



EMPLOYMENT TRIBUNALS

Claimant: Mr T Trafford

Respondent: Mr M N Stanley

Heard at: Birmingham (by video)

On: 11 June 2021

Before: Employment Judge V Jones

Representation

For the claimant: Mrs P Trafford (lay representative)

For the respondent: no appearance

JUDGMENT

1. At all material times the claimant was a “worker” of the respondent as defined by section 230(3) Employment Rights Act 1996 (ERA).
2. The claimant’s claim under section 23(1) ERA is well-founded. The respondent made a series of deductions from the claimant’s wages between 31 May 2019 and 6 August 2019, contrary to section 13 ERA, by failing to pay him his full entitlement to wages. The total amount underpaid was £2,392, calculated as follows:

(i) <u>Wages paid on 31 May 2019</u>	
Total wages due (30 days @ £100 per day):	£3,000
Less paid	- £1,248
Shortfall	£1,752
(ii) <u>Wages paid on 1 July 2019</u>	
Total wages due (20 days @ £100 per day)	£2,000
Less paid	- £1,280
Shortfall	£ 720
(iii) <u>Wages paid on 6 August 2019</u>	
Total wages due (7 days @ £100 per day)	£ 700
Less paid	- £ 480
Shortfall	£ 220
(iv) Total (i) + (ii) + (iii)	
	£2,692
Less 3 days not worked	- £ 300
(v) Total wages unlawfully deducted	
	<u>£2,392</u>

3. The respondent is ordered, under section 24(1) ERA, to pay the claimant the sum of £2,392 unlawfully deducted.
4. The respondent is further ordered, under section 24(2) ERA to pay the claimant compensation of £209.06 for the financial loss he incurred in consequence of and attributable to the unlawful deductions.
5. The total amount payable by the respondent to the claimant is **£2,601.06**

Employment Judge V. Jones

Date 16 June 2021

Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.