



EMPLOYMENT TRIBUNALS

Claimant
Mrs J Baldacchino

v

Respondent
Eozone Engineering Ltd

Before: Employment Judge Ord

JUDGMENT having been sent to the parties on 21 February 2020 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

REASONS

1. In this case the claimant made a complaint that she had suffered unlawful deductions from her wages and had not been paid for accrued annual leave at the time her employment with the respondent ended on 2 August 2019.
2. The response submitted by the respondent noted that the respondent intended to defend the claim but in the body of its response admitted the monies were owed, said that the company's financial position was such that the money could not all be paid at once and admitted that money was owing.
3. The respondent was told on 17 December 2019 that it was not a defence to a claim for unpaid wages that the respondent cannot afford to pay or would like to pay by installments, and ordered that the response would stand dismissed from 14 days from the date the order was sent out, without further order, unless before that date the respondent had explained in writing why the response should not be dismissed.
4. That notice and order was sent out on 23 December 2019 and no reply was received from the respondent.
5. On 9 January 2020 the respondent requested an extension of time to reply which it repeated on 14 January 2020.

- 6. That application was refused and on 8 February 2020 this was confirmed to the respondent and the claimant, the respondent having failed to address the fundamental point in the order, i.e. that the lack of funds is not a defence to a claim for unlawful deduction from wages. The response therefore stood dismissed.
- 7. Judgment was entered on 11 February 2020 and was sent to the parties on 21 February 2020 for the amounts claimed in the claim form.

Employment Judge Ord

Date: 16 March 2020

Judgment sent to the parties on

.....06 April 2020

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For the Tribunal office