



# EMPLOYMENT TRIBUNALS

**Claimant:**  
**Mr D Peck**

**Respondent:**  
**Fine & Country  
Management Ltd**

**Heard at:** Leeds **On:** 12 October 2018

**Before:** Employment Judge R S Drake

**Representation:**

Claimant: In Person  
Respondent: Mr G Hunt (Shareholder/Ex Director)

## JUDGMENT

1. The Claimant has established that he was entitled to holiday pay pursuant to Regulation 15 of the Working Time Regulations 1998 and thus a total of 7.5 12ths of his annual entitlement of 5.6 weeks and therefore a total of £1,584.00 but subject to the findings below as to deduction.
2. The Claimant has established that he has sustained a deduction or withholding from his pay (in respect of accrued pay in the sum of £632.88 for the purposes of section 13 of the Employment Rights Act 1996 ("ERA") and but subject to the deduction referred to below and therefore not unlawfully.
3. The Claimant has failed to establish a contractual right to overtime and his claim in this respect fails and is dismissed
4. The Claimants claims in respect of inconvenience and in respect of stress/ill health fail as there is no statutory or common law basis of jurisdiction exercisable or justiciable in those issues by this Tribunal.
5. The Claimant has failed to establish breach of contract as alleged in that the terms he relies upon as a contract (dated 2 November 2017 relating to Discretionary Bonus/Profit Share) are not a legally binding contract. Further it follows that in the absence of a claim for breach of an employment contract, the Respondents' counterclaim for breach of contract under the Employment Tribunals Extension of Jurisdiction (England & Wales) Order 1994 fails and is dismissed.

- 6 The Respondent has established that the Claimant has agreed deductions from pay due to him in the sum of £2000.18 and thus this didn't amount to unlawful deduction or breach of contract.
- 7 However, the total nominally due to the Claimant is holiday pay of £1,544 and accrued pay of £632.88 totalling £2,176.88 from which the Respondents lawfully deducted £2,000 leaving the sum of £176.88 outstanding in respect of which I award the Claimant Judgment.

Employment Judge R S Drake

Date: 18<sup>th</sup> October 2018

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.