



EMPLOYMENT TRIBUNALS

Claimant:
Mr Andris Packalns

Respondent:
Nova Display Ltd

Heard at: Leeds **On:** 26 April 2019

Before: Employment Judge R S Drake

Representation:

Claimant: In Person
Respondent: Mr A Burton (Shareholder/Director)

JUDGMENT

1. The Claimant is awarded Judgment and the Respondents shall pay to him the sum of £6,300.76

REASONS

2. The Claimant has established that as an apprentice at the relevant times he was entitled to the national minimum wage rate pursuant to Section 1 National Minimum Wages Act 1998 ("NMWA") and not to suffer an unlawful deduction from his pay in relation thereto contrary to Section 13 Employment Rights Act 1996 ("ERA") in respect of 655 hours attendance at Leeds College of Building for the purposes of apprenticeship training during the academic years 2015/16, 2016/17 and 2017/18 at the prevailing NMWA rates and thus a total of £6,300.76.
3. The Claimant's evidence showed he had attended 814.5 hours but his claim is limited to 655 hours and cannot now be amended.
4. The Claimant has established a statutory and contractual right to NMWA rates of pay prevailing during the period of his apprenticeship training from November 2015 to April 2018 and therefore in this respect his claim succeeds, but in the figure revised by the rate he accepts he is entitled to claim.

5. The Respondent has failed to establish that it entered into a formal written agreement signed by the Claimant permitting withholding of pay for the hours during which the Claimant attended College and thus their asserted defence (of there having been an oral agreement to permit non-payment) under Section 13 ERA fails.

Employment Judge R S Drake

Date: 1 May 2019

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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