



EMPLOYMENT TRIBUNALS

Claimants: Mr A Stott
Mr S Kendall

Respondent: J D MacAdam & Son (Rescue) Ltd

Heard at: Manchester **On:** 29 and 30 June 2020

Before: Employment Judge Phil Allen
(sitting alone)

REPRESENTATION:

Claimants: Each in person
Respondent: Ms R Levene, counsel

JUDGMENT

1. The judgment of the Employment Tribunal is that the claimants were not entitled to be paid standby payments for time at night when they were required to be available should they be called upon. Accordingly, their claims for unlawful deductions from wages as a result of alleged non-payment of the national minimum wage in respect of standby payments do not succeed.
2. The “Code V” in the heading indicated that this was a remote preliminary hearing which had not been objected to by the parties. The form of remote hearing was fully by video (all remote), conducted by CVP (to which the public had access). It was not practicable for the hearing to be in person because of the Covid-19 Pandemic and it was practicable for all issues to be determined in a remote hearing.
3. Mr Stott’s remaining claims will be determined at a final hearing listed for 10th and 11th September 2020.
4. Mr Kendall has no remaining claims and, as a result, his claims are dismissed.

Employment Judge Phil Allen

30 June 2020

JUDGMENT SENT TO THE PARTIES ON

3 July 2020

FOR THE TRIBUNAL OFFICE

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.