



EMPLOYMENT TRIBUNALS

Claimant

Iveta Opalkova

Respondent

Juniper Care Limited

v

Heard at:

Bury St Edmunds (via CVP)

On:

20 December 2024

Before:

Employment Judge Grahame Anderson

Appearances

For the Claimant: In person

For the Respondent: No appearance

JUDGMENT

- 1 The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period December 2020, January 2021, February 2021, March 2021 and April 2021. The respondent shall pay the claimant **£3,706.15**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.
- 2 The further claim for unauthorised deductions in relation to an alleged agreement to pay an enhanced rate of pay for bank holidays was not presented within the applicable time limit. It was reasonably practicable to do so. The claim is therefore dismissed.
- 3 The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages, alternatively failed to pay the claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998 by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment

ended. The respondent shall pay the claimant **£1,081.46**. The claimant is responsible for paying any tax or National Insurance.

- 4 The claim of unfair dismissal is not well-founded and is dismissed.
- 5 The respondent refused to permit the claimant to exercise the rights she had under regulations 10(1), 11(1) and 12(1) of the Working Time Regulations 1998. The respondent shall pay the claimant **£3,592.58**.
- 6 The complaint that respondent failed to produce relevant records in accordance with section 10 of the National Minimum Wage Act 1998 is well-founded. The respondent shall pay the claimant **£915.20**.
- 7 When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£3,187.44**

Employment Judge Grahame Anderson

Date: 20 December 2024

Sent to the parties on: 17/1/2025

N Gotecha
For the Tribunal Office.

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to Employment Tribunal decisions

Judgments and Reasons for the Judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal Hearing has been recorded you may request a transcript of the recording, for which a charge is likely to be payable in most but not all circumstances. If a transcript is produced it will not include any oral Judgment or reasons given at the Hearing. The transcript will not be checked, approved or verified by a Judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>