



THE EMPLOYMENT TRIBUNALS

Claimant: Mr P Jurus-Guibourt

Respondent: ENELES Limited

Heard at: North Shields Hearing Centre

On: Thursday 21st March 2019

Before: Employment Judge Johnson

Members:

Representation:

Claimant: In Person

Respondent: Mr N Smith (Director)

JUDGMENT ON REMEDY & COSTS

1. The respondent is ordered to pay to the claimant the sum of £2,126.53 in respect of wages unlawfully deducted.
2. The respondent is ordered to pay to the claimant the sum of £720 in respect of unpaid holiday pay.
3. Pursuant to Section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992, the respondent is ordered to pay to the claimant the further sum of £711.63, being a 25% uplift on the sums ordered to be paid above, the Tribunal being satisfied that the respondent has failed to comply with its obligations under the ACAS Code of Practice.
4. Pursuant to Section 38 of the Employment Act 2002, the Tribunal being satisfied that the respondent has failed to provide the claimant with a full and accurate written statement of his terms and conditions of employment, the respondent is ordered to pay to the claimant compensation at the rate of two weeks pay in the sum of £600.
5. Pursuant to Rule 76 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, the tribunal being satisfied that the respondent has

acted unreasonably in its conduct of these proceedings, the respondent is ordered to pay to the claimant the sum of £441.11, being expenses incurred by the claimant as a result of the respondent's unreasonable conduct.

EMPLOYMENT JUDGE JOHNSON

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 21 March 2019**

Public access to employment tribunal decisions

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2503400/2018**

Name of case(s): **Mr P Jurus-Guibourt v ENELES Limited**

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: **4 April 2019**

"the calculation day" is: **5 April 2019**

"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/publications/employment-tribunal-hearings-judgment-guide-t426

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.