



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4102693/2022

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Held in Glasgow on 22 September 2022

Employment Judge Murphy

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Ms M McCafferty

**Claimant
In Person**

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Secure Transport Solutions Limited

**Respondent
Not present and
Not represented**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The complaint was presented within three months of the date of the
20 payment of wages from which the deduction was made, on 30 January
2022. The Tribunal, accordingly, has jurisdiction to hear the complaint
which is not time barred.
2. The respondent has made unauthorised deductions from wages contrary
to section 13 of the Employment Rights Act 1996 and is ordered to pay to
25 the claimant the sum of **SEVEN HUNDRED AND ELEVEN POUNDS
STERLING AND FIFTY-FOUR PENCE (£711.54)** in respect of unpaid
wages earned in the period from 3 – 17 October 2020 and retained as 'lying
time' due to be paid in the claimant's final pay following the termination of
the claimant's employment.
- 30 3. The sum awarded at item 2 is expressed gross of tax and national
insurance. It is for the respondent to make any deductions lawfully
required to account to HMRC for any tax and national insurance due on
the sums, if applicable.

4. The claimant's claim for breach of contract is dismissed.

CASE MANAGEMENT ORDER

5. The respondent's name is amended to Secure Transport Solutions Limited.

REASONS

Introduction

1. The claimant brought a claim for two weeks' lying time which she was informed would be paid when the employment ended. The claimant clarified during the hearing that she does not bring a breach of contract claim in respect of her notice period but that her claim is limited to outstanding lying time.
2. The respondent did not enter an ET3 response.
3. The hearing under Rule 21 of the Employment Tribunal rules 2013 took place at the Glasgow Employment Tribunal on 22 September 2022.
4. A notice of the hearing was sent to the respondent's postal address on 25 August 2022. The Notice informed the respondent of the date of the hearing and of the fact it would take place in person at 20 York Street, Glasgow. The respondent failed to make any contact with the Tribunal regarding hearing. The respondent did not attend and was not represented at the hearing. It was elected to proceed with the hearing in the respondent's absence under Rule 47, having considered all information available, including the respondent's failure to enter an ET3, and having made such enquiries as were practicable as to the reasons for the respondent's absence.

5. Oral reasons were given at the hearing.
6. Written reasons will not be provided unless they are asked for by a party within 14 days of the sending of this written record of the decision.

5 Employment Judge: Lesley Murphy
Date of Judgment: 23 September 2022
Entered in register: 04 October 2022
and copied to parties

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