



EMPLOYMENT TRIBUNALS

Claimant: Mr D Davies

First Respondent: Elite Fitness limited (in creditors voluntary liquidation)

Second Respondent: Secretary of State for Business, Energy and Industrial Strategy (referred to as the Insolvency Service in the proceedings)

Heard at: Birmingham Employment Tribunal by Skype

On: 16 June 2020

Before: Employment Judge Cookson

Representation

Claimant: In person

First Respondent: Did not attend

Second Respondent: Did not attend

JUDGMENT

1. The claimant was a worker as defined by s230(3) of the Employment Rights Act 1996.
2. The First Respondent made an unlawful deduction from the claimant's wages contrary to s13 of the Employment Rights Act 1996 by failing to pay him for hours that he worked in September 2019 in the sum of **£300**. This sum is now payable by the respondent to the claimant.
3. The First Respondent made a series of unlawful deductions totalling **£607.71** from the claimant's wages by failing to pay him for annual leave, contrary to Regulation 14 and regulation 16 of the Working Time Regulations 1998 and s13 Employment Rights Act 1996. This sum is now payable by the respondent to the claimant.
4. The claim against the Second Respondent is dismissed on withdrawal.

Signed by: Employment Judge Cookson
Signed on: 16 June 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.

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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.