



EMPLOYMENT TRIBUNALS

Claimant: Miss L Blagbrough

Respondent: The Bridgehouse Pub Company Limited

Heard on 23 July 2020

This has been a remote hearing, by CVP (V): A hearing in person was not practicable because of the present restrictions due to Covid 19.

Before: Employment Judge D N Jones

Appearances

For the claimant: In person

For the respondents: Mr M Kelly, managing director

JUDGMENT

1. The claimant had been employed by the Well Fed Pub Co Ltd on terms of an average of 47.5 hours per week at a salary of £20,000, which equated to an hourly rate of £8.09, prior to a transfer of the business in which the claimant worked to the respondent in September 2019.
2. On 6 February 2020 the respondent and the claimant agreed to a variation of the claimant's weekly hours to 20 from the expiration of her sick leave on 11 February 2020. There was no variation to the rate of pay, which remained that to which the claimant was entitled prior to the business transfer.
3. The respondent has made unauthorised deductions from the claimant's wages in the total sum of £610.98 from 11 February 2020 to 23 July 2020, comprising;
 - 3.1. £485.40, being 3 weeks wages from 11 February 2020 to 1 March 2020 at £161.80 per week (£8.09 per hour x 20 hours);
 - 3.2. £7.02, being a shortfall of 39 pence per hour for 18 hours worked in the week of 15 March 2020 (the claimant was paid £7.70 per hour at the national minimum wage rate and should have been paid £8.09 per hour being her contractual rate);
 - 3.3. £118.56, being a shortfall in her furloughed rate of pay of £6.24 per week for 19 weeks between 2 March 2020 and 23 July 2020, but excluding the

payment for the week of 15 March 2020 (the rate applied to the 80% furlough computation was the national minimum wage rate of £7.70, giving rise to a weekly payment of £123.20 instead of £8.09 per hour being her contractual rate of pay as of 19 March 2020, which would have given rise £129.44).

4. The respondent shall pay to the claimant the sum of £610.98.
5. In addition, the respondent shall pay to the claimant £323.60, being 2 weeks' pay for failure to provide her with a written statement of particulars and a statement of changes pursuant to sections 1 and 4 of the Employment Rights Act 1996. There were not exceptional circumstances which make it unjust or inequitable to make such an award.

Employment Judge D N Jones

Date: 23 July 2020

Judgment sent to the parties on:

Date: 24 July 2020

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.