



EMPLOYMENT TRIBUNALS

Claimant: Ms E Newbold

Respondent: Happies Books Ltd

RECORD OF A PRELIMINARY HEARING

Heard at: London South (CVP)

On: 19 March 2021

Before: Employment Judge S Moore (sitting alone)

Appearances

For the Claimant: Mrs Newbold

For the Respondent: No appearance

JUDGMENT

- (1) Pursuant to section 13 of the Employment Rights Act 1996, the claim for unlawful deduction of wages, being the amount underpaid to the Claimant between 13 January 2020 and 18 May 2020 succeeds in the sum of £2,660.
- (2) Pursuant to regulation 14 of the Working Time Regulations 1998, the claim for compensation in relation to entitlement to annual leave succeeds in the sum of £198.
- (3) Pursuant to section 86(1) of the Employment Rights Act 1996, the claim for compensation for notice pay succeeds in the sum of £360.
- (4) The total sum the Respondent owes the Claimant is £3,218 (gross). The Claimant will be responsible for paying any tax due on that amount.
- (5) Pursuant to section 12(3) of the Employment Rights Act 1996 the Tribunal makes a declaration that the Respondent failed to provide the Claimant with an itemised payslip (or any payslip) between the period 13 January 2020 and 18 May 2020.

REASONS

1. Following an internship the Claimant was employed by the Respondent with effect from 13 January 2020 as an illustrator. Under her contract of employment she was entitled to be paid £360 per week gross (£9/hr for 40 hrs) at the end of each month, however she was only paid sporadically, she was never given a payslip and after 1 April 2020 she was paid very little at all. The Respondent suggested the Claimant carried on working without pay with the possibility of being furloughed at a later date, but the Claimant was not prepared to do so. Although the Respondent never formally terminated the Claimant's employment, the employment relationship was effectively terminated by the Respondent on or about 18 May 2020 when, subsequent to an unsuccessful meeting, the Respondent removed the Claimant's online access to its accounts. The Claimant said that after that date she had no expectation of doing any more work for the Respondent. As of 18 May 2020 the Claimant had calculated that she was owed £2,660 in unpaid wages.
2. The Respondent did not submit a Response and did not attend the hearing.
3. At the hearing, as well as a claim for unpaid wages, I allowed the Claimant to bring a claim of one-weeks' notice pay and for unpaid holiday pay, since these claims were foreshadowed in the schedule of loss she had submitted with her Claim Form.

Employment Judge S Moore
Date: 20 March 2021