



EMPLOYMENT TRIBUNALS

Claimant: 1. Mr J Domagala
2. Mrs O Papierska

Respondent: Future Construction North West Ltd

Heard at: Manchester **On:** 31 March 2021
12 May 2021
18 February 2022

Before: Employment Judge Ainscough (sitting alone)

Representation

Claimant: Mrs O Papierska (second claimant)
Respondent: Mr F Jeffier (consultant)

JUDGMENT

1. The response is struck out in accordance with rule 37 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 as it is no longer actively pursued. The respondent is in voluntary liquidation and did not attend the hearing on 18 February 2022.
2. The claimants are workers in accordance with the definition set out at section 230(3) of the Employment Rights Act 1996.
3. The claims of unlawful deduction from wages contrary to section 13 of the Employment Rights Act 1996 are successful. The respondent is ordered to pay the first claimant the gross amount of **£4623.37**. The respondent is ordered to pay the second claimant the gross amount of **£700**.
4. The claims of a failure to pay compensation related to entitlement to annual leave on termination of employment in accordance with regulation 14 of the Working Time Regulations 1998 are successful. The respondent is ordered to pay the first claimant the gross amount of **£840**. The respondent is ordered to pay the second claimant the gross amount of **£700**.

Employment Judge Ainscough

Date 24 February 2022

JUDGMENT SENT TO THE PARTIES ON

25 February 2022

FOR THE TRIBUNAL OFFICE

Notes

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2416769/2019, 2416770/2019**

Name of cases: **Mr J Domagala** v **Future Constructions North
Mrs O Papierska** **West Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 25 February 2022

"the calculation day" is: 26 February 2022

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office