



## EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Fu

**Respondent:** Boonsawad Thai & Swedish Massage Centre

London Central: by CVP on 20 October 2021

**Before:** Employment Judge Nicolle

**Representation:**

**Claimant:** in person but accompanied by Ms Wai Fong Lee as an interpreter.

**Respondent:** Mr R King, director and shareholder.

### Judgment

1. The claim for an unauthorised deduction from wages succeeds and the Respondent is ordered to pay the Claimant the sum of £600.
2. If the employer reduces salary in breach of contract the relevant legislation is Sections 13 and 27 of the Employment Rights Act 1996 (the ERA).

S.13 Right not to suffer unauthorised deductions.

(1) An employer shall not make a deduction from wages of a worker employed by him unless—

(a) the deduction is required or authorised to be made by virtue of a statutory provision or a relevant provision of the worker's contract, or

(b) the worker has previously signified in writing his agreement or consent to the making of the deduction.

(2) In this section "relevant provision", in relation to a worker's contract, means a provision of the contract comprised—

(a) in one or more written terms of the contract of which the employer has given the worker a copy on an occasion prior to the employer making the deduction in question, or

(b) in one or more terms of the contract (whether express or implied and, if express, whether oral or in writing) the existence and effect, or combined effect, of which in

relation to the worker the employer has notified to the worker in writing on such an occasion.

(3) Where the total amount of wages paid on any occasion by an employer to a worker employed by him is less than the total amount of the wages properly payable by him to the worker on that occasion (after deductions), the amount of the deficiency shall be treated for the purposes of this Part as a deduction made by the employer from the worker's wages on that occasion.

**3. S.27 Meaning of "wages" etc.**

(1) In this Part "wages", in relation to a worker, means any sums payable to the worker in connection with his employment, including—

(a) any fee, bonus, commission, holiday pay or other emolument referable to his employment, whether payable under his contract or otherwise.

## **Reasons**

1. Oral reasons were given to the parties on 20 October 2021.

---

**Employment Judge Nicolle**

**20 October 2021**

Sent to the parties on:

20/10/2021

For the Tribunal:

### **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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.

