

# THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL

CASE REF: 17562/19

**CLAIMANT:** Marina Garkule  
**RESPONDENTS:** 1. Mark Adrian McCloskey  
2. Sew Amazing (NI) Ltd

## JUDGMENT

The unanimous judgment of the tribunal is that the claimant's claims are well founded.

It is ordered that the respondents pay to the claimant the following:

1. £3,622.73 - in respect of annual leave
2. £862.98 - for unpaid wages
3. £298.50 - for failure to be provided with itemised payslips

The total is £4,784.21

## CONSTITUTION OF TRIBUNAL

**Employment Judge:** Employment Judge Orr

**Members:** Ms Torrans  
Mr Foster

## APPEARANCES:

**The claimant was represented by Ms Alona Udre.**

**Ms Tanya Crawford attended at the tribunal office as the appointed interpreter.**

1. The judgment was announced at the end of the hearing together with full oral reasons.
2. Pursuant to Rule 64 of the *Industrial Tribunals and Fair Employment Tribunal*

***(Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020***, the tribunal, of its own initiative reconsidered its judgment in relation to the claimant's claim for failure to be provided with itemised payslips. The reconsideration proposal was communicated to the parties in writing by correspondence dated 13 November 2020. Following reconsideration the tribunal revoked its judgment in respect of the claim that the respondents failed to provide itemised payslips under Article 44(4) of the Employment Rights (Northern Ireland) Order 1996 as the amount awarded was incorrect. The judgment in respect of this claim is set out below in paragraph 7.

3. The claimant provided a written witness statement and gave sworn oral testimony at the hearing. The tribunal was satisfied that the claimant's evidence was truthful and accurate.
4. The claimant was employed as a dressmaker from 1 December 2013 until 10 July 2019, firstly by Sew Amazing (NI) Limited until January 2017 when Mark Adrian McCloskey became her employer by reason of a change in ownership.
5. After full consideration of the claimant's sworn evidence and all documentary evidence submitted on behalf of the claimant, the tribunal determined that the claimant suffered an unlawful deductions from wages in the sum of £862.98 in respect of salary for the month of June 2019.
6. Furthermore the tribunal was satisfied that the claimant was entitled to £3,622.73 by way of unauthorised deductions from wages for accrued annual leave for the years 2017, 2018 and up to her termination date in July 2019.
7. In addition, the tribunal awards the claimant £298.50 in respect of the respondents' failure to provide her with itemised payslips under Article 44(4) of the Employment Rights (Northern Ireland) Order 1996, as being the aggregate of the unnotified deductions made during the 13 weeks immediately preceding the date of the application to the tribunal.
8. The total amount awarded to the claimant is £4,784.21.
9. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

**Employment Judge:**

**Date and place of hearing: 16 October 2020, Belfast.**

**This judgment was entered in the register and issued to the parties on:**