



EMPLOYMENT TRIBUNALS

Claimant: Mr S Kerr

Respondent: R W Carter Excavations

Heard at: Southampton (by VHS) **On:** 04 May 2022

Before: Employment Judge Scott

Representation

Claimant: In Person

Respondent: Martin Lowe (Manager)

JUDGMENT

1. The Claimant's claim for unfair dismissal is not well founded and does not succeed.
2. The Claimant's complaint in respect to holiday carried over from the 2020 leave year due to the Covid 19 pandemic is upheld. The Respondent must pay the Claimant **£1287** calculated as follows; 11 days at 9 hours per day paid at a rate of £13 per hour.
3. The Claimant was entitled to be paid holiday pay for a 45 hour working week. The Respondent must pay the Claimant **£585** calculated as follows; 1 hour per day underpayment per day for a total of 45 days. The sum is subject to applicable deductions for tax and national insurance.
4. The Respondent has made unauthorised deductions from the Claimant's wages in respect of travel time of 2.5 hours per week for a period of six weeks. The Respondent must pay the Claimant **£195**. The sum is subject to applicable deductions for tax and national insurance.
5. The Respondent failed to provide the Claimant with a section 1 statement of terms and conditions of employment pursuant to the Employment Rights Act 1996. Under section 38 of the Employment Act 2002 the Respondent is ordered to pay to the Claimant the sum of **£2340** representing 4 weeks gross pay.

Case No: 1403998/2021«case_no_year»

Employment Judge **Scott**

Date: 09/05/22

JUDGMENT SENT TO THE PARTIES ON

13 June 2022 By Mr J McCormick

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.