



EMPLOYMENT TRIBUNALS

Claimant

Mr L Andrucevic

v

Respondent

Kitchen & Duct Cleaning Limited

Heard at: Norwich (by CVP)

On: 15 January 2021

Before: Employment Judge Postle

Appearances

For the Claimant: In person.

For the Respondent: Did not attend and was not represented.

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals.

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform (V). A face to face hearing was not held because it was not practicable during the current pandemic and all issues could be determined in a remote hearing on the papers.

JUDGMENT

The Tribunal is satisfied and makes a declaration that the claimant has suffered unlawful deduction of wages for the period from 20 March 2020 to 25 April 2020 and the respondent is ordered to pay the sum of £2,000 less any Income Tax and National Insurance.

REASONS

1. This matter came before Employment Judge Postle on 15 January 2021. The start of the hearing was delayed for a period of 15 minutes to see whether anyone on behalf of the respondent joined the cloud video platform. The respondent having been sent the link to the platform.
2. The Tribunal did not have the benefit of any witness statements or bundle and therefore relied upon all evidence from the claimant and what was said by the respondent in the response. The claimant informed the Tribunal he was employed as a cleaner. The last day he actually worked was 20 March 2020 having attended work Mr Godfrey Director of the

respondent told the claimant it was the last week of work, he was going to apply for the Government Scheme and let the claimant know. The claimant was instructed to stay at home.

3. On 15 April 2020 the claimant received an email from the respondent's secretary advising that she was putting pay on the payroll on Sunday and all paperwork.
4. The claimant waited till 25 April 2020 when his wages were due and there was no money. He called other work colleagues to find out what their situation was. They informed him they were all at work and could not understand why the claimant was not at work.
5. The claimant therefore spoke to Mr Godfrey around 25 April 2020 and asked why no money and no work and he informed the claimant that someone had informed him the claimant had found work elsewhere. The claimant informed him that was not the case. Mr Godfrey then said he would speak with someone and call the claimant back in 20 minutes. Mr Godfrey did call the claimant back after 20 minutes and informed the claimant there was no job and would be sending his P45 and holiday pay.
6. The claimant did receive his P45 and holiday pay.
7. The claimant accepts he does not have a driving licence but did say he was happy to go on public transport and go with any other driver. The claimant does not accept that up to the period of 25 April 2020 the respondent were calling him and if they had done so the claimant would have responded.
8. The claimant did not find another job until the end of May.
9. The claimant advised that he would normally take home around £400 per week. For the period he was not paid and was available for work was 5 weeks and therefore the Tribunal is satisfied that the claimant has suffered an unlawful deduction of wages and the respondent should therefore pay those 5 weeks in the total sum of £2,000.

Employment Judge Postle

Date: 2/2/21.....

Sent to the parties on:

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For the Tribunal Office