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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104834/2020

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Final Hearing held remotely by Cloud Video Platform (CVP) on 14 June 2021

Employment Judge J Shepherd

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Mr Scott Nixon

**Claimant
In person**

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JR Scaffolding Services Ltd

**Respondent
Represented by
Mr John Reilly
Solicitor**

JUDGMENT

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The judgment of the Tribunal is as follows:

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1. The claims for unlawful deductions from wages in respect of unpaid wages, notice pay, holiday pay, and furlough pay are dismissed because they were presented outside the period set out in section 23 of the Employment Rights Act 1996. The Claimant's employment was terminated by the Respondent on 20 March 2020. The last payment made to the Claimant by the Respondent was made on 3 April 2020. The Claimant's claim for unlawful deduction from wages should have been brought by 2 July 2020. The Claimant commenced ACAS early conciliation on 26 August 2020. The ET1 was initially filed on 15 September 2020 and initially rejected due to a difference in the name of the Respondent as between the ACAS certificate and the ET1. The ET1 was

accepted by the Tribunal on 9 October 2020. It was reasonably practicable to claim within the period of 3 months beginning with the last deduction, and in any event the claims were not presented within a reasonable further period. The Tribunal therefore has no jurisdiction to hear them.

- 5 2. In any event, if the claim had been brought within the relevant time limits, the Claimant has been paid all outstanding wages up to the date of the termination of his employment, his notice pay, and outstanding holiday pay. The Claimant was not entitled to furlough pay. The Claimant's claims for unlawful deduction from wages therefore fail and are dismissed.
- 10 3. Oral reasons were given at the end of the hearing.

Employment Judge: Jude Shepherd
Date of Judgment: 21 June 2021
15 Entered in register: 28 June 2021
and copied to parties