

CE



EMPLOYMENT TRIBUNALS

Claimant: Mr Derek Noonan
Respondent: F. Kelleher Plant Hire Ltd
Heard at: East London Hearing Centre (by telephone)
On: 10 March 2022
Before: Employment Judge Garsed

Representation

Claimant: In person
Respondent: Mr F Kelleher, Director (assisted by Ms Tracey Scudder, accounts manager)

JUDGMENT

- 1 The Claimant's claim for unauthorised deduction of wages was conceded at the hearing and so that part of the claim is dismissed.
- 2 The Claimant's claim under the Working Time Regulations 1998 for unpaid (in the form of underpaid) holiday pay, is well founded, and the Respondent must pay the following sums:
 - 2.1 The total amount owed for unpaid holiday pay is £6,085.80 gross. This is to be paid to the Claimant, subject to the Respondent making the appropriate and necessary deductions.
 - 2.2 Finally, as the Claimant was an employee but there was an admitted failure to provide him with written particulars of his employment, I must award a minimum of an additional 2 weeks' pay under s.38 Employment Act 2002.

- 3 The respondent must therefore pay an additional net sum to the Claimant of £1070.

Employment Judge Garsed

14 March 2022