



EMPLOYMENT TRIBUNALS

Claimant

Dorota Paszkiewicz-Godzik

v

Respondent

Naeco Limited (In voluntary liquidation)

Heard at: Watford Employment Tribunal by CVP

On 22 July 2024

Before: Employment Judge Anderson

Appearances

For the claimant: In person

For the respondent: Did not attend

JUDGMENT

1. The claimant's claim of unauthorised deduction from wages is upheld.
2. The respondent is ordered to pay the claimant the sum of £2720.46 (net) within 14 days of the date that this order is sent to the parties.
3. The sum is calculated as follows:
 - a. Net wages for March and April 2023, less £500 payment received by the claimant from the respondent.
 - b. 2.6 days accrued and untaken holiday at a rate of £173.12 per day.

REASONS

1. The claimant attended the hearing in person. The respondent did not attend. The respondent company is in voluntary liquidation. The liquidators were notified of the date of the hearing.
2. The claimant had sent documents to the tribunal which were not before me at the hearing. I made a decision based on the information provided by the claimant orally which was detailed and cogent and which I had no reason to doubt.
3. The claimant said that she was paid late for her first month of work in February 2023. In March 2023 she received only £500. Because of this she

gave two weeks' notice in April 2023, her last day of employment being 18 April 2023.

4. The claimant has other self-employed work and was able to access HMRC records which show that the respondent advised HMRC that she was paid £1384.98 net in March 23 and in April 23. She was not. She only received a payment of £500.
5. Using those figures and the holiday allowance set out in her contract, the claimant calculated that holiday pay was payable at £173.12 per day net. She calculated that she was due 2.66 days holiday on a pro rata basis.
6. The claimant's wage was £40,000 per annum pro rata and she worked half time (i.e. an annual wage of £20,000).
7. The claimant contacted the respondent requesting payment of her wages and holiday pay but received no response.
8. On the basis of that uncontested evidence, I find that the respondent has, in breach of s13(1) Employment Rights Act 1996:
 - a. unlawfully deducted a sum of £2269.96 from the claimant's wages in that she was not fully paid for her work in March and April 2023.
 - b. unlawfully deducted a sum of £450.50 in accrued but untaken holiday for her period of employment with the respondent from 1 February 2023 to 18 April 2023.

Employment Judge Anderson

Date: 22 July 2024

Sent to the parties on:
10 September 2024

For the Tribunal Office