



EMPLOYMENT TRIBUNALS

Claimant: Sandra Luff
Respondent : The Independent Windscreen Academy Ltd
Heard at: East London Hearing Centre (by CVP)
On: 24 March 2023
Before: Employment Judge Sugarman

Representation

Claimant: In person
Respondent: Did not attend

JUDGMENT

1. The Claimant's claim of unlawful deduction from wages contrary to section 13 of the Employment Rights Act 1996 succeeds. The Respondent is ordered to pay the Claimant the net sum of **£1662.12** in respect of unpaid wages that fell due at the end of July and August 2022.
2. The Claimant's claim for breach of contract in respect of unpaid pension contributions in the months of July and August 2022 succeeds. The Respondent is ordered to pay the Claimant the net sum of **£29.12**.
3. The Claimant's claim of discrimination under the Part-time Worker (Prevention of Less Favourable Treatment) Regulations 2000 succeeds. The Claimant was treated less favourably contrary to Regulation 5 because she was not paid in July and August 2022 and because she was constructively dismissed. No separate award of compensation is made.
4. The Claimant's claim of wrongful dismissal succeeds. She resigned on 1 September 2022 in response to a fundamental breach of contract, namely the discriminatory failure to pay her wages in July and August 2022. The Respondent is ordered to pay the Claimant the net sum of **£1,204.80**.
5. The Claimant's claim of unfair dismissal contrary to ss95, 98 and 111 of the Employment Rights Act 1996 succeeds. The Respondent is ordered to pay the Claimant the net sum of **£3,926.72** broken down as follows:

a. Basic Award		£1740
b. Compensatory Award		
i. Loss of earnings	£1584.80	
ii. Pension loss	£101.92	
iii. Loss of statutory rights	£500	
iv. Total		£2,186.72

6. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply. The Claimant did not receive any relevant benefits in the prescribed period.
7. Thus, the total amount the Respondent is ordered to pay to the Claimant in respect of all of the successful claims is **£6822.76 net.**

**Employment Judge Sugarman
Dated: 24 March 2023**