



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr D Warwick

AND

Nattrav Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 18 July 2017

Before: Employment Judge A M Buchanan

Appearances

For the Claimant: Mr D Wilkinson – CAB representative

For the Respondent: Mr Paul Mills - Consultant

JUDGMENT

It is the judgment of the Tribunal that:

1. The claim for breach of contract in respect of unpaid notice pay is not well founded and is dismissed.
2. The claim for a declaration in respect of unpaid wages is well founded and the respondent is ordered to pay to the claimant £1624.72 in respect of sums unlawfully deducted from the wages of the claimant. This sum includes an amount of £871.60 equal to two weeks' pay under section 38(3) of the Employment Act 2002 because when these proceedings were begun the respondent was in breach of its duty to the claimant under section 1(1) and/or section 4(1) of the Employment Rights Act 1996.
3. The claim in respect of unpaid holiday pay is well founded and the respondent is ordered to pay to the claimant £1049.41 in respect of unpaid holiday pay.
4. The payments ordered to be paid to the claimant in respect of unlawful deductions namely £753.12 (£1624.72 less £871.60) and in respect of unpaid holiday pay namely £1049.41 represent gross payments and the claimant is to account to the appropriate authorities in respect of any income tax and employee national insurance contributions due in respect of such

sums. For the avoidance of any doubt, no such liability exists in respect of the sum of £871.60 being the award pursuant to section 38(3) of the Employment Act 2002.

5. The total sum due from the respondent to the claimant is £2674.13 and is payable forthwith.

EMPLOYMENT JUDGE A M BUCHANAN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 21 July 2017**

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

**24 July 2017
AND ENTERED IN THE REGISTER**

**P Trewick
FOR THE TRIBUNAL**

Note: Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.