



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE C HYDE, sitting alone

BETWEEN:

Claimants

(1) MISS S GREY
(2) MISS E CHEGWIDDEN

AND

Respondent

TUSCUN GROUP LIMITED

ON: 6 September 2019

APPEARANCES:

For the Claimants: In Person

For the Respondent: No responses submitted, no representations received and no attendance

JUDGMENT

The Judgment of the Employment Tribunal is that:-

1. In respect of the first Claimant, Miss S Grey:-
 - (i) The Tribunal declared that the Respondent unlawfully deducted the sum of **£4798.00 gross** in respect of salary (wages and

commission) and the Respondent is ordered to repay that sum to the Claimant forthwith.

- (ii) Further, the Respondent unlawfully deducted the sum of **£170.90** in respect of expenses incurred between 9 July and 8 August 2018, and the Respondent is ordered to repay that sum to the Claimant forthwith.
2. In respect of the second Claimant, Miss Ellie Chegwidden: -
- (i) It is declared that the Respondent unlawfully deducted the sum of **£2021.73 gross** from the Claimant's wages in respect of the period from 30 July to 10 September 2018. The Respondent is ordered to repay that sum to the Claimant forthwith.
 - (ii) The Respondent unlawfully deducted from the second Claimant's wages the sum of **£432.89** in respect of reimbursement of travel expenses incurred and cleaning products purchased with the Respondent's authority. The Respondent is ordered to repay that sum to the Claimant forthwith.

REASONS

1. Reasons are provided in writing for the above Judgment as the Respondent did not attend. They are provided only to the extent that it is necessary for the parties to understand the Judgment above. Further the reasons are set out only to the extent that it is proportionate to do so.
2. The Tribunal was satisfied that the accounts and calculations given by the Claimants in the emails sent to the Tribunal on 9 April 2019 at the direction of the Employment Tribunal at the recent hearing were largely accurate. The Tribunal adjusted the calculations to take into account that in respect of Miss Chegwidden she had agreed not to be paid in respect of the first week. In relation to Miss Chegwidden also, the Tribunal gave credit to the Respondent for two payments of £90.00 and £50.00 paid to her on 29 August and 1 September 2018, by deducting those sums from the expenses owed of £613.89 giving an outstanding balance of £432.89.
3. The travel expenses were largely the total cost of travel cards, plus occasional congestion charges and train tickets from 23 July to 10 September 2018.

4. The Tribunal was satisfied that the arrangement between the parties was that Miss Chegwidden would be reimbursed in respect of her expenses throughout the period from 23 July. Further, she produced copies of the travel expenses, i.e., travel cards. The only claim that she did not produce receipts for were the cleaning products. However, she relied on the WhatsApp messages indicating that this matter was discussed with and approved by the Respondent.
5. In respect of her income, the Tribunal was satisfied having seen the documentation about the advertisement of this job on the website, Indeed, that she was led to believe that the salary would be between £25000 and £40000 odd per annum. The Tribunal was further satisfied that the salary at the rate of £25000 per annum was then confirmed to her at the interview.
6. For the period 30 July to 10 September working five days a week the Claimant had worked for twenty-nine days. £25000 per annum is equivalent to £480.77 gross per week. The Claimant was therefore entitled to 5 x four-fifths of a week which equals £2788.47 gross.
7. From that figure the Tribunal deducted the two sums which the Claimant had received from the Respondent respectively on 9 September and 11 October 2018. The payment on 9 September was accompanied by a payslip which stated that the gross figure was £610.74 with a net payment to the Claimant of £488.74. The Tribunal therefore deducted the gross figure of £610.74 from the total earned over that period and that gave a figure of £2177.73. Further, as the payment of £156.00 had not been broken down and the Claimant had no indication that any tax had been deducted, the Tribunal treated that as a gross figure. That was then further deducted from the sub-total of £2177.73 equals £2021.73 gross. That further figure therefore was outstanding in relation to wages.
8. In respect of the commission payments claim by Miss Grey, the Tribunal had the benefit of seeing the document which had been shown to Miss Grey setting out the commission rates. These were treated as £35.00 per day for making thirty appointments per day. Once again, the total arrived at in calculating the commission took into account that Miss Grey was not at work on the August Bank Holiday.

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