



SITTING AT: LONDON SOUTH
BEFORE: EMPLOYMENT JUDGE MORTON
(sitting alone)

BETWEEN:

Mrs K White

Claimant

AND

Orange Genie Cover Limited

Respondent

ON: 14 February 2022

Appearances:

For the Claimant: No appearance

For the Respondent: No appearance

JUDGMENT

The Claimant's claim of unlawful deduction from wages is not established on the facts and is dismissed.

Reasons

1. The Claimant is a retired teacher who provides services as a supply teacher.
2. On 21 May 2021 she made a claim of unlawful deduction from wages against the Respondent. Her complaint was that she did not understand how her pay was calculated as her payslips are complicated to understand. She compared the practices of the Respondent with those of another teacher agency through which she supplies her services and whose payslips she finds easier to follow.
3. In particular, she complained that before her pay is calculated various deductions are made. These cover: the Respondent's margin, its employment costs (including

national insurance contributions), holiday pay and the apprenticeship levy. From the resulting sum her net pay is calculated after deduction of income tax. As a retired person the Claimant does not pay employee national insurance contributions.

4. There was no appearance by either party at the hearing, which had been listed as an in person hearing by means of a notice of hearing sent on 25 August 2021. Both parties had sent documents and written submissions and the Respondent had made it clear in correspondence, copied to the Claimant that it would not be attending the in-person hearing. There was no response from the Claimant to that correspondence, and the Claimant did not attend the hearing.
5. I considered whether the complaint of unlawful deduction from wages could be dealt with on the papers without hearing any evidence or legal argument. I had been provided with the Claimant's contract, wage slips and an explanation by the Respondent of how the Claimant's pay is calculated. I considered that the issue of whether unlawful deductions had been made could be dealt with justly without the need for any oral evidence.
6. The claim raises an interesting point about whether the Respondent is acting lawfully in making the deductions it makes. I find that there is nothing unlawful in the Respondent's actions because the deductions about which the Claimant complains (as described in paragraph 3 of these reasons) are not deductions from her wages or salary. They are deductions from the sum charged to the end user of the Claimant's services. The Claimant's wages are the sum that is left after these deductions have been made and the only deduction that appears on the Claimant's payslip and is made from her pay, is a deduction for income tax, which is a lawful and necessary deduction for the employer to make.
7. I find on the material made available to me that the Claimant has not been subjected to any unlawful deductions from her pay. Accordingly, her claim fails and is dismissed.

Employment Judge Morton

Date: 18 March 2022

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