



EMPLOYMENT TRIBUNALS

Claimant: Miss V Petraviciute

Respondent: Supreme Aesthetics Limited

HELD by Cloud Video Platform (CVP) (Leeds)

ON: 25 October 2022

BEFORE: Employment Judge Shulman

REPRESENTATION

Claimant: In person

Respondent: Mr A Deib, Director

JUDGMENT

1. The respondent shall pay the sum of £660.00 to the claimant, by consent, for unlawful deduction of wages.
2. The respondent shall pay to the claimant the sum of £432.00 by way of unlawful deduction of wages.
3. The grand total is £1,092.00.
4. The claims for holiday pay and “other payments” are hereby dismissed on withdrawal by the claimant.

REASONS

1. Claims

- 1.1. Unauthorised deduction of wages (two claims).
- 1.2. A claim for no holiday pay and a claim for “other payments” were not proceeded with by the claimant and are hereby dismissed upon withdrawal by her.
- 1.3. There was a claim for unfair dismissal but this had been struck out previously.

2. Issue

The sole issue in this case is whether the respondent deducted £432.00 from the claimant's wages for April 2022. I mentioned that there were two claims. The other claim is for £660.00 deducted from the claimant's wages in May 2022. The respondent admits this latter claim.

3. Facts

The Tribunal having carefully reviewed all the evidence (both oral and documentary) before it finds the following facts (proved on the balance of probabilities):

- 3.1. The claimant commenced her employment with the respondent in January 2022 as a beauty therapist. The effective date of termination of her employment was 13 May 2022.
- 3.2. The claimant claims that the pay to which she was entitled in April 2022 was kept by her by way of a record, which was sent by her to the respondent. This record was substantially but not exactly similar to another record kept by her in an electronic notebook and the substance of the claim was that the claimant was not paid as part of this record for 36 hours and this was at £12 per hour making a total of £432.00.
- 3.3. The Employment Tribunal carried out a detailed comparison between the record that was sent to the respondent, the electronic notebook and the claim made by the claimant.
- 3.4. The respondent on the other hand produced no evidence which showed that the claimant's figures were invented or invalid. The respondent did rely on the claimant's contract of employment which showed that the claimant's weekly working hours were 16 hours. The claimant takes issue with the fact that her weekly working hours were 16. We accept the evidence of the claimant that the hours that she worked were irregular and could in the case of the April figures amount to those in the three media which the Tribunal has examined.

4. Determination of the issues (after listening to the factual and legal submissions made by and on behalf of the respective parties):

- 4.1. The Tribunal accepts the figures produced by the claimant, in the absence of any other or indeed any evidence that they were the subject of invention. Furthermore the Tribunal accepts that in the month of April 2022 the claimant did work more than 16 hours per week.
- 4.2. That being the case the figures in the various media the Tribunal finds were wages and since they were not paid they were, the Tribunal finds, unlawfully deducted from the claimant's wages and, therefore, Judgment is given in favour of the claimant in the sum of £432.00 plus Judgment in the case of the admitted matter where the figure, by consent, is £660.00.

5. Other matters

- 5.1. At the outset of the hearing the Tribunal invited the respondent to make an application for an adjournment. The respondent mentioned in his application by way of email that there was a necessity for producing witness statements. The Tribunal asked the respondent to produce the witness statements and the respondent produced one very short,

certainly no more than four paragraphs, statement and other documents. The respondent did not appear to carry on with his application for an adjournment and the case continued.

- 5.2. Orders for the preparation of this hearing were made in this case in or about July 2022. Neither party complied with the Orders. This made the Tribunal's task very difficult in seeing documentary evidence and much time was wasted whilst the parties produced documents which had they been produced in accordance with the Orders would have allowed matters to have been dealt with much more quickly at the hearing. The Orders are there for the Tribunal and for the parties and the parties would have found it much easier if they had agreed a bundle of documents and put them in a file and produced witness statements when requested. The Tribunal of course does acknowledge that neither party was represented and that they may have found it difficult to comply with the Orders.

Employment Judge Shulman
Date__15 November 2022__