



# EMPLOYMENT TRIBUNALS

**Claimant: Miss L Douglas**

**Respondent: Sayed Trading Ltd**

## JUDGMENT

**Employment Tribunals Rules of Procedure 2013 – Rule 21**

The judgment of the Tribunal is that:

1. The claim of unlawful deductions in respect of arrears of pay against the Respondent is well founded and succeeds. The Respondent is ordered to pay the Claimant the gross sum of **£1,256.13**.

## REASONS

2. The Claimant's Claim Form (in which she claims unlawful deduction of wages – arrears of pay) was presented on 17 January 2020. It was rejected owing to a discrepancy between the name of the proposed Respondent on the EC Certificate and that on the Claim Form. However, it was subsequently accepted upon correction on 23 January 2020. The Claim Form was served on the Respondent. A response was received outside the time limit in rule 16 of the Tribunal Rules of Procedure 2013 but with no application for an extension of time. On 07 March 2020 it was rejected by Employment Judge Johnson in accordance with rule 18 of the Tribunal Rules.
3. Accordingly, I am required by Rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made on the claims and, if so, obliged to issue a judgment which may determine liability and remedy.
4. There was insufficient information on the Claim Form to enable a judgment to be entered as the Claimant had not set out how much she was claiming and in respect of how many hours worked. A preliminary hearing by telephone was listed for 07 April 2020. The Respondent was informed that it could participate in the hearing arranged for 07 April 2020 only to the extent permitted by the Judge on the day.

5. The matter was listed for a telephone preliminary hearing on 07 April 2020. It started at 10am prompt. Miss Douglas represented herself at that hearing and was able to provide further information about her claims. There was no representative of the Respondent on the line at the outset of the hearing. Mr Sayed joined the hearing by telephone at 10.10am without any explanation for the delay. I gave him permission to listen and to answer any questions I may have of him and to say something in respect of remedy/the amount claimed by the Claimant.
6. At the hearing on 07 April 2020 I was able to establish the following:
  - 6.1 The Claimant was employed by the Respondent for 7 weeks from 23 September 2019 to 12 November 2019;
  - 6.2 She was entitled to be paid at the rate of £8.21 an hour;
  - 6.3 She worked between 40 and 44 hours a week;
  - 6.4 During her employment she was not paid at all in respect of the work which she did;
  - 6.5 On 12 December 2019 she received payment for 55 hours, leaving payment for 153 hours due to her;
7. The Claimant worked between 40 and 44 hours a week at the Respondent's restaurant as a kitchen porter. She was to be paid by the hour at the rate of £8.21 an hour. She resigned with effect of 12 November 2019. She has retained the rotas and times when she worked. During the currency of her employment she received no pay. The only payment she received was on 12 December 2019 for 55 hours, a total of £451.55. She has not been paid for 153 hours' work. When I did ask Mr Sayed a question about the amount claimed, he said he did not have any information with him. He said he did not agree that the Claimant was owed any money. Having heard from the Claimant, I am satisfied that her claim for unlawful deduction of wages is made out and that the Respondent has failed to pay her **£1,256.13** to which she is entitled as arrears of pay.

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**Employment Judge Sweeney**

7 April 2020