



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Harwood

**Respondent:** Marshalls The Bakers

**HELD AT:** Newcastle by CVP

**ON:** 04 May 2022

**BEFORE:** Employment Judge Moss

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr H Wilson (CEO)

## JUDGMENT

1. The claimant's claims that he suffered an unlawful deduction from his wages relating to the following are not well founded and are dismissed:

Underpayment of wages for weeks commencing 20<sup>th</sup> and 27<sup>th</sup> December 2021;

3 days payment in lieu of working Bank Holidays over Christmas and New Year 2021.

2. The claimant's claim that he suffered an unlawful deduction from his wages relating to tips and gratuities is well founded. The respondent is ordered to pay to the claimant £80 as compensation for the amount unlawfully deducted.
3. The claimant's claim for payment in respect of accrued but untaken holiday brought pursuant to Regulations 14 of the Working Time Regulations 1998 is not well founded and is dismissed.
4. The claimant's claim for wrongful dismissal (notice pay) is not well founded and is dismissed.

5. The claimant's entitlement to statutory sick pay is disputed by the Respondent. In Taylor Gordon and Co Limited (T/a Plan Personnel) v Timmons 2004 IRLR 180, it was held that Employment Tribunals have no jurisdiction to consider a claim regarding entitlements to statutory sick pay. That claim is accordingly struck out pursuant to Rule 37 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013.

Note: This has been a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V - video. It was not practicable to hold a face to face hearing because of the Covid19 pandemic and all issues could be determined in a remote hearing.

Employment Judge Moss

Date 4 May 2022

Note

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.