



EMPLOYMENT TRIBUNALS

Claimant: Mr C Stewart

Respondent: Gainford Hotel Ltd

Heard at: Newcastle CFCTC **On:** 24 March 2025

Before: Employment Judge Newburn

Representation

Claimant: In person

Respondent: Not in attendance

JUDGMENT

The hearing proceeded in the Respondent's absence pursuant to Rule 47 of the Employment Tribunal Rules of Procedure 2024. The Judgment of the Tribunal is as follows:

1. The Claimant's claim for unlawful deduction from wages is well founded and succeeds. The Respondent is ordered to pay the gross sum of £1,110.00 in respect of sums deducted for hotel accommodation. This is a gross award, and the Claimant shall be liable to the Inland Revenue for any payments of tax and national insurance thereon.

REASONS

2. The Respondent did not attend the hearing, and did not make an application for postponement of the hearing today that was in accordance with the Employment Tribunal Rules of Procedure 2024, specifically Rules 32 and 92.
3. Neither the Respondent's representative nor the Respondent's witness attended at the hearing. I was satisfied the Respondent was aware of the hearing date and time.
4. I reviewed the information available from the file including the Respondent's witness statement and Grounds of Resistance. The Respondent conceded sums had been deducted from the Claimant's wages in the sum of £1,110. The Respondent asserted it had a contractual right to deduct these sums. The Ground of Resistance indicated this right was contained in a Staff Handbook.

5. In the Case Management Orders, the Respondent was ordered to upload the witness statements and file of documents to the Tribunal by 19 March 2025. The Respondent did not provide a copy of the hearing file to the Tribunal.
6. I did not have a copy of the Staff Handbook referred to in the Grounds of Resistance and could not review the relevant contractual provision permitting the deduction from wages relied upon by the Respondent.
7. Section of the Employment Rights Act 1996 provides:

“13 (1) An employer shall not make a deduction from wages of a worker employed by him unless—

(a) the deduction is required or authorised to be made by virtue of a statutory provision or a relevant provision of the worker's contract, or

(b) the worker has previously signified in writing his agreement or consent to the making of the deduction.

(2) In this section 'relevant provision', in relation to a worker's contract, means a provision of the contract comprised—

(a) in one or more written terms of the contract of which the employer has given the worker a copy on an occasion prior to the employer making the deduction in question, or

(b) in one or more terms of the contract (whether express or implied and, if express, whether oral or in writing) the existence and effect, or combined effect, of which in relation to the worker the employer has notified to the worker in writing on such an occasion.

(3) Where the total amount of wages paid on any occasion by an employer to a worker employed by him is less than the total amount of the wages properly payable by him to the worker on that occasion (after deductions), the amount of the deficiency shall be treated for the purposes of this Part as a deduction made by the employer from the worker's wages on that occasion.”
8. On the evidence before me, it is conceded the sum of £1,1110 was deducted from the Claimant's wages.
9. The evidence did not then demonstrate that the Respondent had a relevant provision falling within section 13(2) of the Employment Rights Act 1996 to deduct the sum.
10. Accordingly, Claimant's claim succeeds.

Employment Judge Newburn

24 March 2025

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/