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# THE EMPLOYMENT TRIBUNAL

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**BETWEEN**

**Claimant**

**and**

**Respondent**

**Mr A Silva**

**Inn Hotel Services Limited**

**Held at Croydon**

**On 4 5 and 6 January 2023**

**BEFORE: Employment Judge Siddall, Ms P O'Toole, Mr A Fairbank**

## **Representation**

**For the Claimant: In person**

**For the Respondent: Mr E Macfarlane**

## **JUDGMENT**

The decision of the tribunal is that:

1. The claim for a redundancy payment is dismissed upon withdrawal. (The claim for holiday was withdrawn and was dismissed at a previous hearing).
2. The claims for detriment under section 47B, and for automatic unfair dismissal for making protected disclosures under section 103A of the Employment Rights Act 1996, are dismissed upon withdrawal.
3. The Claimant was constructively dismissed.
4. The claim for unfair dismissal under section 100 of the Employment Rights Act 1996 is not well founded and does not succeed.

5. The claim that the Claimant was subjected to detriments under section 44 of the Employment Rights Act 1996 is not well founded and does not succeed.
6. It is declared that the Respondent made unlawful deductions from the wages of the Claimant and he is awarded a gross sum of £1954.68 plus consequential losses of £672.26
7. The claims for breaches of the Working Time Regulations 1998 succeed. It is declared that the Respondent breached Regulations 10(1) (daily rest) 11(1) (weekly rest) and 12(1) (rest breaks) and the Claimant is awarded £793.25
8. The total sum awarded to the Claimant is £3420.19 gross

**Employment Judge Siddall  
Date: 6 January 2023**