



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr P Koscielniak
(2) Mr D Zbijowski
(3) Mr M Leja

Respondent: Thermoglaze UK Manufacturing Ltd

Heard at: East London Hearing Centre (by CVP)

On: 7 September 2023

Before: Employment Judge M Byrne

Representation

Claimants: Mr M Wiencek
Respondent: Neither present nor represented

UPON the Respondent failing to attend or be represented;

UPON the Tribunal being satisfied, pursuant to Rule 47 of the Tribunal's Rules of Procedure, to proceed in the absence of the Respondent;

JUDGMENT

At the outset of the hearing it was clarified that the claims for notice pay brought by the Claimants were being withdrawn.

The Judgment of the Tribunal is:

1. The claims in respect of holiday pay succeed.
2. The claims that there was a failure to provide a statutory statement of terms and conditions (Section 1 Employment Rights Act 1996) succeed.
3. The claims that there was a failure to provide payslips (Section 8 Employment Rights Act 1996) succeed.
4. The Respondent made unauthorised deductions from the Claimants' wages.

5. The First-named Claimant is awarded the following amounts by way of remedy:
- a) Holiday pay
12 days @ £221.60 = £2,659.20
 - b) Failure to give statement of employment particulars
4 weeks' pay (£643 (statutory cap) x 4) = £2,572
 - c) Failure to provide itemised pay statements
2 weeks' pay (£1,108 x 2) = £2,216
 - d) Unauthorised deductions from wages
£5,960 (Tax and NI contributions)
+
£1,782 (11 days x £162: 20 December 2021 to 3 January 2022)
+
£449.77 (Expenses)
6. All figures are expressed as gross amounts. The grand total sum of **£15,638.97** is payable to the First-named Claimant by the Respondent forthwith.
7. The Second-named Claimant is awarded the following amounts by way of remedy:
- e) Holiday pay
10.9 days @ £137.40 = £1,497.66
 - f) Failure to give statement of employment particulars
4 weeks' pay (£643 (statutory cap) x 4) = £2,572
 - g) Failure to provide itemised pay statements
2 weeks' pay (£687 x 2) = £1,374
 - h) Unauthorised deductions from wages
£2,702.86 (Tax and NI contributions)
+
£1,181.40 (11 days x £107.40: 20 December 2021 to 3 January 2022)
+
£140.01 (Expenses)

8. All figures are expressed as gross amounts. The grand total sum **of £9,467.93** is payable to the Second-named Claimant by the Respondent forthwith.
9. The Third-named Claimant is awarded the following amounts by way of remedy:
- i) Holiday pay
10.9 days @ £178.40 = £1,944.56
 - j) Failure to give statement of employment particulars
4 weeks' pay (£643 (statutory cap) x 4) = £2,572
 - k) Failure to provide itemised pay statements
2 weeks' pay (£892 x 2) = £1,784
 - l) Unauthorised deductions from wages
£3,900.10 (Tax and NI contributions)
+
£1,489.40 (11 days x £135.40: 20 December 2021 to 3 January 2022)
10. All figures are expressed as gross amounts. The grand total sum **of £11,690.06** is payable to the Third-named Claimant by the Respondent forthwith.

**Employment Judge M Byrne
Date: 7 September 2023**