



EMPLOYMENT TRIBUNALS

Claimant: Mr P Turner

Respondent: Carl Marquis t/a Red Rose Scaffolding

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired, and no valid response having been presented by the respondent, it is the judgment of the tribunal that:

1. The claimant's complaint of breach of contract is well-founded and succeeds. The respondent is ordered to pay the claimant the balance of his notice pay, two weeks pay, in the sum of **£5.00**, as damages for breach of contract for expenses for a saw blade incurred by him.

2. The claimant's complaint of unauthorised deduction from wages is well-founded and succeeds. The respondent unlawfully deducted:

Overtime 21 March 2017	£80.00
Week ending 24 March 2017	£50.00
Week in hand	£450.00
Total:	£580.00

The respondent is ordered to pay the claimant the said sum of **£580.00**, which is a net sum, and to account to HMRC for the appropriate deductions for tax and national insurance due upon the gross.

3 The claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded and the respondent shall pay to the claimant the sum of **£810.00** (9 days at the daily rate of £90.00 net) in respect of 9 days untaken but accrued holiday (holiday pay). This is a net amount and the respondent shall be responsible for accounting to HMRC for any income tax and employee's national insurance, if any, relating to the gross sum.

4. The hearing listed for 5 September 2017 is cancelled.

P C Holmes EMPLOYMENT JUDGE

Dated: 7 August 2017

**JUDGMENT SENT TO THE PARTIES ON
24 August 2017**

AND ENTERED IN THE REGISTER

FOR SECRETARY OF THE TRIBUNALS



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2402027/2017

Name of case(s): Mr P Turner v Carl Marquis t/a Red Rose Scaffolding

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 24 August 2017

"the calculation day" is: **25 August 2017**

"the stipulated rate of interest" is: 8%

MR I STOCKTON
For the Employment Tribunal Office