



EMPLOYMENT TRIBUNALS

Claimant:
Miss M Ahlam

v

Respondent:
Nexus Accountants Ltd

Heard at: Leeds (via CVP)

On: 26 November 2021

Before: Employment Judge Fredericks

Appearances

For the claimant: Ms K Fletcher (Union Representative)

For the respondent: Mr F Salim (director of the Respondent) (subject to the restrictions below)

JUDGMENT

1. The claim for unlawful deduction from wages is well founded but the Respondent is ordered to pay £0 following the Respondent already paying what is owed under this head of claim.
2. The claim for unpaid holiday pay is well founded but the Respondent is ordered to pay £0 following the Respondent already paying what is owed under this head of claim.
3. The claim under s38 Employment Act 2002 for four weeks' pay following a failure to provide written particulars of employment is well founded and the Respondent is ordered to pay the Claimant £1,200 (4 x the Claimant's weekly rate of pay of £300).

BRIEF REASONS

1. In support of her claim, the Claimant provided witness evidence and submitted to the Tribunal, on the day of the hearing, pay slips showing that she had been employed by the Respondent and the amount she was paid by the Respondent.
2. The Respondent had not responded in time to the claimant's claim and no written application to extent time to file a response was made prior to the hearing.

Consequently, the Respondent was not allowed to give evidence at the hearing or make submissions in defence to the claim.

3. It emerged prior to the hearing that the Respondent had paid the Claimant the total sum of £2,808.54 on the morning of the hearing to settle the claims outlined at paragraph 1 and 2 of the judgment above. The Respondent's Mr Salim was permitted to attend the hearing only to confirm for his own benefit that that payment was taken into account, and to confirm to the tribunal that that payment was made in respect of these claims.
4. The Tribunal was satisfied from the Claimant's evidence that no written particulars had been supplied in respect of her employment with the Respondent despite the Claimant's repeated requests to be supplied with this information. Taken with all of the circumstances, it was considered just and equitable to award the higher amount outlined by s38(4)(b) Employment Act 2002, that being four weeks' pay.
5. Full reasons for the above judgment were given orally at the hearing. Full written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of the written record of the decision.

EJ Fredericks

Date: 29 November 2021

Sent to the parties on:

Date: 14 December 2021