



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Broadhead

**Respondent:** Compare Your Funeral Plan Ltd

**Heard at:** Leeds ET by CVP

**On:** 15 December 2021

**Before:** Employment Judge Murphy

## Representation

Claimant: Mr M Muqit, Trade Union Official

Respondent: Not present and not represented.

# JUDGMENT

1. The respondent has made an unauthorised deduction from wages contrary to section 13 of the Employment Rights Act 1996 and is ordered to pay to the claimant the sum of ONE THOUSAND EIGHT HUNDRED AND SEVENTY FIVE POUNDS STERLING (**£1,875**) in respect of unpaid wages relating to the claimant's period of employment between 1 and 27 August 2021.
2. The respondent has made an unauthorised deduction from wages contrary to section 13 of the Employment Rights Act 1996 and is ordered to pay to the claimant the sum of ONE THOUSAND ONE HUNDRED AND TWO POUNDS STERLING (**£1,102**) in respect of unpaid commission earned during July 2021 and due to be paid in August 2021.
3. The respondent has made an unauthorised deduction from wages contrary to section 13 of the Employment Rights Act 1996 and is ordered to pay to the claimant the sum of FOUR HUNDRED AND THIRTY THREE POUNDS STERLING AND THREE PENCE (**£433.03**) in respect of unpaid wages relating to the claimant's accrued untaken holiday outstanding on the termination of his employment.
4. The Respondent has failed to give the Claimant with a written statement of employment particulars as required by section 1 of the Employment Rights Act 1996 and this failure persisted when the Claimant initiated

these proceedings. Under section 38(3) of the Employment Act 2002, the tribunal orders the Respondent to pay the Claimant four weeks gross pay in the sum of ONE THOUSAND NINE HUNDRED AND TWENTY FOUR POUNDS STERLING AND FIFTY SIX PENCE (**£1,924.56**).

5. The Respondent has failed to provide the Claimant with pay statements as required by section 8 of the Employment Rights Act 1996 in respect of the period from and after 1 July 2021. Unnotified deductions were made from the Claimant's pay during the period of thirteen weeks immediately preceding the date of the Claimant's application for a reference under section 11 of the Employment Rights Act 1996. The Respondent is ordered to pay the Claimant the sum of TWO HUNDRED AND FIFTY POUNDS STERLING (**£250**) in respect of this failure, pursuant to section 12(4) of the Employment Rights Act 1996.
6. The sums awarded at items 1, 2 and 3 are 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.

### **Background**

7. This hearing on remedy took place remotely by video conferencing. The parties did not object to this format. A face-to-face hearing was not held because of the Covid 19 pandemic and issues were capable of determination by a remote hearing.
8. The respondent entered no response in this case and Rule 21 of the Employment Tribunals Rules of Procedure 2013 applies. A notice of the hearing was sent to the respondent's postal address on 20 October 2021. 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 lack of entitlement to participate under Rule 21(3), and made such enquiries as were practicable as to the reasons for the respondent's absence.

**Employment Judge Murphy (Scotland),  
acting as an Employment Judge (England  
and Wales)**

Date 15 December 2021

### Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be

provided unless a request was made by either party at the hearing or 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.