



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Nawaz

**Respondent:** Bultup Ltd

**Heard at:** Manchester (by CVP) **On:** 2 July 2021

**Before:** Employment Judge Phil Allen

## Representation

Claimant: In person

Respondent: Did not attend and was not represented

**JUDGMENT** having been sent to the parties on 6 July 2021 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

## REASONS

1. The claimant was employed by the respondent as an enforcement officer from 30 September 2019. The claimant entered a claim at the Tribunal on 27 June 2020. His claim was for other payments, that is he alleged that there had been unlawful deductions made from his wages. In summary, his claim was that his employer had not placed him on furlough under the Coronavirus Job Retention Scheme in March/April 2020, but rather had ended his assignment.

2. A response was entered. The grounds of response explained that the option to furlough was a discretionary decision for the employer and was not compulsory. It stated that it was not a worker's entitlement.

3. A strike out warning was sent to the claimant on 3 March 2021 as Employment Judge Leach was considering whether to strike out the claim because it had no reasonable prospect of success. The claimant responded in an email of 13 March in which he (amongst other things) asserted that the issue and purpose of the claim was that he was entitled to and should have been furloughed and, as such, sought to pursue his claim.

4. The hearing was conducted by CVP remote video technology. The claimant attended the hearing. No one attended on behalf of the respondent.

5. With the claimant's agreement, the name of the respondent was changed to Bultup Ltd.
6. The claimant was sworn in and given the opportunity to explain his claim and give evidence in support of it. The Tribunal also explained the issue below to the claimant and gave him an opportunity to say anything which he wished as to why his claim should succeed.
7. The fundamental problem which the claimant faced, was that an employer was not under any obligation to place an employee on furlough under the Coronavirus Job Retention Scheme. Whilst the claimant may perceive it to be unfair that he was not placed on furlough, and whilst he may have been exactly the type of person in the type of role for whom the scheme was created, as his employer had not been required to place him on furlough, the claimant could not succeed in his claim based upon the assertion that it should have done so.
8. The claimant had not suffered any unlawful deduction from his wages under Part II of the Employment Rights Act 1996, as he was not entitled to payments under (or based upon) the Coronavirus Job Retention Scheme from his employer. As he was not entitled to be paid the sums claimed, there had been no unlawful deduction made when such sums were not paid to him.

Employment Judge Phil Allen  
29 July 2021

REASONS SENT TO THE PARTIES ON  
30 July 2021

FOR THE TRIBUNAL OFFICE