



# EMPLOYMENT TRIBUNALS

**Heard at:** Croydon (by video) **On:** 26 July 2023

**Claimant:** Ms Marianna Alshina

**Respondent:** Cobb's Corner Cafe Limited

**Before:** Employment Judge E Fowell

**Representation:**

**Claimant** Andreas Dracoulis of Haynes & Boone Solicitors, acting Pro Bono for LawWorks

**Respondent** No appearance

## JUDGMENT

1. The respondent having failed to respond to the claim or to attend the hearing, judgment is given for the claimant in the following terms.
2. The claimant suffered an unlawful deduction from her wages in July 2022 in the sum of £95.
3. The claimant was entitled to a further 28.5 hours' pay in respect of her accrued holiday pay on termination of her employment, in the sum of £449.45. This was both an unlawful deduction from wages and a breach of her right to annual leave under the Working Time Regulations 1998.
4. By Schedule A2 of the Trades Union and Labour Relations (Consolidation) Act 1992, the Tribunal has power to award an uplift on awards of unlawful deduction from wages and for breach of the Working Time Regulations 1998. A 25% uplift is awarded on the above sums for the respondent's failure to deal with the claimant's grievance about the failure to make the above payments, amounting to £136.11.
5. The total award of damages for unlawful deduction from wages is therefore £544.45. Applying the guidance in **Walters t/a Rosewood v Barik UKEAT/0053/16/BA**, this is a gross amount which the respondent can satisfy by payment to the claimant of

the net amount due and payment to HMRC of any tax and national insurance which falls to be deducted at source.

6. There was also a failure to provide the claimant with a written statement of terms and conditions of employment, for which a further four weeks' gross pay is awarded, in the sum of £1,083.
7. There was also a failure to provide the claimant with itemised pay statements during her employment. There is no power to award compensation for this failure.
8. The total of the above sums is £1,763.56

Employment Judge Fowell

Date 26 July 2023