



EMPLOYMENT TRIBUNALS

Claimant: Mr Nicholas Palmer

Respondent: Executive Talent Ltd

Heard at: Nottingham **On:** 17 June 2021

Before: Employment Judge Flint

Representation

Claimant: In person

Respondent: Mr Baynes (Director)

JUDGMENT

1. The respondent has made an unlawful deduction from the claimant's wages and is ordered to pay the gross sum of £9386 in respect of the amount unlawfully deducted.
2. The respondent is to pay the claimant in monthly instalments of £1500, first instalment due on 31/7/21.

FACTS AND REASONS

1. The claimant was an employee of the respondent.
2. The claimant earned commission of £19386 that was unpaid as of 13/3/20, this being the date that the claimant was furloughed.
3. The claimant was paid £2500 per month from 13/3/20 until 31/7/20 under the Job Retention Scheme.
4. The claimant was made redundant on 31/7/20.
5. The respondent made a payment of £10000 to the claimant upon termination of employment.
6. The claimant is entitled to £9386, this being commission earned under the employment contract but not paid.
7. The award of £9386 is the gross amount. It will be necessary for the respondent to ascertain how much should be paid to the claimant and how much to HMRC regarding any tax and national insurance contributions due.

The hearing took place via video (cloud video conferencing) with the consent of the parties.

Case No: 2603908/2020 (v)

Employment Judge **S Flint**

Date: 17/6/2021

JUDGMENT & REASONS SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE