



## EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms Abbi Skipper**

**v**

**Gala Entertainments Ltd**

**Heard at: Watford**

**On: 21 September 2020**

**Before: Employment Judge Bedeau**

**Appearances:**

**For the Claimant:** In Person

**For the Respondents:** Did Not Attend nor represented

## JUDGMENT

1. It is declared that the respondent failed to provide to the claimant itemised pay slips.
2. It is declared that there have been unauthorised deductions from the claimant's wages and the respondent is ordered to pay her the sum of £219 gross.
3. The tribunal issues itemised pay statements for October and November 2019.

## REASONS

1. By a claim form presented to the tribunal on 18 February 2020, the claimant claims that she had not been provided with itemised pay statements during her employment with the respondent.
2. The respondent was given until 23 March 2020 to present its response but failed to do so. No judgment had been issued in default of a response.
3. The case was listed for a final hearing today. A representative for the respondent did not attend and no written representations were received on its behalf.

### **The evidence**

4. The claimant commenced employment with the respondent as a member of its bar staff on 31 August 2019. She had not worked as she was a student who had recently graduated. She worked either four or five evenings a week,

including weekends. The number of evenings varied depending on the amount of work available. Her hours were either from 8pm or 9pm until 3am the following morning. Her rate of pay was £9 an hour. The sole director of the respondent company, and the claimant's line manager, was Mr Shwain Pitigala.

5. The claimant was paid monthly directly into her bank account. In September 2019, she was paid, correctly, £443 without any deductions.
6. In October 2019, she worked 77 hours which, at the rate of £9 an hour, was entitled to receive £693 gross. Instead she was paid £618. When she queried this with Mr Pitigala, she was told by him that deductions were made for income tax, but no evidence was shown to her of the requirement for the respondent to deduct income tax. Despite requests for itemised pay statements, none was provided.
7. In November 2019, she worked 56 hours and was entitled to be paid £504 but was paid personally by Mr Pitigala into her bank account, the sum of £360, a shortfall of £144.
8. In December 2019, she became disillusioned and worked only part of an evening shift and resigned on 7 December 2019. She is not claiming for payment in this month or an itemised pay slip.
9. The respondent is in liquidation and is currently being wound up. I assume that this is a voluntary liquidation process. Certainly, no objections have been made to these proceedings continuing.

### **The law**

10. A worker is entitled to apply to the employment tribunal by way of a reference under section 11(1)(b) Employment Rights Act 1996, for particulars which ought to have been included in an itemised pay statement.
11. If the Tribunal finds that an employer has failed to give the worker itemised pay statements, it can make a declaration to that effect, section 12(3).
12. Section 13 provides that an employer shall not make a deduction from wages of a worker unless authorised in writing, to do so, section 13.

### **Conclusion**

13. I was satisfied that the respondent had failed to provide the claimant with itemised pay statements. Accordingly, I make a declaration to that effect.
14. Further, the following are particulars which ought to have been included in the claimant's October 2019 and November 2019 itemised pay statements. These are as follows: –
  - 14.1 in relation to October 2019, the claimant worked 77 hours at the rate of £9 per hour. Her pay was £693. No deductions to be made in respect of national insurance contributions and income tax.
  - 14.2 in relation to November 2019, the claimant worked 56 hours at the rate of £9 per hour. Her pay was £504. No deductions to be made in respect of national insurance contributions and income tax.
15. In addition, by deducting the sums of £75 in the October 2019 payment, and the sum of £144 in November 2019, it is further declared that there had been unauthorised deductions from the claimant's wages in the sum of £219 and the respondent is ordered to pay the claimant the sum of £219.

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**Employment Judge Bedeau**

21 September 2020

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Sent on

.....16.10.2020.....

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For the Tribunal

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