



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant and **Respondent**
Mr M. Derbyshire v **Paul Trivett**
t/a Paul Trivett Transport

Held at: Exeter

On: 23 February 2022

Before: Employment Judge Smail

Appearances

Claimant: In Person
Respondent: Mr M. Williams (Counsel)

JUDGMENT

1. It is declared that the Claimant was an employee of the Respondent between 1 March 2018 and 24 July 2020.
2. The itemised pay statement for the period 20 April 2020 to 24 July 2020, by way of sample, should have read as per the Schedule submitted by the Claimant at today's hearing and reproduced at the Annex attached hereto, save that the Respondent did not account to HMRC for the tax and national insurance allegedly deducted.
3. The Respondent must pay the Claimant £817.30 for unnotified deductions under section 12(4) of the Employment Rights Act 1996 in the 13 weeks leading up to the presentation of the claim.
4. The Respondent must pay the Claimant accrued but unpaid holiday pay in the sum of £628.57.
5. The Respondent must pay the Claimant £542.42 unpaid wages for the last week of employment.

6. The Respondent must pay the Claimant £2,000 (4 weeks' pay) compensation for failure to issue written particulars of employment.
7. The Respondent must pay a financial penalty under section 12A of the Employment Tribunals Act 1996 in the sum of £1994.14 for breaching the Claimant's employment rights with the aggravating feature of failing to account to HMRC for the sums of tax and national insurance purportedly deducted from the Claimant's pay.
8. The total sum the Respondent must pay to the Claimant (the financial penalty is separately payable to the State) is £3,988.29, to be paid within 14 days.

Employment Judge Smail
28 February 2022
South West Region

Judgment sent to the parties on
08 March 2022 By Mr J McCormick

For the tribunal office
