



EMPLOYMENT TRIBUNALS

Claimant
Miss Y Liang

v

Respondent
HRX Design Limited

Heard at: Central London Employment Tribunal
On: 23 July 2024
Before: Employment Judge Norris, sitting alone (via CVP)

Representation:

Claimant – In person
Respondent – Mr F Harrington, Director

JUDGMENT

1. The Respondent's name is corrected to HRX Design Limited.
2. The Claimant's claims for unlawful deduction from wages and holiday pay are well-founded and succeed.
3. The Respondent is ordered to pay the Claimant the total sum of £2,517.76, calculated as follows:
 - a. £1,919.62 for her January 2024 wages;
 - b. £417.31 for five working days in February 2024; and
 - c. £292.12 for 3.5 days' accrued but untaken annual leave.
4. The above sums are the gross amounts payable. This judgment may be satisfied by the Respondent paying to the Claimant what it calculates is the net sum due and accounting to HMRC for tax and National Insurance. If the Claimant believes that too much has been deducted (because her liability for tax and National Insurance should be based on her current circumstances, as opposed to those in the tax year 2023/2024 when she was still working for the Respondent), she can apply to HMRC for a refund.

REASONS

1. The Claimant worked for the Respondent between 7 November 2023 and 7 February 2024 as a Design Intern.

2. The Claimant was paid correctly for November and December 2023. She was not paid for January 2024 or for the days that she worked in February 2024. She was not paid for her accrued but untaken leave on termination. The Claimant entered Early Conciliation between 18 March and 24 April 2024. She submitted her claim to the Employment Tribunal on 24 April 2024.
3. The claim was brought against Harrix Group Commercial Limited. It was not disputed before me that this was not the correct Respondent. The Claimant's contract of employment was with HRX Design Limited. HRX Design Limited made the transfers into the Claimant's account for her November and December 2023 pay. By consent, the correct Respondent was substituted.
4. Mr Harrington said that the Respondent has ceased trading and that there is no money in its account. He agreed that this is not reflected on the Companies House website; he said there are insufficient funds to pay an insolvency practitioner at present. The Claimant says that the Respondent appears still to be trading and indeed advertising for new employees. Since the Respondent does not deny that the Claimant is owed the money, it seemed to me that the appropriate way to proceed was to issue judgment forthwith.
5. I have calculated that the Respondent should have paid the Claimant for 23 days in January. Her daily rate is £83.46 gross per day (£21,700/260 working days per annum). The Respondent has produced (but not sent to the Claimant or to the Tribunal) payslips for January and February 2024. The Respondent's figure in the January payslip (£1,808.33 gross) does not account for the fact that there were more working days in January 2024 than in an average month. The February 2024 payslip apparently shows a zero amount payable, which it was agreed is clearly wrong.
6. The above calculations take into account that the Claimant took and was paid for 25 and 26 December 2023 plus another half day's leave while she was employed. She did not work on 1 January 2024 but that is one of the 23 days in the calculation at 3(a) of the judgment.

Employment Judge Norris
Date: 23 July 2024
JUDGMENT SENT TO THE PARTIES ON

29 July 2024

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FOR THE TRIBUNAL OFFICE