



EMPLOYMENT TRIBUNALS

Claimant: Laura Gusevova

Respondent: Ursula Pryani Prabhakaran-Joseph

At: London South Employment Tribunal (by video)

On: 22 November 2023

Before: Judge M Aspinall (sitting alone as an Employment Judge)

Appearances: Ms L Guseova, in person

JUDGMENT

1. The claims for unpaid wages and unpaid, accrued, holiday pay are made out and succeed.
2. The Respondent shall, forthwith, pay to the Claimant the sums set out below. The Claimant shall account to HMRC for any applicable taxes or other deductions which should be made.

REASONS

3. This claim was brought by the claimant, Miss Laura Gusevova, against the respondent, Ms Ursula Pryani Prabhakaran-Joseph, claiming outstanding wages and holiday pay.
4. The claimant was employed by the respondent as a beauty therapist at the respondent's business, Beauty Haven, from 29 October 2022 until the employment ended on 31 January 2023. The claimant asserts that throughout her employment, the respondent repeatedly paid her wages late and incorrectly. She further asserts that when the respondent closed the business, she failed to pay the claimant her final wage, outstanding holiday pay, or make required pension contributions.
5. Prior to bringing the claim, the claimant complied with the requirement to contact ACAS and attempt early conciliation. The claimant contacted ACAS on 30 April 2023 and was issued an early conciliation certificate on 2 May 2023 with the reference number R168700/23/29. Despite the

conciliation process, the issues could not be settled and the claimant brought this claim by ET1 form submitted on 23 May 2023.

6. In her claim form, the claimant sought financial compensation totalling £857.60, comprising:
 - Unpaid wages: £533.60
 - Unpaid holiday pay: £324.00
7. She stated she had made repeated requests to the respondent for these outstanding payments, but the respondent was uncooperative.

The law

8. Under the Employment Rights Act 1996, employees have the right not to suffer unauthorised deductions from their wages. This includes situations where an employer fails to pay wages for work done or fails to pay accrued holiday pay on termination. Employees can bring a claim to an employment tribunal for any such deductions made in the previous 3 months. In this case, Ms Gusevova has brought a claim for unpaid wages and holiday pay following the termination of her employment in October 2022.
9. Under the Working Time Regulations, workers are entitled to paid annual leave at the rate of a week's pay for each week's leave. The Regulations state that on termination, a worker has the right to be paid for any accrued annual leave that has not been taken.
10. Under Rule 21 of the Employment Tribunal Rules of Procedure, where a respondent does not send in a response by the specified date, the Tribunal may decide matters at a hearing in their absence. Even if the respondent attends a hearing in these circumstances, the Tribunal has discretion as to whether to allow them to take part. Therefore, despite the non-attendance today, I can proceed to make findings and a judgment on the claim.

Conclusion

11. The respondent did not submit a response to the claim within the required timeline. Rule 21 of the Employment Tribunals Rules of Procedure 2013 states that where a respondent fails to submit a response by the end of 28 days after the claim was sent to them, the Tribunal may decide the claim and issue a judgment accordingly. Although that did not occur in this case, I consider that the application of that rule continues to apply.
12. Based on the evidence presented by the claimant, including WhatsApp and Facebook messenger exchanges with the respondent acknowledging sums owed, as well as supporting documentation regarding unpaid pension contributions, I am satisfied that the outstanding sums claimed are due to the claimant. I have not seen any evidence contradicting the claimant's account or denying liability from the

respondent.

Employment Judge M Aspinall
Date: 22 November 2023

Written Reasons

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.

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