



EMPLOYMENT TRIBUNALS

Claimant: Mr Stephen Gobey
Respondent: Rhinos Plant Hire Limited
Heard at: East London Hearing Centre (via CVP)
On: 11th September 2023
Before: Tribunal Judge S Iqbal acting as an Employment Judge

Representation

Claimant: In person
Respondent: No attendance

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was V by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

1. The Respondent having failed to present a response within the time permitted, judgement for the Claimant is entered under rule 21.
2. The Tribunal found that:
 - (i) The Respondent made unauthorised deductions from the Claimant's wages on the 8th March 2023 for the hours worked between 7am to 3pm (8 hours minus 0.5 hour for lunch break = 7.5 hours).
 - (ii) The claim of holiday pay due, under his employment contract and/or under the Working Time Regulations 1998, is well-founded.
3. For the avoidance of doubt the Respondent **is ordered to pay the following amounts:**
 - (i) The respondent made unlawful deductions in breach of section 13 of the Employment Rights Act 1996 in respect of the claimant's wages:

- holiday pay in the sum of **£757.95 net (48.9 hours calculated up until the 8th March 2023 at £15.50 per hour)**
 - by failing to pay the Claimant for the 8th March 2023 in the sum of **£116.25 gross (7.5 hours x £15.50 per hour)** (less any deductions required by tax and national insurance in law)
- (ii) It is also just and equitable to increase the unlawful deductions award of by 10% pursuant to section 207 A (2) of the Trade Union & Labour Relations (Consolidation) Act 1992 in the sums of **(£757.95 net and £116.25 gross** (minus deductions as above))

**Tribunal Judge S Iqbal acting as
an Employment Judge
Date: 11th September 2023**