



EMPLOYMENT TRIBUNALS

Claimants: Mr M Matthews

Respondents: NT1 Construction Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013, Rule 21

The respondent not having presented a response to the claim and on the information before the Judge,

1. The claim for unauthorised deduction of wages contrary to section 13 of the Employment Rights Act 1996 is well founded. The respondent failed to pay the claimant three weeks wages and is ordered to pay the gross sum of **£1440**.
2. The claim for failure to pay statutory notice pay in accordance with section 86 of the Employment Rights Act 1996 is well founded. The respondent failed to pay the claimant during the notice period and is ordered to pay the gross sum of **£600**.
3. The claim for accrued holiday pay in accordance with regulation 14 of the Working Time Regulations 1998 is well founded. The respondent failed to pay the claimant for annual leave accrued on termination of employment and is ordered to pay the gross sum of **£540**.

REASONS

1. The claimant worked as a joiner for the respondent construction company from 7 June 2019 to 7 April 2021.
2. The claimant complains that he was not paid for the last three weeks of his employment with the respondent.
3. The claimant also complains that the respondent failed to pay in accordance with his notice period and accrued holiday pay on termination of employment.
4. The claimant was entitled to gross wages of £600 per week.

5. The claimant's last three weeks of employment coincided with his agreement to receive a reduction in his gross weekly pay as a result of the respondent accessing the coronavirus job retention scheme. Therefore, the claimant's gross weekly pay was reduced to £480.
6. The claimant received pay slips for the weeks commencing 15 March 2021, 22 March 2021 and 29 March 2021. However, the respondent failed to pay the claimant over this period.
7. There has been an unlawful deduction from the claimant's gross wages of £1440.
8. On 14 April 2021 the claimant received his P45 dated 7 April 2021. The P45 recorded the claimant's last day of employment as 30 March 2021.
9. However, in accordance with section 86 of the Employment Rights Act 1996 the claimant was entitled to notice of termination of employment of one week.
10. The claimant is therefore entitled to gross notice pay of £600.
11. On 5 April 2021 the claimant received a pay slip for holiday pay accrued prior to termination of his employment of £540. However, the respondent failed to pay the claimant for his accrued annual leave.
12. The claimant is therefore entitled to gross holiday pay of £540.

Employment Judge Ainscough
Date: 29 December 2022

JUDGMENT SENT TO THE PARTIES ON
5 January 2023

FOR THE TRIBUNAL OFFICE

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: **2407261/2021**

Name of case: **Mr M Matthews** v **NT1 Construction Ltd**

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: 5 January 2023

the calculation day in this case is: 6 January 2023

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.