not be added to the sums due, but if the Tribunal were so minded, that interest should stop accruing from the point when the ET3 was presented to the Tribunal on 6 December 2018, at which point the respondent offered the claimant full payment of the sums sought.

10. The claimant wished to have it noted that the respondent was given her National Insurance number and her passport when she was appointed to her job in the first place, and therefore should not have needed to ask for it thereafter.

Decision

11. The respondent admits liability, and agrees that the Tribunal should issue a Judgment in respect of the payments sought by the claimant in her ET1, namely £1,806.14. The claimant agrees with that figure, but seeks further payments in addition to that.

12. Firstly, the claimant seeks compensation in respect of the way in which she has been treated by the respondent. Section 24(2) of the Employment Rights Act 1996 allows a Tribunal to make an order that the respondent pay to the claimant such amount as the Tribunal considers appropriate in all the circumstances to compensate the claimant for any financial loss sustained by him attributable to the matter complained of. Although the Tribunal has not heard any detailed evidence about this matter, the claimant observed that the delay in payment meant that she had to seek credit from her bank and from her credit card provider. In all the circumstances, I am prepared to make an award of £100 to the claimant in this regard, to cover those losses incurred as a result of the delay in payment. I am not prepared to make a larger award because it is not clear to me why the claimant did not provide her National Insurance number to the respondent when it was requested of her. She told me that she had already given it to them when appointed, but

when they asked her for it, there was nothing to prevent her simply telling them again.

5 13. Secondly, the claimant seeks interest on the outstanding sums, from the date when payment became due until the date of this hearing. There is no basis for an award of interest to be made in this case. Interest on an award made by the Employment Tribunal may start to accrue after the Judgment is issued, but interest before the Judgment is issued, in such a case as this, is not appropriate and so no such award of interest is made.

10 14. The claimant's claim therefore succeeds, liability having been admitted by the respondent, and the respondent is ordered to pay to the claimant the sum of £1,906.14.

15 Employment Judge: Murdo A Macleod
Date of Judgement: 01 April 2019
Entered in register: 02 April 2019
And copied to parties