



EMPLOYMENT TRIBUNALS

Claimant: Mr Matthew Gilbert
Respondent: Sanghera News Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim for a declaration of unauthorised deduction from wages is well-founded. The respondent is ordered to pay to the claimant **£549.30** in respect of unpaid wages. This is a gross sum and the claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.

2. The claim for unpaid holiday pay is well-founded and the respondent is ordered to pay to the claimant the sum of **£1176.00** (5.6 weeks x £210.00 per hour) in respect of unpaid holiday pay. This is a gross sum and the claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.

3. There is an award of two weeks' pay pursuant to section 38(3) of the Employment Act 2002 in the sum of **£420.00**.

4. The total sum due to the claimant from the respondent of **£2145.30** is payable forthwith.

5. It is declared that the respondent has failed to give to the claimant itemised pay statements as required by section 8 of the 1996 Act throughout the period of his employment.

6. The hearing set for 21 September 2018 is cancelled.

REASONS

1. I am satisfied that the claimant worked for the respondent from 19 January 2017 until 21 January 2018.

2. I am satisfied that the respondent has failed to pay to the claimant his wages for a week in hand worked over 15 hours at the rate of the national minimum wage of £7.50 per hour. This gives a total of £112.50p. I am also satisfied that the respondent underpaid the claimant his wages for 13 weeks

at the rate of £1.20 per hour for 28 hours each week which gives a sum of £436.80p This gives a total of £549.30p in respect of unpaid wages.

3. I am satisfied that the respondent failed to pay holiday pay to the claimant at any time during his employment and that the claimant was told he was not entitled to paid holidays and was thus deterred from taking any holiday.

4. The respondent did not issue a contract or particulars of employment to the claimant in writing and was thus in breach of section 1(1) and /or section 4(1) of the Employment Rights Act 1996 when these proceedings were begun. I consider it appropriate to make an award of two weeks' pay to the claimant at the rate of £210 per week pursuant to section 38(3) of the Employment Act 2002 ("the 2002 Act"). I conclude that the respondent is a small employer and therefore do not consider it just and equitable to make an award of four weeks' pay pursuant to section 38(3) of the 2002 Act.

5. If the claimant wishes to claim compensation pursuant to section 24(2) of the 1996 Act for any loss sustained by him as a result of the failure of the respondent to pay the wages to which the claimant is entitled, then the claimant must send notice in writing of such claim, with full particulars thereof, to the Tribunal within 28 days after the date on which this Judgment is sent to the parties. A hearing will then be arranged.

6. If the claimant wishes to make any claim pursuant to section 12(4) and (5) of the 1996 Act in respect of the failure of the respondent to provide itemised pay statements to the claimant pursuant to sections 8 and 9 of the 1996 Act, then the claimant must send notice in writing of such claim, with full particulars thereof, to the Tribunal within 28 days after the date on which this Judgment is sent to the parties. A hearing will then be arranged.

Employment Judge A M Buchanan

Date: 28 August 2018