



EMPLOYMENT TRIBUNALS

Claimant: Mr D Wells

Respondent: Supreme Recreation Ltd

HELD AT: Manchester

ON: 13 December 2019

BEFORE: Employment Judge Ainscough (sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: Not in attendance

JUDGMENT

1. The claimant's claim for unlawful deduction from wages contrary to section 13 of the Employment Rights Act 1996 is successful.

2. The claimant worked as a chef with the respondent from 17 July 2018 to 20 June 2019. The claimant was guaranteed 35 hours per week at £7.70 per hour and worked 5 days a week. The holiday year ran from 1 January 2019 to 31 December 2019.

3. The amount awarded to the claimant for the non-payment of wages from 7 June 2019 – 13 June 2019 is £269.50 gross. The amount awarded to the claimant for the non-payment of wages from 14 June 2019 to 17 June 2019 is £215.60 gross. The amount awarded to the claimant for the remaining one day of his notice period is £53.90 gross. The amount awarded to the claimant for non-payment of average overtime during the period 7 June 2019 – 20 June 2019 is £146.30 gross. The amount awarded to the claimant in accrued holiday pay up to 20 June 2019 is £700.70 gross. The cumulative total of compensation for unlawful deduction from wages is **£1386 gross**.

4. The claimant was not provided with written particulars of employment. In accordance with section 38(4) of the Employment Act 2002, I make an award to the claimant equivalent to 4 weeks gross pay of **£1078**.

Employment Judge Ainscough

13 December 2019

JUDGMENT SENT TO THE PARTIES ON

16 January 2020

FOR THE TRIBUNAL OFFICE

Note

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 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: **2410789/2019**

Name of case: **Mr D Wells** v **Supreme Recreation Ltd**

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: **16 January 2020**

"the calculation day" is: **17 January 2020**

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

For the Employment Tribunal Office