



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Majewska

**Respondent:** KI Invest Ltd

## JUDGMENT

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

1. It is **declared** that the Respondent has failed to provide the claimant with itemised pay statements as required by s.8 of the Employment Rights Act 1996 for the months of February, March, and May 2019.
2. The hearing listed on **21/2/2020** is cancelled.

## REASONS

1. The claimant was paid monthly in accordance with her contractual entitlement of £1194.88 gross, receiving £1075 net after deductions. However, the respondent did not issue itemised pay statements for the months of February, March, April, May and June 2019 in breach of section 8 of the Employment Rights Act 1996. The claimant resigned with effect from 19 July 2019 but in circumstances which are not said to be related to this failure. The claimant made repeated requests and received some, but not all of the outstanding pay statements. She was still without pay statements for February, March and May 2019. The absence of itemised pay statements caused disruption to her financial affairs including her son's application for a student loan.
2. On 9 September 2019, after a full month spent in early conciliation, the claimant presented an ET1 claim making a reference to the Employment Tribunal. The respondent failed to submit an ET3 response to the claim and the claimant is entitled to judgment.
3. Against that background, I am inclined to make such further financial orders for the benefit of the claimant to the extent that I am permitted to do so under section 12(4) of the 1996 Act. However, this provision is limited to the aggregate of any unnotified deductions made from the claimant's gross pay during the period of 13 weeks

immediately preceding the date on which the application for the reference was made. That was made on 9 September 2019 meaning I can only order the respondent to repay to the claimant any unnotified deductions occurring on or after 9 June 2019. As the last unnotified deduction occurred before that date, I am unable to make an order under s.12(4).

Employment Judge **Clark**

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Date: 16/1/2020