



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Tomaszewski  
**Respondent:** Tech Soul Limited  
**Heard at:** East London Hearing Centre (via CVP)  
**On:** 1 August 2024  
**Before:** Employment Judge Reid

## Representation

Claimant: in person  
Respondent: did not attend, no response entered

# JUDGMENT

1. The Respondent made unlawful deductions contrary to s13 Employment Rights Act 1996 from the Claimant's wages of **£755.95** when it deducted employee pension contributions from his pay in January 2022 to August 2022 (inclusive), in December 2022 and in July 2023 to October 2023 (inclusive) and did not then pay those employee contributions into the NEST pension scheme. This is calculated as follows:

$$13 \text{ months} \times £58.15 = £755.95$$

This amount is payable by the Respondent to the Claimant within 14 days under Rule 65 of the Tribunal Rules 2013.

2. The Respondent failed to issue the Claimant with a written statement of his terms of employment contrary to s1 Employment Rights Act 1996 and the Tribunal therefore makes an additional award of 4 weeks pay under s38 Employment Act 2002 of **£2,269.20**. This is calculated as follows:

$$4 \times £567.30 = £2,269.20$$

This amount is payable by the Respondent to the Claimant within 14 days under Rule 65 of the Tribunal Rules 2013.

**TOTAL due is £3,025.15**

3. The Respondent failed to issue the Claimant with itemised payslips for all the months of his employment between January 2017 and October 2023 contrary to s8 Employment Rights Act 1996 and the Tribunal makes a **declaration** to this effect.
4. The Tribunal does not have jurisdiction in a wages claim in relation to the Claimant's employer pension contributions which he claims were not made by the Respondent into the pension scheme (for the same months as his employee contributions were deducted but not paid to the scheme – see above) – that claim is therefore dismissed.
5. The Tribunal does not have any legal powers in relation to the failure by the Respondent to account to HMRC for the tax and NICs it deducted but for which it did not account to HMRC, for the months August 2023, September 2023 and October 2023.
6. This judgment is sent to the Respondent's business address and to its registered office.

**Employment Judge Reid**  
**Dated: 1 August 2024**