



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4112767/2018

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Held in Glasgow on 9 January 2019

Employment Judge: Lucy Wiseman

10 **Mr Paul Hamilton**

**Claimant
In Person**

15 **Mr Alan McLean
t/a The Corran Inn**

**First Respondent
No response**

20 **C I Leisure Ltd**

**Second Respondent
No response**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the tribunal is:-

- 25 (i) the claimant was employed by the first respondent, Mr Alan Maclean trading as The Corran Inn;
- (ii) the claim is successful and Mr Alan Maclean is ordered to pay to the claimant:-
- 30 (a) the sum of £612 in respect of an unauthorised deduction of wages;
- (b) the sum of £136 in respect of two days holiday pay and
- (c) the sum of £160 in respect of the payment of tips.

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E.T. Z4 (WR)

REASONS

1. The claimant presented a claim to the Employment Tribunal on the 25 July 2018 alleging he had not been paid wages or holiday pay.
- 5 2. The claim was initially brought against the first named respondent. The first respondent did not respond to the claim.
3. The claimant informed the tribunal he had learned Mr Maclean was a Director of the second respondent. The claim was served on the second respondent,
10 but no response was entered.
4. The first and second respondent were notified of the Hearing today, but did not appear.
- 15 5. I heard evidence from the claimant. I made the following findings of fact.
6. The claimant was interviewed by Mr Alan Maclean for a position as a Chef at The Corran Inn.
- 20 7. The claimant was successful and started work on the 14 May 2018. He earned £8.50 per hour and was entitled to a share of the tips.
8. The claimant was paid in cash by Mr Maclean for the first two weeks of his employment. Thereafter, Mr Maclean failed to make payment of wages to the
25 claimant.
9. The claimant unsuccessfully requested payment from Mr Maclean on many occasions. The claimant left employment on the 13 June 2018.
- 30 10. The claimant has outstanding wages of 72 hours @ £8.50 per hour. He had also accrued 2 days holiday as at the termination of his employment.
11. The claimant was entitled to, but had not received, a share of the tips which he estimated at £40 per week.

12. The claimant considered he was employed by Mr Alan Maclean. It was Mr Maclean who had interviewed him for the job, given instructions and made payment of wages to him. The claimant had only referred to the second respondent after learning Mr Maclean was a Director of the company.

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13. The claimant had not received anything in writing from the first or second respondent. He had not received a contract, or payslips, or a written letter of offer of employment. The claimant understood it was Mr Maclean who ran The Corran Inn.

10 **Decision**

14. I decided, based on the evidence available to me, that the claimant was employed by Mr Alan Maclean.

15 15. I decided the claims brought by the claimant are well-founded and I order Mr Maclean to make the following payments to the claimant:

- a payment of wages in the sum of £612 gross (being 72 hours x £8.50 per hour);
 - a payment of 2 days holiday pay in the sum of £136 (being 8 hours x 2 days x £8.50 per hour) and
 - a payment in respect of tips in the sum of £160 (being £40 per week for 4 weeks).
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16. The claimant advised The Corran Inn had closed. I accordingly considered it appropriate to have this Judgment sent to Mr Maclean's home address.

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10 **Employment Judge: Lucy Wiseman**
Date of Judgment: 15 January 2019
Entered in register : 17 January 2019
and copied to parties

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