



# EMPLOYMENT TRIBUNALS

## Claimant

**Mrs C Marshall and others**

## Respondent

**KGB Cleaning & Support  
Services Ltd**

**Heard at: CARDIFF**

**On: 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> February 2018**

**Before:**

**Employment Judge A FRAZER (sitting alone)**

## **Representation:**

Claimants

Mr Bromige (Counsel)

Respondent

Ms Phillips (Consultant)

# JUDGMENT

The Judgment of the tribunal is as follows:

1. The Respondent failed to provide the claimants with a written statement of changes to their contracts of employment under s.4 of the Employment Rights Act 1996. Those particulars should include the change of their workplace location from the Caerleon site to the Atrium site and should record the agreement which was reached on 27<sup>th</sup> July 2016 that the Respondent will pay for any commuting time that the claimants spend travelling between the Caerleon and the Atrium sites.
2. Accordingly the claimants are entitled to an award of two weeks pay which is as follows in respect of each claimant:

Christine Marshall £450.00

Gillian Pember £262.50

Janet Price £300.00

Janet Strong £262.50

Julie Edwards £300.00  
Linda Mattan £300.00  
Magdalena Seliszczak £300.00  
Maria Saunders £450.00  
Wendy Baker £300.00.

3. The claimants suffered a series of unauthorised deductions from their wages between 1<sup>st</sup> March 2017 and the date of presentation of their claims under s.23 of the Employment Rights Act 1996 in that the Respondent failed to make payment to them for the time spent travelling from the Caerleon site to the Atrium site as per the agreement made on 27<sup>th</sup> July 2016. The amounts of those deductions were agreed by the parties as part of the remedies hearing on the basis that travel time was 65 minutes per day for each employee. The total figures agreed by the parties in respect of each claimant are as follows:

Christine Marshall £323.05  
Gillian Pember £780.65  
Janet Price £751.40  
Janet Strong £748.15  
Julie Edwards 741.98  
Linda Mattan £691.28  
Magdalena Zeliszcak £821.93  
Maria Saunders £716.63  
Wendy Baker £774.80

4. The claims brought under the National Minimum Wage Regulations 2015 are dismissed.
5. Upon reconsidering its decision to dismiss the claims under the National Minimum Wage Regulations pursuant to Rule 70 of the Tribunal Rules of Procedure, the tribunal determined not to vary its decision.
6. Written reasons were requested orally at the hearing and will follow this judgment.

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Employment Judge A Frazer  
Dated: 12<sup>th</sup> March 2018

JUDGMENT SENT TO THE PARTIES ON

.....13 March 2018.....

.....  
FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

**NOTE:**

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.