

# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Westwell

**Respondent:** Kent Coach Travel Limited

**AT: LONDON SOUTH (By telephone) ON: 2 June 2020**

**Employment Judge Siddall (Sitting alone)**

**Appearances:**

**Claimant: in person**

**Respondent: no appearance and no representation**

## RULE 21 JUDGMENT

No Response having been received from the Respondent, and having heard evidence from the Claimant, it is the decision of the tribunal that:

1. The correct name of the respondent is Kent Coach Travel Limited and the tribunal file shall be amended accordingly.
2. The Respondent made unlawful deductions from the wages of the Claimant contrary to section 13 of the Employment Rights Act 1996 and he is awarded the sum of £647.50 gross to be paid by that company.

## REASONS

1. The claimant started work for the respondent as a driver in July 2019 and his employment ended on 28 October 2019. He brought a claim for his wages for the period 21 to 27 October 2019 that had not been paid.
2. The respondent had not entered a Response to the claim and did not attend the telephone hearing.
3. This has been a remote hearing which was not objected to by the claimant. The form of remote hearing was A – an audio hearing conducted by telephone. A face to face hearing was not held because of the current coronavirus restrictions on public hearings and all issues could be determined in a remote hearing. The judgment made is described at the end of these reasons.
4. On his claim form the claimant named his employer as 'Travelmasters'.

- However he explained that the director of the company, a Mr Lambkin, operated a company called Kent Coach Travel Limited and all his payslips were in the name of that company. He agreed that this company was his employer and that Travelmasters was likely to be a trading name. I have granted leave for the name of the respondent to be amended accordingly.
5. The claimant said that he had not been paid for his last week of work, the 21 to 27 of October 2019. He calculated his lost wages as follows.
  6. During that week the claimant carried out his normal school journeys from Monday to Friday, a total of 25 hours at £10 per hour, amounting to earnings of £250.
  7. He had a sheet which he referred to which stated that he did six hours work in each of the evenings from 21 to 24 October 2019 which related to railway work. He claimed earnings for 24 hours work due at £10 an hour, a total of £240.00. The claimant told me that he would get a 'call out' fee of £30 for emergency railway work but on reflection he felt that these shifts were likely to be planned work not emergency work and so he did not claim that amount.
  8. He had recorded that on Sunday 27 October he did fifteen hours work which he claimed at £10.50 per hour (the higher rate that was applicable to weekend work) a total of £157.50.
  9. That brought his total claim to £647.50 and I award him that amount.

Employment Judge Siddall

Date 2 June 2020.