



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr D Gomes

Respondents

Crown and Cushion Hotel (1)
TCI (CN&B) Ltd (2)

AND

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham

ON

2 – 3 December 2019

EMPLOYMENT JUDGE Harding

Representation

For the Claimant: In Person

For the Respondent: No attendance

JUDGMENT

1 The claims against the Crown and Cushion Hotel are dismissed on withdrawal by the claimant.

2 The claim of an unlawful deduction from wages (failure to pay the National Minimum Wage) is well founded. The respondent is ordered to pay to the claimant unpaid wages in the sum of £3,554.95 (gross). See attached annex.

3 The claimant was wrongfully dismissed. The respondent is ordered to pay to the claimant damages in the sum of £265 (net). See attached annex.

4 The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £784.77 (gross). See attached annex.

Note: written reasons will not be provided unless requested at the Hearing itself or in writing within 14 days of the sending of the written record of the decision, Rule 62(3).

5 When the proceedings began the respondent was in breach of its duty under section 1(1) of the ERA. It is just and equitable to make an award of 4 weeks pay in the sum of £1210.96. See attached annex.

6 The claim of automatically unfair dismissal contrary to section 101A of the ERA is dismissed on withdrawal by the claimant.

7 The claims of automatically unfair dismissal contrary to sections 104 and 104A of the ERA fail and are dismissed.

8 The claim of a failure to provide rest breaks contrary to Regulations 11 and 30 of the WTR is dismissed on withdrawal by the claimant.

9 The claim that the claimant was required to work in excess of the maximum weekly working time set out under Regulation 4 of the Working Time Regulations is dismissed as the tribunal does not have jurisdiction under Regulation 30 to deal with such a claim.

Employment Judge Harding
Dated: 3 December 2019