



EMPLOYMENT TRIBUNALS

Claimant: Mr S O Alaka

Respondent: (1) Bluegrain Limited
(2) Fortis Consultants Limited
(3) Knights Bridge Contractors Limited

Heard at: Manchester Employment Tribunal

On: 27 September 2022

Before: Employment Judge Dunlop

Representation

Claimant: In person
First Respondent: Mr B J Warde (Director)
Second Respondent: Did not attend
Third respondent: Did not attend

JUDGMENT

1. The claimant was employed by the Third Respondent, Knights Bridge Contractors Ltd, between March and September 2021.
2. The claimant was not employed by either the First or Second Respondent during that period, and the claims against them are dismissed.
3. The Third Respondent made an unauthorised deduction from the claimant's wages in relation to two boilers which allegedly went missing from a site he was working at. The Third Respondent must pay the claimant the gross sum of **£1,700.00**.
4. The Third Respondent failed to pay the claimant the national minimum wage. The claimant is entitled to recover the shortfall in his wages as a further unauthorised deduction from his wages. The Third Respondent must pay the claimant the gross sum of **£9,841.47**, calculated as follows:
Total hours worked: 2,517.
Hourly rate paid: £5.00/hour
NMW rate applicable: £8.91/hour
 $2,517 \times £3.91 = £9,841.47$

NB: This sum is slightly higher than the sum announced in the Employment Judge's oral judgment given at the end of the hearing. On writing up the Judgment, the Employment Judge realises that an error was made as to the total hours worked, as shown on the claimant's schedules.

5. The Tribunal also awards the claimant four weeks' gross pay under s.38 Employment Act 2002 in respect of the Third Respondent's failure to give the claimant a statement of his terms and conditions of employment. The claimant's average weekly pay would have been in the region of £900/week if he had been paid at national minimum wage levels. Weekly pay for these purposes is limited by the statutory cap of £544.00. the amount awarded, which the Third Respondent must pay to the claimant is therefore **£2,176.00**.
6. The total amount payable to the claimant by the Third Respondent in accordance with this judgment is therefore **£13,717.47**.
7. The claimant's claim for a redundancy payment was not pursued and is dismissed.

Employment Judge Dunlop
Date: 27 September 2022

SENT TO THE PARTIES ON
3 October 2022

FOR EMPLOYMENT TRIBUNALS

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.

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 ARTICLE 12

Case number: **2414234/2021**

Name of case: **Mr S O Alaka** v **Knights Bridge
Contractors Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day, the calculation day, and the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 3 October 2022

the calculation day in this case is: 4 October 2022

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.