



EMPLOYMENT TRIBUNALS

Claimant: Mr JL Howard

Respondent: Protector Trading Limited

HELD AT: Manchester

ON: 4 October 2018

BEFORE: Employment Judge Franey (sitting alone)

REPRESENTATION:

Claimant: Mr C Howard (Claimant's Brother)

Respondent: Mr D Mather (Director)

JUDGMENT

1. The claimant was an employee of the respondent between September 2009 and his dismissal in May 2018.
2. The complaint of unlawful deductions from pay in relation to a failure to pay the national minimum wage is dismissed upon withdrawal by the claimant.
3. The complaint of unlawful deductions from pay in relation to monies outstanding upon termination of employment is dismissed upon withdrawal by the claimant.
4. The complaint of unlawful deductions from pay in relation to hours of work after September 2017 fails and is dismissed.
5. The complaints in respect of failure to forward tax and national insurance to HMRC, and in respect of failure to provide an auto-enrolment pension, are dismissed because they are not matters over which this Tribunal has jurisdiction.

6. The complaint of a failure to provide itemised pay statements succeeds. It is declared that, save for one each in the months of January, May and July 2018, the respondent failed to provide itemised pay statements. The respondent is ordered to pay the claimant the sum of **£73.32** by way of reimbursement of unnotified deductions in the 13 weeks prior to presentation of the claim.
7. The complaint of unfair dismissal is well founded. The claimant was unfairly dismissed. The basic award is reduced by 50% on account of contributory fault and the respondent is ordered to pay the claimant a basic award of **£694.20**. It is just and equitable to reduce the compensatory award to zero. The recoupment regulations do not apply.
8. The above awards are increased by two weeks' pay in the sum of **£277.68** because of a failure to provide the claimant with a written statement of the main terms of his employment.
9. The total amount payable by the respondent to the claimant under this judgment is **£1,045.20**.

Employment Judge Franey

4 October 2018

JUDGMENT SENT TO THE PARTIES ON

22 October 2018

FOR THE TRIBUNAL OFFICE

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.

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Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.