



EMPLOYMENT TRIBUNALS

Claimants: Mrs J Frudd
Mr I Frudd

Respondent: The Partington Group Limited

HELD AT: Manchester **ON:** 10 May 2019

BEFORE: Employment Judge Horne

REPRESENTATION:

Claimants: In person

Respondent: Ms A Del Priore, Counsel

Judgment having been sent to the parties on 1 February 2019 declaring that the claimants were employed on time work during the open season between 5.00pm and 8.00pm or 10.00pm (depending on whether a security guard was working at the Park), but not at other times;

And judgment by consent having been sent to the parties on 5 September 2019 ordering the respondent to pay various sums to the claimants;

And the Employment Appeal Tribunal ("EAT") by a judgment dated 11 February 2019 having remitted the case to the tribunal "for rehearing in respect of the period 7am to 8am in the open season";

The judgment of the tribunal is as follows:

JUDGMENT

1. Neither claimant was employed on time work between 7.00am and 8.00am during the open season except during those rare times when they were actually working on a task.

2. The amount of time work done whilst actually working on tasks between 7.00am and 8.00am was insufficient by itself to cause the claimants' wages during periods on call during the open season to fall below the National Minimum Wage.
3. The claimants are therefore not entitled to any further sums beyond those ordered in the judgment sent to the parties on 5 September 2019 and that judgment is therefore confirmed.

Employment Judge Horne

10 May 2019

SENT TO THE PARTIES ON

20 May 2019

FOR THE TRIBUNAL OFFICE

Note - Written reasons were requested orally at the hearing and will follow this judgment. Once sent to the parties, the reasons will be displayed on the tribunal's website.