



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr James Foster

**Respondent:** NWE Logistics Ltd (In Creditor's Voluntary Liquidation)

**Heard at:** Manchester (in public) **On:** 6 December 2019

**Before:** Employment Judge Hoey

## **Representatives**

For the claimants: Ms Scholes (Partner)

For the respondent: Not present or represented

## **JUDGMENT**

1. The claimant's claim for unlawful deduction of wages is well founded. In breach of section 13 of the Employment Rights Act 1996, it is declared that the respondent unlawfully deducted the following sums from the claimant's wages, namely (1) £1050 in respect of wages due for work done (105 hours x £10), (2) £120 in respect of overnight allowance payments (6 x £20) and (3) £480 which was deducted from the claimant's wages for pension purposes but not paid into the relevant pension. The respondent shall pay to the claimant the gross sum of £1050 (in respect of which tax is due), £120 and £480 (totalling £600), in respect of which no tax is due.
2. Upon cessation of the claimant's employment on 21 November 2019, the claimant was due to be paid the sum of £1700 in respect of 17 days' accrued holiday (payable at £100 per day). The respondent shall therefore pay to the claimant the gross sum of £1700.

Employment Judge Hoey

DATE: 6 December 2019

JUDGMENT SENT TO THE PARTIES ON  
3 January 2020

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or 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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2411508/2019**

Name of case: **Mr J Foster** v **NWE Logistics Ltd**  
**(In Creditor's Voluntary**  
**Liquidation)**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **3 January 2020**

"the calculation day" is: **4 January 2020**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office