



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4105406/2018 Hearing (by Written Submissions) at Edinburgh on
23 April 2019

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Employment Judge: M A Macleod (sitting alone)

Mr N Laidlaw

Claimant
Represented by
Ms K Osborne
Solicitor

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John Scott Plumbers Ltd

Respondents
Not Represented

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Scott Heating and Plumbing Ltd

Steven Dobson

Trading as: John Scott Plumbing, and/or as
John Scott Plumbers, and/or as
John Scott Plumbing and Heating

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Employment Tribunal is that the respondents are ordered to pay to the claimant the sum of **One Thousand Four Hundred and Ninety Four Pounds and Sixty Pence (£1,494.60)** in respect of unlawful deductions from wages and their failure to pay notice to him.

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REASONS

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1. In this case, the claimant presented a claim to the Employment Tribunal in which he alleged that the respondents had made unauthorised deductions from his wages contrary to section 13 of the Employment Rights Act 1996,

and had failed to give notice of the claimant's dismissal as required by section 86 of the Employment Rights Act 1996.

2. Following a Preliminary Hearing on 22 August 2018, an additional respondent was added to the claim, and it was served upon that respondent, Steven Dobson, to whom was attached a number of trading names. In the ET3 submitted by Mr Dobson, he confirmed that he did not defend the claim, and accepted that the claimant was entitled to certain payments in respect of notice and other deductions which were unknown to him at that point.
3. It was agreed by the parties that the Tribunal would deal with the case by way of written submissions, rather than by conducting a hearing, and submissions were therefore ordered by the Tribunal.
4. The claimant presented written submissions, but nothing was received from the respondents.
5. The claimant's submission, which was concise but clear, invited the Tribunal to make the following as findings of fact.
6. The claimant was employed by the respondent from 23 May 2016 until 9 February 2018, when his contract was terminated by the respondent without notice.
7. The claimant's net weekly wage was £498.20.
8. At the date of termination the claimant was owed 2 weeks' wages for the period 27 January 2018 until 9 February 2018.
9. I accept that these facts are uncontested by the respondents, given that the case is undefended, and accordingly I find these facts proved.
10. On behalf of the claimant, it was submitted that the claimant did not give permission for salary to be deducted from him, and that there was no contractual basis for the deduction. Further, it was submitted that the respondents have presented no defence to the allegation that 2 weeks'

wages were unlawfully deducted from him, other than to suggest that there may have been a deduction for 2 days' unauthorised absence.

11. The claimant denies that there was any unauthorised absence, and that any legal basis for the deduction of wages has been made out.

5 12. The claimant also submitted that notice should have been paid to the claimant, and that no basis has been set out by the respondents for their failure to pay this to the claimant.

13. The claimant therefore seeks:

10 1. A declaration that the respondents have made unauthorised deductions from the claimant's wages in contravention of section 13 of the Employment Rights Act 1996;

2. A declaration that the respondents have failed to give notice of the claimant's dismissal as required by section 86 of the Employment Rights Act 1996; and

15 3. An order for payment to the claimant by the respondents of the total amount of £1,494.60, comprising 1 week's wages in respect of notice (£498.20 net) and 2 weeks' wages in respect of unauthorised deductions (£996.40 net).

20 14. No submissions have been received from the respondents, and their ET3 makes clear that they do not seek to defend the claim.

15. Accordingly, the claimant's claims succeed.

25 16. In my judgment, the respondents have made unauthorised deductions from the claimant's wages, and have failed to give notice of termination of employment; and therefore the respondents are ordered to pay to the claimant the total sum of £1,494.60.

Employment Judge: Murdo Macleod

Date of Judgment: 28 May 2019

Entered into the Register: 04 June 2019

And Copied to Parties