



EMPLOYMENT TRIBUNALS

Claimant: Mr J Esteller Dura
Respondents: (1) Acorn P&D Limited
(2) Creamstp.Creams British Luxury
Heard at: Leeds On: 25th June 2018
Before: Employment Judge Lancaster

Representation

Claimant: In person (through an interpreter)
Respondents: Did not attend (appearance entered in name of First Respondent only)

JUDGMENT

1. From 14th to 20th December 2017 the Claimant was employed by the First Respondent as a worker within the meaning of section 230 (3) (b) of the Employment Rights Act 1996.
2. The First Respondent had made an unauthorised deduction from the Claimant's wages and is ordered to pay him for work done in December 2017 the sum of £538.48 gross.
3. Between 14th and 20th December 2017 the Claimant accrued an entitlement to 0.1 weeks holiday and the First Respondent is ordered to pay him the sum of £53.85 gross
4. From 2nd to 22nd January 2018 the Claimant was an employee of the First Respondent within the meaning of section 230 (1) of the Employment Rights Act 1996.
5. The First Respondent had made an unauthorised deduction from the Claimant's wages and is ordered to pay him at the rate of £37,000.00 per annum for 3 weeks' outstanding salary in the sum of £2134.02 gross.
6. Between 2nd and 22nd January 2018 the Claimant accrued an entitlement to 0.32 weeks holiday and the First Respondent is ordered to pay him the sum of £229.12 gross.
7. The First Respondent has not provided the Claimant with a written statement of the terms and conditions of employment and is ordered to pay him, pursuant to section 38 of the Employment Act 2010 an additional award of 4 weeks' pay capped at £489.00 per week which is £1956.00.
8. The total compensation to be paid by the First Respondent to the Claimant is therefore £4,911.47

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9. The claim in the alternative against the Second Respondent is dismissed, Creams British Luxury Limited having in any event been dissolved on 1st May 2018

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

EMPLOYMENT JUDGE LANCASTER

DATE 25th June 2018