



EMPLOYMENT TRIBUNALS

Heard at: Croydon (by video) **On:** 29 November 2023

Claimant: Ms Anita Khatri

Respondent: Direct Staff UK Limited

Before: Employment Judge E Fowell

Representation:

Claimant Mr Khatri

Respondent No appearance

JUDGMENT

1. The correct name of the respondent is Direct Staff UK Limited, not Mr Mendonca (a director or employee) as originally stated on the claim form. The Tribunal was satisfied that the company's address was used throughout, that ACAS early conciliation was with the company and that all communications have been to Mr Mendonca at his work email address, so that the company has been aware of the claim throughout.
2. The following claims are upheld:
 - (a) unlawful deduction from wages in respect of five days unpaid work
 - (b) unlawful deduction from wages in respect of two days overtime pay
 - (c) unlawful deduction from wages / breach of Regulation 13 of the Working Time Regulations 1998 in respect of holiday pay taken but not paid.
3. There was also a failure to supply a statement of particulars of employment which complied with section 1 Employment Rights Act 1996, for which two weeks' (average) pay is awarded.
4. The following sums are awarded under paragraph 2 above respectively:
 - (a) £531.85
 - (b) £328.90

(c) £1,033.80

5. The total amount due for unlawful deduction from wages is **£1,894.55**
6. Applying the guidance in **Walters t/a Rosewood v Barik UKEAT/0053/16/BA**, the award for unlawful deduction from wages 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.
7. The amount due under paragraph 3 above is **£852.93**, which is payable without deduction of tax or national insurance.
8. The overall total is **£2,747.49**

Employment Judge Fowell

Date: **29 November 2023**

JUDGMENT & REASONS SENT TO THE PARTIES ON

Date: **13 December 2023**

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FOR THE TRIBUNAL OFFICE

Notes

There is a right to have the decision reconsidered if that would be in the interests of justice. An application for reconsideration should be made within 14 days of the date on which you were sent 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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>