



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr L Marfo v

Global Student Accomodation

Heard at: London Central

On: 11 October 2019

Before: Employment Judge E Burns

Representation

For the Claimant: In person

For the Respondent: No appearance

JUDGMENT

1. The tribunal makes a declaration that the payslip provided by the respondent to the claimant for the pay period ending on 25 April 2019 does not set out the particulars required by section 8 of the Employment Rights Act 1996.
2. The payslip should include the following details of the payments paid to the claimant on or around 8 April 2019:
 - (a) the gross amount paid
 - (b) the deductions made from the gross amount and the purpose for which they were made
 - (c) the net amount less the deductions

REASONS

- (1) By a claim form presented on 14 May 2019, following a period of early conciliation from which commenced and concluded on that date, the claimant submitted a complaint to the employment tribunal which appeared to be claim for notice pay and holiday pay. The respondent has failed to submit an ET3.

- (2) In correspondence sent to the tribunal on 4 October 2019 and in person at the hearing, the claimant said that he was not seeking an order for payment of any money from the tribunal.
- (3) He explained that he had entered into a settlement agreement with the respondent and had been paid payments under that agreement including an ex-gratia payment, a notice payment and a holiday payment. The payments were made on or around 8 April 2019 after the conclusion of his employment on 20 March 2019.
- (4) The claimant was issued with a payslip for the pay period ending on 25 April 2019.
- (5) The claimant's claim before me was that the payslip failed to show the payments he had received that month and in particular, failed to show the amount of any deductions for any reason, including deductions made for tax and NI.
- (6) Section 8 of the Employment Rights Act 1996 entitles a worker to be given a written itemised pay statement that contains the following information:
 - (i) The gross amount of the wages or salary
 - (ii) The amounts of any deductions from that gross amount and the purposes for which they are made
 - (iii) The net amount of wages or salary payable
- (7) Section 11 of the Employment Rights Act 1996 entitles a worker who has been sent a payslip that does not contain the correct details to refer it to an employment tribunal. Where on reference under section 11, a tribunal find that in relation to a payslip that it does contain the correct particulars, the employment tribunal has the power to make a declaration to that effect under section 12(3) Employment Rights Act 1996
- (8) The claimant provided me with a copy of the payslip. It is clear that it does not show the payments that were made on or around 8 April 2019 to the claimant. I therefore make a finding that the payslip does not comply with section 8 of the Employment Rights Act 1996 and on that basis, I have concluded that a declaration should be made in this case.

Employment Judge E Burns

11 October 2019

Sent to the parties on:

21/10/2019

For the Tribunal: