



# EMPLOYMENT TRIBUNALS

Claimant: Mrs Sonia Di Girolamo

Respondent: The LK Partnership LLP

Heard: via CVP

On: 15 February 2021

Before: Employment Judge Tuck QC (sitting alone)

## Appearances

For the claimant: Mr Stevenson, TU Rep For

the respondent: Did not appear.

## JUDGMENT

- (1) The Respondent failed to provide to Claimant pay statements as required under section 8 of the Employment Rights Act (“ERA”) 1996 for the period October 2019 until 11 December 2020. (Save for pay slips provided in April, May, June and July 2020).
- (2) The claimant suffered unlawful deductions from wages of £180 contrary to section 13 ERA 1996. The Respondent shall pay this (net) sum to the Claimant.

## REASONS

- (1) The claimant was employed by the Respondent as an accounts assistant from 6 August 2019 until she resigned with effect from 11 December 2020.
- (2) The claimant worked 28 hours per week, and was paid monthly in arrears on the final day of the month. She was provided with a contract of employment setting her annual salary at £18,100. She was entitled to the gross sum of £1508 per month, and a net sum of around £1320. (In May 2020 it was £1320.21, in April 2020 it was £1320.41).

- (3) By an ET1 presented on 20 August 2020, following a period of early conciliation between 18 June and 18 July 2020, the Claimant presented a complaint that she had not received payslips for the period between October 2019 and March 2020.
- (4) While the claimant received payslips in April, May, June and July 2020, thereafter she again was not provided with any payslips. Furthermore from August 2020 until her effective date of termination, she received a lower net sum of £1280 per month. She did not signify her consent in writing to any deduction from the net sum of £1320.
- (5) The claimant showed to me her payslips for the months she received them, and her bank statements showing the lower monthly sums thereafter.
- (6) I acceded to Mr Stevenson's application to amend the claim to include complaint about non- provision of payslips for the period up to the effective date of termination, and to claim for an unlawful deduction from wages. I considered that the new complaint was closely connected to the matters already pleaded – i.e. that in not getting payslips the claimant is unable to understand how the sums paid into her bank account were arrived at. It was clearly in the interests of justice for this matter to be determined in this hearing, rather than requiring a fresh claim form to be presented – which could have been done as the series of deductions ceased only two months ago, and the claimant was not aware of the last deduction until just two weeks ago. The Respondent has failed to respond to this claim (or indeed to appear today) and could not therefore show that it would suffer prejudice if the application were permitted.
- (7) I am satisfied that for the months of August, September, October and November 2020, the claimant received a net payment of £1280 (plus on occasion some pence in addition), and did not receive her expected net payment of £1320. She was told by the Respondent that this related in some way to her pension, but she was unaware of where payments were made or in what amount. The claimant has not received a payslip for her final month of employment which ended on 11 December 2020 – she received a payment of £1094.01 in late January 2021. It appears that the same rate of deduction continued, and taking a broad brush approach I have assumed a deduction of £20 for December.
- (8) I am satisfied that the claimant suffered unlawful deductions of £40 per month, contrary to section 13 of the Employment Rights Act 2006, and accordingly award the (net) sum of £180 to be paid by the Respondent to the Claimant.

**Case Number:3310935/2020 (V)**

Employment Judge Tuck QC

15 February 2021

Sent to the parties on:

23 March 2021

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For the Tribunal:

K Masters

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