



EMPLOYMENT TRIBUNALS

Claimant: Mr Kyle Gray-Willis

Respondent: 1) Kanhan Ltd;
2) Blu Knight Ltd
3) Corus Consultancy Ltd

Heard by CVP

On: 10 January 2022

Before: Employment Judge Martin

Representation

Claimant: In person

Respondent: First Respondent has been dissolved and there was no attendance and no response received from the second and third Respondents

JUDGMENT

The judgment of the Tribunal is that the third Respondent was the Claimant's employer and the third Respondent made unauthorised deductions in wages in the sum of £6,457.85.

There has been part payment in the sum of £1,500 and therefore the judgment is that the third Respondent pays to the Claimant **£4,957.85**.

REASONS

1. This hearing was listed further to the case management order made by Employment Judge Tsamados on 12 August 2021. In that order, which is very comprehensive is a detailed analysis of the claim and the amounts that appear to be due. Since that hearing, the Claimant has settled his claim

against the first and the second Respondent. Therefore I am only concerned with the claim against the third Respondent.

2. Papers were served on the registered company address of the third Respondent at Unit 1, Meridian Trading Estate, 20 Bugsby Way, Charlton, London SE7 7JF. I am satisfied the papers were correctly served. No response has been received.
3. I therefore considered whether the Claimant's claim of unauthorised deduction from wages was properly made out against the third Respondent. S13 Employment Right Act 1996 provides that the unauthorised deductions from wages must be made by the employer. As can be seen from Judge Tsamdos's case management order, are three potential candidates who are the three Respondent's in this claim.
4. In this order it is recorded that the Claimant said that his dealings were with an agency called Corus Consultancy Ltd ("Corus") who placed him to work with a company called Biffa. He said that Corus told him where and when to work, and that pay for work done was paid by the second Respondent.
5. I asked the Claimant about his working arrangements and he confirmed what he had told Judge Tsamados. Looking at the tests to determine who an employer is I am satisfied that Corus was the Claimant's employer. The Claimant worked solely for Corus, Corus told him when and where to perform his duties, Corus provided the vehicles to use when collecting the refuse. All these factors tend to show that the Claimant was employed by Corus. On Companies House the activities of the third Respondent are set out as "*Temporary employment agency activities*". This accords with how the Claimant explained his employment relationship with the third Respondent. The narrative surrounding the furlough agreement as set out in the previous order slightly confuses matters, however, I am satisfied on the evidence I have that the third Respondent was the Claimant's employer. It is most likely that it outsourced its payroll to the first or second Respondent. This does not interfere with my finding that the third Respondent was the Claimant's employer.
6. I therefore turned to the amount the Claimant says is owing to him. He has reached agreement with the first and second Respondent and told me that they paid him a total of £1,500. He confirmed that the figures set out in the order of Judge Tsamados were correct. This order sets out the amount due as follows:

Date	Gross pay
03/01/20	£443.34 + £197.93 (additional pay)
10/01/20	£369.45
17/01/20	£329.66
24/01/20	£230.89
31/01/20	£197.79
03/02/20	£221.67
07/02/20	£369.45
14/02/20	£295.56
21/02/20	£221.67
28/02/20	£73.89

06/03/20	£221.67
13/03/20	£369.45
20/03/20	£147.78
Total	£3,690.20

Dividing this figure by 12 to arrive at an average = £307.52. Multiplying this by 21 weeks (the period 30 March to 23 August 2020) = **£6,457.85 gross**.

7. Taking account of the £1,500 already paid, I award the Claimant £4,957.85 in compensation for unauthorised deductions from wages to be paid by the third Respondent.

Employment Judge Martin
Date: 10 January 2022