



EMPLOYMENT TRIBUNALS

Claimant: Mrs Y Pasichnyk

Respondent: O&A International Ltd

Heard at: Newcastle (by CVP)

On: 24 March 2025

Before: Employment Judge Gould

REPRESENTATION:

Claimant: In person, assisted by Mr Adrian Clark

Respondent: Mr Jordan Clark, Area Manager

JUDGMENT

The judgment of the Tribunal is as follows:

Unlawful Deduction From Wages

1. The Claimant's complaint of unlawful deduction from wages in respect of unpaid basic wages, which did not include those wages constituting tips, is dismissed upon withdrawal.
2. The claimant's complaint under sections 27D and 27K(1)(a) of the Employment Rights Act 1996 is well founded. The Respondent failed to ensure that the total amount of the qualifying tips paid at its place of business were allocated fairly between its workers at that place of business, including the Claimant, in that it failed to allocate any tips to the Claimant.

3. The claimant's complaint under sections 27G(a), 2G(b) and 27K(1)(b) of the Employment Rights Act 1996 is well founded, in that it failed to ensure that and tips were allocated to the Claimant and paid to her by no later than the end of the month following the month in which the tip was paid by the customer.
4. The complaint of unauthorised deductions from wages in respect of unpaid tips is well-founded. The respondent made a series of unauthorised deduction from the claimant's wages in the period 1 October 2024 to 24 November 2024 by failing to pay her tips earned in this period. The following unauthorised deductions were made:
 - a. £75.00 during the period 1 October 2024 to 31 October 2024;
 - b. £75.00 during the period 1 November 2024 to 24 November 2024;
5. The respondent shall pay the claimant £150.
6. The Tribunal recommends that the respondent amend its policy on allocation of qualifying tips paid front of house staff to be distributed on the basis of the number of hours worked by those staff. This is a recommendation to change the respondent's current policy, which allocates 70% of qualifying tips to full time staff and 30% of qualifying tips to part time staff, irrespective of the hours worked by those staff.
7. The respondent shall also pay the claimant £200 to compensate the claimant for financial loss attributable to the unauthorised deduction.

Employment Judge Gould

28 May 2025

Notes

1. 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.
2. 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.
3. Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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/>