



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**AND**

**Respondent**

Mr G Tufft

Equilibrium Chemical Services Limited

**HELD AT** Birmingham

**ON**

10<sup>th</sup> October 2018

**EMPLOYMENT JUDGE** Choudry

**Representation:**

**For the claimant:** In person

**For the respondent:** Mr Lloyd Adams - Director

## JUDGMENT

1. The claimant's claim for arrears of pay, holiday pay and unlawful deduction of wages in respect of the deduction by the respondent of the sum of £552.25 from the claimant's final wages for an adr course which he attended in September 2017 are well founded and succeed.
2. The claimant's claim for notice pay is not well founded and fails.
3. The respondent is order to pay the claimant (1) the sum of £69 in respect of 6 hours unpaid overtime; (2) a payment in lieu of 6 days' accrued but untaken holidays to be calculated based upon the claimant's average weekly earnings taking into account his overtime; and (3) the sum of £552.25 in respect of the deduction made from his final wages for the adr course. The sums payable in respect of over time and holiday pay are subject to tax and national insurance contributions.

**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.

**Employment Judge Choudry  
24 October 2018**

**Annex**

*Basic award*

Age at dismissal = 34 years old  
Length of service = 9 complete years  
Weekly rate of pay (gross) = £422.87

$$9 \times 1 \times 422.87 = \text{£}3,805.83$$

*Compensatory Award*

$$\text{Loss of statutory rights} = \text{£}450$$

Balance of the compensatory award to be determined.

*Uplift to compensatory award – 15%*