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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104615/2020

Held via Cloud Video Platform (CVP) on 7 April 2021

Employment Judge Murphy

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Antonio Fernando

**Claimant
Represented by:
Ms R Mohammed,
Solicitor**

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Rumel Ltd t/a Redstone Hotel

**Respondent
Not Present &
Not Represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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1. The Respondent has made an unauthorised deduction from wages contrary to section 13 of the Employment Rights Act 1996 and the Respondent is ordered to pay to the Claimant the sum of **£869.43** in respect of unpaid wages in respect of the period from 9 March 2020 to 19 June 2020.

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2. The Respondent has made an unauthorised deduction from wages contrary to section 13 of the Employment Rights Act 1996 and the Respondent is

ordered to pay to the Claimant the sum of **£780** in respect of accrued untaken annual leave outstanding on the termination of his employment on 19 June 2020.

3. The Respondent has failed to give the Claimant with a written statement of employment particulars as required by section 1 of the Employment Rights Act 1996 and this failure persisted when the Claimant initiated these proceedings. Under section 38(3) of the Employment Act 2002, the tribunal orders the Respondent to pay the Claimant two weeks (capped) pay in the sum of **£1,076**.
4. The Respondent has failed to provide the Claimant with pay statements as required by section 8 of the Employment Rights Act 1996 in respect of the period from and after 20 March 2020. Unnotified deductions were made from the Claimant's pay during the period of thirteen weeks immediately preceding the date of the Claimant's application for a reference under section 11 of the Employment Rights Act 1996. The Respondent is ordered to pay the Claimant the sum of **£780** in respect of this failure, pursuant to section 12(4) of the Employment Rights Act 1996.
5. The sums awarded in items 1 and 2 are expressed gross of tax and national insurance. It is for the Respondent to make any deductions lawfully required to account to HMRC for any tax and national insurance due on the sums, if applicable.

REASONS

Oral reasons were given at the hearing. Written reasons will not be provided unless they were requested at the hearing or are asked for by any party within 14 days of the sending of this written record of the decision.

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Employment Judge: L Murphy

Date of Judgement: 7 April 2021

10 Entered in register: 4 May 2021
and copied to parties