



EMPLOYMENT TRIBUNALS

Claimant Ms S Hewett
Represented by In person

Respondent SBS Group Ltd
Represented by Did not appear and was not represented

Employment Judge Ms A Stewart (sitting alone)

Held at: London Central by CVP **on:** 20 June 2023

JUDGEMENT

1 The Claimant's complaint, under section 23 of the Employment Rights Act 1996, that she has suffered unlawful deductions from her wages in the sum of £6,574.99 net, is well-founded and succeeds.

2 Accordingly, it is ordered that the Respondent pay to the Claimant the sum of £6,574.99 net, having accounted to HMRC for due deductions for tax and National Insurance on the gross sum and having made the corresponding pension contributions to NEST in the sum of £252.61 pence.

Signed: Employment Judge A Stewart

Employment Judge

Date 20 June 2023

Judgment sent to the parties on

21/06/2023

FOR THE TRIBUNAL OFFICE



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Represented by	In person
Respondent	SBS Group Ltd
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REASONS

Conduct of the hearing:

1 The Respondent failed to enter a Response to the Claimant's claim by the deadline of 24 May 2023, or at all, and has failed to respond to the Tribunal's communications or to the Claimant.

2 At 13.45 today, 15 minutes before the start of the hearing, the Tribunal received an email from the Respondent saying that it would not be attending the hearing today, since it was only a small company without an HR team, but had repeatedly told the Claimant and Reef Wigham and Zee-Ann Woof, 2 other members of staff, that the only reason they had not been paid was that there were no funds and that as soon as there were funds, expected soon, they would be paid in full up to date.

3 The Tribunal decided to go ahead with the hearing in the absence of the Respondent, under **Rule 47 of the Tribunal Rules of Procedure**, since the Respondent clearly had awareness of today's hearing and of the Claimant's claim against it but had declined to respond/take part in these proceedings.

4 The Tribunal heard evidence on oath from the Claimant and had before it the Claimant's Employment Contract, pay slips up to and including February and March 2023 and her bank statements for the last several months.

The Facts

1 The Claimant worked for the Respondent as an executive administrator/PA from 30 May 2022 and continues to be so employed, although the Respondent has failed to communicate with her by email or to reply to her calls, texts and emails since sometime in May 2023. Her annual salary is £28,000.00 gross and the contractual notice period is 1 week.

2 She was last paid for the month of January 2023, albeit late, on 3 February 2023. Her usual net monthly pay is £1,849.56 pence. Pension Contributions made by the Respondent are £72.53 per month.

3 She received payslips for February and March 2023, in the respective net sums of £1,849.56 and £1,249.56 (with pension contributions of respectively £72.53 and £35.02) but was never paid any wages for these months or subsequently. The March payslip was lower than normal because the Claimant was signed off sick, due to anxiety and stress caused by her non-payment, from 7 to 21 March 2023. She received no sickness benefit.

4 She has been in severe financial anxiety since February 2023, in overdraft and at risk of losing her rented accommodation. She has repeatedly tried to contact the Respondent in every way possible but without success. She still logs onto the work email system daily to monitor and try to communicate with her employer. The Respondent has repeatedly promised payment 'next week' but this has never materialised.

5 In May, as a result of trying to claim universal credit, she was told by HMRC that despite the February and March payslips showing deductions for tax and National Insurance, the Respondent had in fact paid nothing to date in respect of her tax and NI for these months. She fears equally for non-payment of her NEST pension contributions.

6 She was eventually paid £223.25 in universal credit for living expenses but nothing in respect of her rent.

Conclusions

7 The Tribunal was satisfied on all the material before it, including the Respondent's email today which appears to admit liability, that the Claimant is owed £1,849.56 net wages for the months of February, April and May 2023 and £1,2249.56 net for the month of March 2023, less £223.25 universal credit received, totalling £6,574.99 pence wages owing to her. Her pension contributions for that period amount to £252.61. The Claimant claims only until the end of May 2023 in this current claim. Judgment is given accordingly.