



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103704/2023

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Held in Edinburgh on 4 July 2024

Employment Judge M Sangster

10 **Ms C Nugent**

**Claimant
Represented by
Ms A Bowman -
Solicitor**

15 **6 Bells Pub Group Limited**

**Respondent
Not present and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is as follows:

1. The claimant's claim under section 23 of the Employment Rights Act 1996 (**ERA**) is successful and the respondent is ordered to pay to the claimant the gross sum of **£1,745.22** which was unlawfully deducted from her wages, contrary to s13 ERA, which has been calculated as follows:
 - a. £1,415.04 in respect of her salary for working 3 weeks salary in January 2023, which ought to have been paid on 28 February 2023;
 - b. £330.18 in respect of a payment in lieu of holiday entitlement, due on the termination of the claimant's employment.
2. The respondent failed to give the claimant a written statement of particulars of employment, as required by s1 ERA.
3. In consequence of the claimant succeeding in a claim of a kind mentioned in Schedule 5 of the Employment Act 2002 (namely unauthorised deductions from wages), and the respondent having failed to issue the claimant a written statement of particulars of employment, the Tribunal awards the claimant two

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weeks' pay (capped at £571 per week), that is **£943.36**, in accordance with s38(3) of the Employment Act 2002.

4. The claimant's complaint of wrongful dismissal is withdrawn and is dismissed following withdrawal.

5 5. The respondent shall be at liberty to deduct from the gross sum of which payment is ordered at paragraph 1 above, prior to making payment to the claimant, such amounts of Income Tax and Employee National Insurance Contributions (if any) as it may be required by law to deduct from a payment of earnings of that amount made to the claimant, and if it does so, duly remits
10 such sums so deducted to HM Revenue and Customs, and provides to the claimant written evidence of the fact and amount of such deductions and of the sums deducted having been remitted to HMRC, payment of the balance to the claimant shall satisfy the requirements of this judgment.

15 Oral reasons were given at the hearing, in accordance with rule 62(2) of the Employment Tribunal Rules of Procedure 2013. Written reasons will not be provided, unless a written request for these is made by one of the parties within 14 days of the date this judgment is sent to the parties.

20 Employment Judge Sangster

Employment Judge

25 08 July 2024

Date of Judgment

30 **Date sent to parties** 08 July 2024