



EMPLOYMENT TRIBUNALS

Claimant: Mrs R Webb (C1)
Miss D Seaward (C2)
Miss M Oliver (C3)

Respondent: Carby Community Care Limited

Heard at: London South Tribunal **On:** 12th January 2021 **by:** CVP

Before: Employment Judge Clarke (sitting alone)

Representation

Claimant: All Claimants appeared in person

Respondent: No attendance

JUDGMENT

- (1) For the avoidance of doubt, the name of the Respondent is amended to Carby Community Care Limited.
- (2) The First Claimant (Mrs Webb)'s claim that the Respondent had made an unlawful deduction from her wages pursuant to section 13(1) of the Employment Rights Act by failing to pay her the national minimum wage pursuant to the National Minimum Wage Act 1998 and the National Minimum Wage Regulations 2015 is unfounded. This means that her claim is dismissed.
- (3) The Second Claimant (Miss Seaward)'s claim that the Respondent had breached her contract of employment by failing to pay her the national minimum wage pursuant to the National Minimum Wage Act 1998 and the National Minimum Wage Regulations 2015 is well founded. This means that her claim succeeds.
- (4) The Third Claimant (Miss Oliver)'s claim that the Respondent had made an unlawful deduction from her wages pursuant to section 13(1) of the Employment Rights Act by failing to pay her the national minimum wage pursuant to the National

Minimum Wage Act 1998 and the National Minimum Wage Regulations 2015 is well founded. This means that her claim succeeds.

- (5) The Respondent's counterclaim against the Third Claimant (Miss Oliver) in respect of an overpayment of wages is unfounded and is dismissed.
- (6) The Tribunal will decide the quantum of the Second and Third Claimant's claims at a later date on paper. The parties will be sent a separate case management order setting out the required steps to be taken in advance of that determination.

Employment Judge L Clarke
Date: 12th January 2021