



# EMPLOYMENT TRIBUNALS

**Claimant: Mr K Duncan**

**Respondent: Heritage Tradesmen Ltd**

## JUDGMENT ON LIABILITY

**Employment Tribunals Rules of Procedure 2013 – Rule 21**

The judgment of the Tribunal is that:

1. The complaint of unlawful deductions is well founded and succeeds.

## REASONS

2. The Claimant was employed by the Respondent from 01 June 2019 until 09 October 2020. On 08 January 2021, he presented a Claim Form to the Tribunal in which he complained of unauthorised deduction of wages under section 23 Employment Rights Act 1996 in the sum of £4,500.
3. The Claim Form was duly served on the Respondent at its registered office. A hearing had been listed on 22 March 2021 for that purpose upon service. The Respondent did not present a response to the claim. Accordingly, an Employment Judge was required by Rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination could be made on the claims and, if so, to issue a judgment which may determine liability and remedy.
4. The Claimant maintained that his pay was withheld from him while he was placed on furlough even though the employer had claimed furlough pay from the government. When he asked for his pay he was sworn at and told that he was not to be paid. A significant sum of money was outstanding and owed to the Claimant by the date of termination of his employment.
5. In the absence of any response, and having considered the Claim Form, I was satisfied that I had sufficient information to enable me to issue a judgment in respect of liability. However, more information is required before any decision can be made on remedy. The hearing listed on 22 March 2021 was converted to a remedy hearing for this purpose.

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**Employment Judge Sweeney**

03 March 2021