



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr A Dangerfield

and

Respondent
MJ Direct Limited
(No response entered)

JUDGMENT

Rule 21 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

Response

1. The Respondent failed to present a response to the claim and judgment is entered in favour of the Claimant as follows. (I note the correspondence from the respondent dated 22 October 2020, but this does not comply with rule 16 and cannot be considered to be a proper response from the respondent.)

Unauthorised Deduction from Wages

2. The Claimant is owed unpaid wages and is awarded **£4,420** in compensation. The Respondent is ordered to pay this sum to the Claimant. This is a gross figure and the judgment will be satisfied on payment of a net figure with the respondent accounting to HMRC for any tax or national insurance due on it. In the absence of any application by the claimant to amend his claim the tribunal cannot award any wages due beyond the date the claim was submitted, so no further award is made, nor is any award made in respect of holiday pay in circumstances where the claimant remains employed and does not appear to have taken holiday.

Pension contributions

3. The claimant's claim for pension contributions is dismissed as such payments are not "wages" within the meaning of the Employment Rights Act 1996, and as he remains employed such a claim cannot be brought in the employment tribunal as a breach of contract claim.

Employment Judge Anstis
17 December 2020

Sent to the parties on

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for the Tribunal Office