



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4103863/2018**

**Employment Judge: Miss M Robison**

**Mr Ian Harris**

**Claimant**

**Phendys Limited**

**Respondent**

## **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 deduction from wages, (b) unpaid holiday pay and (c) breach of contract (notice pay).

Succeed and that the respondent shall pay to the claimant the sum of £550 for complaint (a), £1,292 for complaint (b) and £315 for complaint (c).

## **REASONS**

1. A copy of the claim form setting out the claimant's complaints was sent to the respondent on 9 April 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 it 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 deduction of wages.

The respondent shall pay to the claimant the sum of £550. This relates to an unlawful deduction in respect of £250, and a further deduction of £300 which relates to unpaid "tip" money due to the claimant.

(b) In respect of the claimant's complaint of unpaid holiday pay.

The respondent will pay to the claimant the sum of £1,292, in respect of 4.1 weeks of holiday entitlement untaken at the date of termination.

(c) In respect of the claimant's complaint of breach of contract.

The respondent shall pay to the claimant the sum of £315, representing notice pay for one week.

Employment Judge :	Muriel Robison
Date of Judgement:	11 May 2018
Entered in register:	14 May 2018
And copied to parties	