



# EMPLOYMENT TRIBUNALS

**Claimant**

Mr J Liu

v

**Respondent**

The Sushi Co Limited

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

**Representation:**

Claimant – In person/Mrs J Liu (Claimant's wife)  
Respondent – Mr M Waqas, Area Manager

Interpreter (part) – Ms S-H Poon, Mandarin Chinese

## JUDGMENT

1. No response having been entered by the Respondent before the expiry of the time limit under Rule 16 (Schedule 1, Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013), the Claimant's claims for unlawful deduction from wages and holiday pay succeed and judgment is issued in his favour under Rule 21.
2. The Respondent is ordered to pay the Claimant the sum of £3,372.00, calculated as follows:
  - a. £1,560.00 for his wages between 17 April and 15 May 2023; and
  - b. £1,812 for his accrued but untaken annual leave at the date of termination.
3. By the date the proceedings commenced (15 August 2023) the Respondent had failed to provide the Claimant with a statement of initial employment particulars or particulars of change pursuant to sections 1 and 4 Employment Rights Act 1996. It is just and equitable to award the higher amount under section 38(3) and 38(4)(b) Employment Act 2002. The Respondent is therefore ordered to pay the Claimant a further sum, equivalent to four weeks' pay, i.e. £2,160.
4. The Respondent has behaved unreasonably in the conduct of the claim and is also ordered to pay the Claimant £880, being 20 hours' preparation time pursuant to Rules 76(1) and Rule 79.

5. The total payable is accordingly £6,412.00. The above sums are the gross amounts. This judgment may be satisfied in relation to the wages and holiday pay claims 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, he can apply to HMRC for a refund. The remaining elements of the award (for failing to provide written particulars and preparation time costs) are not liable to deduction.

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Employment Judge Norris  
Date: 23 July 2024

JUDGMENT SENT TO THE PARTIES ON

29 July 2024

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FOR THE TRIBUNAL OFFICE

*Note: Reasons for the decision having been given orally at the Hearing, written reasons will not be provided unless a written request is received from any party within 14 days of the sending of this record of the decision.*