



EMPLOYMENT TRIBUNALS

Heard at: London South

On: 4 June 2024

Claimants: (1) Miss I Abromaite
(2) Mr A Stavila
(3) Mr D Bevzuic

Respondent: Hextransforma Healthcare Limited (in administration)

Before: Employment Judge Ramsden

Representation:

Claimants In person

Respondent Non-attending

JUDGMENT

1. By letter dated 20 December 2023, Craig Povey, acting as Joint Administrator of the Respondent, consented to tribunal claims of unlawful deduction of wages and holiday pay (in each case being the balance of sums that cannot be claimed from the Redundancy Payments Office) proceeding in respect of these Claimants.
2. None of the Claimants is, in fact, claiming any holiday pay, but each of their claims of unlawful deductions from their wages succeeds.
3. The Respondent is Ordered to pay:
 - a) to the First Claimant, **£5,170.33 gross** in respect of unpaid wages, calculated as follows: the First Claimant earned £31,500 gross per annum. The period of complete non-payment of wages to her was 1 October to 31 December 2021, representing three complete months (3/12 x £31,500, totalling £7,875).

The First Claimant also suffered deductions from her wages in August and September 2021 in respect of employee-side pension contributions which

were not paid across to the pension scheme in respect of her. Those amounts were £84.20 for each of those two months, i.e., £168.40.

The total unlawful deductions from her wages for the period in respect of which she made a claim to the Redundancy Payments Service was therefore £7,875 + £168.40, i.e., £8,043.40.

The First Claimant received payment from the Redundancy Payments Service of £2,873.07 gross. £8,043.40 less £2,873.07 leaves an outstanding unpaid balance of £5,170.33;

- b) to the Second Claimant, **£6,137.72 gross** in respect of unpaid wages, calculated as follows: the Second Claimant earned £30,000 gross per annum. Following the Second Claimant's successful application to amend his claim made on the date of this judgment, the period for which he was not paid continued after the date of the Claim Form, being 1 October 2021 to 14 February 2022. This was four complete months plus part of February 2022. The unpaid wages in respect of the months October, November and December 2021 and January 2022 were: $4/12 \times £30,000$, i.e., £9,999.99. The Second Claimant worked 10 out of the 19 working days in February 2022, and so the unpaid wages in respect of that month were $10/19 \times 1/12 \times £30,000$, i.e., £1,315.79. The total amount not paid to the Second Claimant to the Respondent in this period was therefore £9,999.99 + £1,315.79, i.e., £11,315.78.

While the Second Claimant also suffered deductions from his wages in respect of employee-side pension contributions which were not paid into the pension scheme by the Respondent in August and September 2021, the Second Claimant did not claim those amounts from the Redundancy Payments Service, and therefore the terms of consent from the Administrators do not apply to these amounts.

The Second Claimant received payment from the Redundancy Payments Service of £5,178.06 gross. £11,315.78 less £5,178.06 leaves an outstanding unpaid balance of £6,137.72; and

- c) to the Third Claimant, **£1,851.88 gross** in respect of unpaid wages, calculated as follows: the Third Claimant earned £35,000 gross per annum. The period for which the Third Claimant was not paid by the Respondent was 1 October 2021 to 17 December 2021. This was two complete months plus part of December 2021. The unpaid wages in respect of the months October and November 2021 were: $2/12 \times £35,000$, i.e., £5,833.33. The Third Claimant worked 13 out of the 21 working days in December 2021, and so the unpaid wages in respect of that month were $13/21 \times 1/12 \times £35,000$, i.e., £1,805.56. The total amount not paid to the

Third Claimant to the Respondent was therefore £5,833.33 + £1,805.56, i.e., £7,638.89.

Like the Second Claimant, the Third Claimant also suffered deductions from his wages in respect of employee-side pension contributions which were not paid into the pension scheme by the Respondent in August and September 2021, but again the Third Claimant did not claim those amounts from the Redundancy Payments Service, and therefore the terms of consent from the Administrators do not apply to these amounts.

The Third Claimant received payment from the Redundancy Payments Service of £5,787 gross. £7,638.89 less £5,787 leaves an outstanding unpaid balance of £1,851.89.

4. Each of the Claimants must account to HMRC for any sums owed by them to it in respect of any payment received by them pursuant to this judgment.

Employment Judge Ramsden

Date 04 June 2024