



EMPLOYMENT TRIBUNALS

London South Employment Tribunal on 10th November 2022

Claimant

Between

Respondent

Mr Brendan Whitehorn

&

Techouse Contracts Limited

Before

Appearances

Judge M Aspinall (Sitting as an Employment Judge)

Mr B Whitehorn, in person

FULL MERITS HEARING Judgment

1. **Having heard from the Claimant in person and on considering the documentary evidence, in the judgment of the Tribunal:**
 1. The claim for unlawful deduction from wages is made out and is allowed; and
 2. *IT IS DECLARED* that the Respondent made unlawful deductions from the wages properly due to the Claimant, in the amount of £140, for one day worked between 7-13 February 2022; and
 3. *IT IS DECLARED* that the Respondent made a further unlawful deduction in the amount of £560 for four days worked between 14-20 February 2022; and
 4. The Respondent is ordered to pay to the Claimant the sum of £700 (gross) after making lawful and correct deductions from that sum in respect of Employees National Insurance (NI) and Income Tax (and accounting to HMRC for those sums); and
 5. The Respondent is ordered to pay the net balance (£700 less tax and NI) to the Claimant forthwith.
2. The Claimant also sought payment for his lost time in dealing with this claim and attending before the Tribunal. Such monies were not wages properly due and so the Tribunal declined to make such an award.
3. It was raised by the Claimant that the Respondent has failed to provide payslips throughout his employment with them. The Tribunal cannot make the Respondent provide them but does highlight that it is a legal obligation upon the Respondent to do so.
4. The Respondent did not reply to the ET1 claim form (sent to their registered office on 13 July 2022) in accordance with Rule 16 of The Employment Tribunals Rules of Procedure 2013 and so, pursuant to Rule 21(3) of the same rules the Respondent is entitled to notice of any hearings and decisions of the Tribunal but, unless and until an extension of time is granted, shall only be entitled to participate in any hearing to the extent permitted by the Judge. The Respondent did not, in any event, appear before the Tribunal today (notice of hearing was sent to their registered office on 10 August 2022) and has taken no part in any stage of these proceedings. The Tribunal had no means of contacting them today.

**Employment Judge M Aspinall
on Thursday 10th November 2022**

PUBLIC ACCESS TO EMPLOYMENT TRIBUNAL DECISIONS

Judgments and reasons for judgments of the Employment Tribunal are published in full. These can be found online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the parties in a case.

