



EMPLOYMENT TRIBUNALS

Claimant: Mr C W Bennett

Respondent: RSSW Ltd

Heard at: In chambers **On:** 13 December 2021

Before: **Employment Judge S Moore**

JUDGMENT having been sent to the parties on 10 January 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 ET1 was presented on 21 March 2021 following a period of early conciliation, with Day A being 16 March 2021 and Day B being 18 March 2021. The claimant brought a claim for unauthorised deduction from wages contrary to Section 13 of the Employment Rights Act 1996.
2. The claim was presented against “Rhino Site Services Ltd” of The Maltings, East Tyndall Street Cardiff.
3. The respondent entered a response on 25 May 2021 and denied they had ever employed the claimant. The response was filed by Mr Andrew Roberts, director. The Tribunal made directions that the issue of employee status would be discussed at a preliminary hearing on 22 July 2021.
4. On 20 July 2021 the claimant confirmed by email that he had personally dealt with Mr Andrew Roberts and he was unable to understand how Mr Roberts and / or the Respondent could say they were unaware of him as an employee.
5. The respondent failed to attend the preliminary hearing. The respondent was ordered to write to the Tribunal office on or before 12 August 2021 explaining why there had been non attendance. No such correspondence was ever received.
6. On 14 August 2021 the claimant applied to add two respondents.

7. On 27 August 2021 Judge Jenkins wrote to the claimant as it appeared that the respondent went into voluntary liquidation on 1 June 2021 and asked the claimant to confirm the details of the two respondents he was applying to add. Judge Sharp's orders were copied to the liquidator for Rhino Site Services Ltd.
8. On 1 September 2021 Judge Jenkins directed the claim be served up RSSW Ltd using the address registered at Companies House. A response was due by 7 December 2021. No response was filed. Judge Jenkins declined to add "Rhino Recruitment Ltd" as it had been dissolved on 3 November 2017.
9. The claimant's employment ended on 26 February 2021. He was employed as a labourer. His gross weekly pay was £500.00.
10. Between 15 to 17 February 2021, the claimant worked at a site in Newport. From 18 – 19 February 2021 at a site in Pontypool. Between 22 – 26 February 2021 at a site in Abertillery. He received wage slips confirming his hours worked.
11. The claimant's wage slips before me came from On Site Contract Services Ltd. The claimant stated, and I accepted this evidence that this was a payroll company. The company name on the pay slips was RSSW Ltd.
12. On 26 February 2021 the claimant was informed he would not be paid as the respondent had not received money from their client. He was informed not to return to work the following Monday.
13. The claimant sought two week's wages of £1000 gross.
14. The Respondent failed to enter a response on time and a Rule 21 Judgment was issued.
15. The claimant asserted that the respondent had failed to pay his wages for the last two week's of his employment. His gross pay was £500 per week, amounting to a total of £1000 gross unpaid wages.
16. There was no response submitted by the respondent. On the basis of the evidence before me, and in the absence of any response by the respondent, the claimant has proved on the balance of probabilities there had been an unauthorised deduction from wages and accordingly judgment was ordered in favour of the claimant.

Employment Judge S Moore

Date 22 February 2022

REASONS SENT TO THE PARTIES ON 23 February 2022

FOR THE TRIBUNAL OFFICE Mr N Roche