



EMPLOYMENT TRIBUNALS

Claimant

Respondent

A

v

B

PUBLIC HEARING

Heard: BY CVP

On: 25 October 2021

Before:

Employment Judge JM Wade

Representation:

Claimant:

Mr A (father)

Respondent:

Ms B (in person)

JUDGMENT

The claimant's complaints of unlawful deduction from wages and/or breach of contract are dismissed.

REASONS

1. The claimant alleged he was not paid for work from 21 November 2020 to 26 January 2021 when he decided not to return to work at the respondent yard. He was then 16 years old. This claim was presented on his behalf by his father, his mother having asked for money to be paid on or around 6 June 2021.
2. The claim depends upon a contract of employment or a worker contract, being established from the circumstances – there was nothing in conventional writing form. A claim for breach of contract and/or unlawful deductions from wages needs to be presented in this Tribunal within three months of the breach/end of employment/unlawful deduction or last in a series of unlawful deductions. That time limit is extended by ACAS conciliation if conciliation is started within the three months' time limit.
3. The claimant knew he had not been paid at the end of January 2021 (and throughout). That is one reason, it is said, he decided not to return to the yard. His parents also knew that was the case. This claim could therefore reasonably have been brought before the end of April 2021. ACAS conciliation did not commence until 30 June 2021 and a certificate was issued on 6 July 2021 – conciliation does not therefore operate to extend time. The claim was presented on 10 July 2021 to recover the lost alleged wages (£305).
4. It was reasonably practicable for the claim to have been presented within the applicable time limits. This claim has to be dismissed as having been presented too late.
5. The claim having been presented by parents on behalf of a minor I consider it in the interests of justice to make a Rule 50 Order to anonymise the parties.

Case Number: 1803702/2021 ANON

JM Wade

Employment Judge JM Wade

25 October 2021

Judgment sent to the parties on:

12 November 2021

For the Tribunal:

Ms J L M Philpott