



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4107172/2020 V**

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**Held via Cloud Video Platform (CVP) on 12 July 2021**

**Employment Judge J McCluskey**

10 **Mr S Mazurek**

**Claimant  
In Person**

15 **Windparkservice UK Limited**

**Respondent  
Not present and  
Not represented**

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### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The judgment of the Tribunal is that:

- 25 (i) The complaint of unauthorised deduction from wages is well founded and the respondent shall pay to the claimant the total sum of £2,249.56, being £2,090.67 basic pay and £158.89 overtime pay, subject to deduction of any tax and national insurance required to be made.

### **REASONS**

- 30 1. The claimant presented a claim to the Employment Tribunal on the 9 November 2020 asserting there had been an unlawful deduction from wages in respect of the payment of wages for August 2020.
2. The respondent did not enter a response.
3. The claimant produced a copy of the payslip he received from the respondent dated 31 August 2020. He asserted that he had not been paid any of the wages shown on the payslip which covered the month of August 2020; that

he was due additional basic pay for August 2020; and that he was due overtime pay which was payable on termination of his employment.

5. I heard evidence from the claimant. I accepted the claimant had been employed by the respondent from 12 September 2019 until 26 August 2020. I accepted that he had handed in his notice around the beginning of August 2020 whilst he was on annual leave and that his annual leave continued until 26 August 2020, which was the claimant's last day of employment. I accepted that this period of annual leave had been approved in advance by his manager Angelika Gibula and that it was the usual practice for his manager to approve annual leave. I accepted that he was entitled to be paid throughout this period of annual leave. I accepted that the claimant had either worked, or was on authorised annual leave for which he was entitled to be paid, during the period 1 August 2020 to 26 August 2020, to which the payslip dated 31 August 2020 relates.
6. The claimant was not paid the wages shown on the payslip dated 31 August 2020. I was satisfied the claimant was owed those wages which were basic pay totalling £2,090.67 as shown on the payslip.
7. The claimant asserted in his ET1 claim form that he was due additional basic pay for August 2020. During the hearing the claimant withdrew this claim which he said had been made in error. I accepted that the claimant's last day of employment had been 26 August 2020 and therefore he was only due wages until 26 August 2020 and not to the end of August 2020. The sum for basic pay totalling £2,090.67 as shown on the payslip covered the period to 26 August 2020 and was therefore correct.
8. The claimant asserted in his ET1 claim form that he was due overtime pay which was payable in addition to his basic pay for August 2020. I accepted that when the claimant worked overtime, his overtime hours were banked to be taken as time off in lieu or to be paid on termination of employment. I accepted that the claimant had eleven banked hours of overtime. I accepted that his manager Angelika Gibula had confirmed this to him when he handed

in his notice to her. I accepted that the claimant had been promoted earlier in the year and his hourly rate was £14.44 per hour.

9. The claimant was not paid for the eleven overtime hours. I was satisfied that the claimant was owed wages for overtime totalling £158.89 (eleven hours multiplied by £14.44 per hour).

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Employment Judge: Jacqueline McCluskey  
Date of Judgment: 16 July 2021  
10 Entered in register: 21 July 2021  
and copied to parties

I confirm that this is my judgment in the case of Mr S Mazurek v Windparkservice UK Limited case no: 4107172/2020 and that I have signed the judgment by  
15 electronic signature.