



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4102532/2018

Employment Judge: Emma Bell

Miss F McClymont

Claimant

Joseph Mooney

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant`s complaints of:-

- (a) Unlawful deductions from wages pursuant to S.13 of the Employment Rights Act 1996 and
- (b) Accrued holiday pay pursuant to Regulation 16 of the Working Time Regulations 1998 succeed

and that the respondent shall pay to the claimant the sum of £249.90 (net) in respect of (a) above and £599.76 (net) in respect of (b) above and £1,086.80 in respect of the failure to provide the claimant with a Statement of Terms and Conditions of Employment, pursuant to s.38 of the Employment Act 2002.

REASONS

1. A copy of the claim form setting out the claimant's complaints was sent to the respondent on 24 March 2018.
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to him but failed to do so.
3. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claim.
4. On the basis of the available material the Employment Judge decided she could properly determine remedy as follows:-
 - (a) In respect of the claimant's complaint of unlawful deductions from wages pursuant to S.13 of the Employment Rights Act 1996 the respondent shall pay to the claimant the net sum of £249.90 being 35 hours at the rate of £7.50 per hour being £262.50 gross and £249.90 net and
 - (b) In respect of the claimant's complaint of accrued Holiday Pay pursuant to Regulation 16 of the Working Time Regulations 1998 the respondent shall pay to the claimant the net sum of £599.76 being 84 hours at £7.50 per hour amounting to £630 gross and £599.76 net.
 - (c) The respondent having failed to provide the claimant with a Statement of Terms and Conditions, it is just and equitable to make an award of 4 weeks' pay amounting to £1,086.80 pursuant to s.38 of the Employment Act 2002.

Employment Judge: E. Bell

Date of Judgment: 02 May 2018

Entered in register and copied to parties: 02 May 2018