



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss R Davies

**Respondent:** North West Maintenance Solutions Ltd (in Creditor's Voluntary Liquidation)

**Heard at:** Manchester (remotely, by CVP)      **On:** 24 February 2021

**Before:** Employment Judge Feeney

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Not in attendance

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim that she was unfairly dismissed for asserting a statutory right contrary to section 104 of the Employment Rights Act 1996 succeeds.
2. The claimant's claim that the respondent unlawfully deducted wages in respect of underpayment of salary, failure to pay pension contributions, underpayment of overtime succeeds.
3. The claimant's claim of breach of contract in respect of wrongful dismissal succeeds.
4. I award the claimant and ORDER the respondent to pay in respect of the above as follows:

Section 104 1996 Act

- (a) **compensatory award to date of hearing**  
for the period 19 January to 30 April 2020

£465.50

(For the month of May – nothing, as the claimant worked

seven days a week and earned the same or more as with the respondent.)

June 2020 £1,466.66

3 July 2020 to 22 February 2021 (the date of the hearing)  
£200 per month ( being the difference  
in pay between her new job and that with the respondent) x 7  
£1,400.00

**(b) Future loss**

25 February 2021 for three months £600.00

**Total £3932.16**

5. In respect of the claimant's unlawful deductions claim, as follows:

(1) Underpayment of wages from 19 March 2019  
to 31 December 2019 £503.61

(2) For salary from 16 November to 15 December £1,466.66

(3) For underpayment of overtime payment £230.00

(4) For deductions in respect of pensions contributions which were  
not paid to the pension administrator £441.80

**Total £2642.07**

6. For wrongful dismissal I award the claimant and order the respondent to pay as follows:

(1) One month's notice pay (net) £1,466.66

Overall total **£8040.89**

Employment Judge Feeney

Date: 9 March 2021

JUDGMENT SENT TO THE PARTIES ON

12 March 2021

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

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



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2400073/2020**

Name of case: **Miss R Davies** v **North West Maintenance Solutions Ltd**  
(in **Creditor's Voluntary Liquidation**)

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding discrimination or equal pay awards or sums representing costs or expenses), shall carry interest where the sum remains unpaid on a day ("*the calculation day*") 42 days after the day ("*the relevant judgment day*") that the document containing the tribunal's judgment is recorded as having been sent to the parties.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant judgment day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: **12 March 2021**

"the calculation day" is: **13 March 2021**

"the stipulated rate of interest" is: **8%**

For and on Behalf of the Secretary of the Tribunals