



EMPLOYMENT TRIBUNALS

Claimant: Ms J Webb
Respondent: Baltic Star Design & Build Limited

JUDGMENT Employment Tribunals Rules of Procedure 2013 Rule 21

1. The claim was issued in the London South Employment Tribunals on 18 September 2023. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.
2. The respondent has made unauthorised deductions from the claimant's wages and must pay to the claimant £331.05 subject to the appropriate deductions for tax and employee's National Insurance contributions due for the claimant's salary in July 2023. This is the difference between the gross pay that was due and the net amounts received by the claimant.
3. The claimant has made no claim for notice pay.
4. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant 2 days' holiday pay of £224.62 gross, subject to the appropriate deductions for tax and National Insurance to be paid through the payroll.
5. The respondent was in breach of the duty to give a written statement of initial employment particulars that was compliant with section 1 of the Employment Rights Act 1996 and the claimant is awarded two weeks' pay of £1123.10.
6. The respondent must pay the claimant **£1,678.77** in total, subject to the appropriate deductions being paid for tax and National Insurance as set out above in respect of the sums in paragraphs 2 and 4.

REASONS

1. I have made the award at paragraph 2 rather than the amount requested by the claimant because the claimant is requesting the net difference based on her payslip, whereas the award is made gross, subject to deductions for tax and National Insurance. The part of the payslip showing these deductions has not come through on the electronic version referred to me. The year-to-date figures don't make sense. The P45 has also not come through in a legible form. In any event it is not clear what deductions were in fact made for that month so the judgment is intended to ensure all the appropriate deductions for that month are made, if they have not already been made, and the claimant should receive the net balance that was due to her.
2. The respondent did not include some of the required details in the statement of employment particulars, particularly the notice required, which appears to have been the source of the problems that then ensued. I am obliged to uplift by two weeks' pay unless there are exceptional circumstances that would make that unjust or inequitable.

Employment Judge Corrigan

Date: **27 February 2024**

JUDGMENT SENT TO THE PARTIES ON
4 March 2024

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AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE

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