



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr Simon Burdus

AND

Durham Bed Centre Limited

JUDGMENT OF THE TRIBUNAL

Heard at: North Shields

On: 7 December 2018

Before: Employment Judge A M Buchanan (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: No attendance

JUDGMENT

It is the Judgment of the Tribunal that:

1. There is a declaration that the respondent made unauthorised deductions from the wages of the claimant in the following amounts:

1.1 By failing to pay commission to the claimant throughout his employment. The amount of the unlawful deduction was £655.00p gross and the respondent is ordered to pay that sum to the claimant forthwith. The claimant is to account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of that sum when received by him.

1.2 By failing to pay the sum of £100.85 in respect of net wages due to the claimant in respect of the week ending 13July 2018. The respondent is ordered to pay that sum to the claimant forthwith. The respondent is to account to the appropriate authorities for all income tax and employee national insurance contributions deducted from that sum.

1.3 By deducting pension contributions from the wages of the claimant and failing to pay over to the relevant pension provider. The amount of the deduction was £129.35 and the respondent is to pay that sum to the claimant forthwith.

1.4 By failing to pay holiday pay to the claimant on the termination of his employment. The amount of that deduction is £728.28 gross and the respondent is ordered to pay that sum to the claimant forthwith. The claimant is to account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of that sum when received by him.

2. There is an award to the claimant of £821.44 (2 weeks gross pay of £410.72 per week) pursuant to section 38(3) of the Employment Act 2002 to reflect the breach by the respondent of section 1(1) and /or section 4(1) of the Employment Rights Act 1996 (failure by the respondent to provide written particulars of the employment to the claimant within 2 months of the start of his employment). The respondent is ordered to pay that sum to the claimant forthwith.

3. The total sum due to the claimant from the respondent is £2434.92p and is payable forthwith.

Employment Judge A M Buchanan

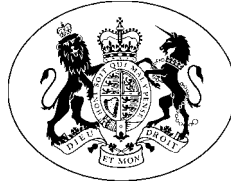
Date: 7 December 2018

Sent to the parties on:

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.

Public access to employment tribunal decisions

Judgements 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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2503150/2018**

Name of case(s): **Mr S Burdus** v **Durham Bed Centre Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **7 December 2018**

"the calculation day" is: **8 December 2018**

"the stipulated rate of interest" is: **8%**

MISS K FEATHERSTONE
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.