



EMPLOYMENT TRIBUNALS

Claimant:
Mr John Pollard

Respondent:
**E3 Recruitment
Ltd**

Heard at: **Leeds (by telephone)** **On:** **3 September 2021**

Before: **Employment Judge R S Drake**

Representation:

Claimant: **In Person**
Respondent: **Mr D Ward (Solicitor)**

JUDGMENT

1. The Claimant has established that he was entitled to an additional payment of wages as an Agency Worker under Regulation 5 of the Agency Workers Regulations 2010 as amended by the same named Regulations of 2019 (“AWR”) for 497.75 hours worked there being a shortfall per hour being £0.75 and thus in the total sum of £348.45 for the period from 1 January 2021 to 31 March 2021. Therefore, he is awarded, and the Respondents shall pay to him the total sum of £348.45. This sum is without prejudice to the balance of his claim if established and proceeding separately.

REASONS

2. The parties came before me for a Preliminary Hearing conducted by telephone to determine case management orders in a claim for alleged shortfalls in pay contrary to Regulation 5 AWR as referred to above for the total period of the Claimants assignment to the Respondent’s customer Powell (UK) Ltd from 27 July 2020 to 28 May 2021.
3. The Respondent’s response to the claim is more fully discussed in my case management orders of today’s date but I learned that for the period form 1

January 2021 to 31 March 2021, the Respondents accepted that they owed payment of a shortfall they calculated at £0.75 per hour for 497.75 hours worked and thus the total sum of £3458.45 but without prejudice to the balance claimed by the Claimant remaining to be established if he can do so. In fairness, I noted that the Respondents were prepared to and now consent to Judgment in this sum in order to dispose of at least one issue the balance of which being those identified in my case management orders of even date.

4. Thus, by consent the Claimant is entitled to be paid by the Respondent and I award him partial Judgment in the sum of £348.45.

Employment Judge Drake
Date: 3rd September 2021

Sent to the parties on:
Date: 20th September 2021

Note

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.