



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Wing Keung Andy Wong

**Respondent:** Changhong Property Services Limited

**Heard at:** London South (Remotely, by CVP)      **On:** 21/04/2023

**Before:** Employment Judge Harley

**Representation**

Claimant: Not represented

Respondent: Not represented

## JUDGMENT

1. The Tribunal finds that the Claimant was a worker for the Respondent within the meaning of section 230 of the Employment Rights Act 1996.
2. The Claimant's claim for the Unlawful Deduction of wages contrary to section 13 of the Employment Rights Act 1996, in respect of withheld arrears of wages, is well founded.
3. The Claimant had accrued unpaid holiday entitlement, due under Regulation 13A of the Working Time Regulations 1998, by the date of termination. The Tribunal is awarding the value of that accrued leave calculated on a pro-rata basis.
4. The worker was not supplied with a Statement of Employment Particulars at the outset of his employment, contrary to s.1(2) of the Employment Rights Act 1996, as amended by s3(A) The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018. As a consequence the Tribunal is obliged, under s38 (3)(b) of the Employment Act 2002, to increase the award by a defined minimum amount, which is the value of two weeks' pay, and to consider increasing that to the higher amount. The Tribunal has decided in this case to award the minimum amount of two weeks' pay.
5. The Respondent is therefore ordered to pay the Claimant the following sums:

a. In respect of the Unlawful Deduction of wages:	£1560.00
b. Accrued Holiday Pay under WTR:	£168.00
c. Failure to provide Statement of Employment Particulars:	£800.00
<b>Total:</b>	<b>£2528.00</b>

Payment in the amount of **£2528.00** by the Respondent to the Claimant is Ordered to occur within 14 days of this date.

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Employment Judge **Harley**

Date: **21/04/2023**

JUDGMENT SENT TO THE PARTIES ON

Date: **12/05/23**

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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.

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