

# 12CP BARRISTERS EMPLOYMENT

FACT 6

## UNLAWFUL DEDUCTION FROM WAGES

We all rely on being paid for the work that we do in order to pay our bills, and likewise an employer understandably does not want to pay out more than is due. If a deduction from wages is made without agreement or statutory authorisation, this could mean that it is unlawful. A deduction of wages is only permitted if it is made in accordance with Section 13 of the Employment Rights Act 1996.

Remember an unauthorised deduction of wages is invariably a fundamental breach of contract entitling an employee to treat themselves as constructively dismissed. Always think twice before deducting monies and never deduct monies without having informed the employee.

Given all of the varied reasons for deductions, it is understandable that trying to achieve a resolution in a deductions case is not always as straightforward as may have first been anticipated. Both employees and employers can easily get entrenched.

The first step for an employee is to raise a formal grievance with their employer. If as an employer you have had such a deduction brought to your attention, you should investigate the matter quickly.

Any claim in the Employment Tribunal must be brought within three months of the deduction or the last one if it one of a series.

If you are finding deductions hard to get your head around, you can obtain further detail from the ACAS website. If, however, you feel that you may benefit from specialist advice to set your mind at ease please contact one of our experts who can guide you through the issue.