



# EMPLOYMENT TRIBUNALS

Claimant: Miss P Robinson

Respondent: Inndependence Ltd

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim for unlawful deduction of wages is well founded and succeeds. The Respondent is ordered to pay the Claimant:
  - a. The gross sum of **£131.25** in respect of wages owed.
  - b. An additional amount of **£25** to compensate the Claimant for loss attributable to the deduction.

## REASONS

2. The Claimant presented an ET1 against The Brewers Arms which was accepted on **14 March 2024**. There was some confusion regarding the identity of the Claimant's former employer. The ET1 was served on an address in Manchester but it turned out to be a business with a similar name but the Brewers Arms at the address given by the Claimant on the ET1. A Response was due by **16 April 2024** but none was returned. The Claimant subsequently applied to amend the name of the Respondent to Inndependence Ltd. This was granted and the Claim Form was re-served, allowing time for the Respondent to return a response by **10 June 2024**. Again, no response was returned.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.
4. The Claimant was employed from **23 May 2023 to 31 January 2024** as a Bar Person. and ended on **05 October 2023**. She worked on average 12 hours a week at the rate of £10.50 an hour. The Claimant has provided documentary evidence of text exchanges regarding the money claimed, a diary showing the hours worked, redacted bank statement showing the Respondent as being responsible for payment of wages and a screenshot of the distance travelled to attempt to recover her unpaid wages.

5. At the date of termination of his employment she had not been in respect of the last 12.5 hours of her employment. The gross salary for this time amounted to £131.25. That amount was properly payable under her contract of employment.
6. Under section 24(2) Employment Rights Act 1996, where a tribunal makes a declaration under section 24(1), it may also order the employer to pay to the worker, in addition to any amount ordered to be paid under that subsection, such amount as the tribunal considers appropriate in all the circumstances to compensate the worker for any financial loss by her which is attributable to the matter complained of. The Claimant did her best to obtain payment of the outstanding wages but without success. In doing so, she incurred travel costs of £25. That cost is directly attributable to the failure to pay her wages. in my judgement it is appropriate to order the Respondent to pay that amount to her. The Tribunal does not have power to make an order in respect of interest.
7. I was satisfied that I had sufficient information to issue a judgment under rule 21 of the ET Rules.

Employment Judge Sweeney

Date: 12 June 2024