



EMPLOYMENT TRIBUNALS

Claimant: Mr M Jakubowski

Respondent: T33 Holdings Ltd (1)
T33 Logistics Ltd (2)
Bahadir Telli (3)
Gizem Telli (4)
GXO UK Logistics Ltd (5)

Heard at: Hull by video **On:** 26 October 2023

Before: Employment Judge Miller

Representation

Claimant: In person
Respondent: No attendance

JUDGMENT

1. The claimant was, from 1 October 2021 until 24 March 2023 an employee of T33 Holdings Ltd (the first respondent).
2. The complaint of unauthorised deductions from wages is well-founded. The first respondent made an unauthorised deduction from the claimant's wages in the period 1 April 2022 – 23 March 2023
3. The first respondent shall pay the claimant **£23,420**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.
4. The first respondent shall also pay the claimant **£2000** to compensate the claimant for financial loss attributable to the unauthorised deduction.
5. The complaint in respect of holiday pay is well-founded. The first respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended.

6. The first respondent shall pay the claimant **£643.54**. The claimant is responsible for paying any tax or National Insurance.
7. The first respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by **25 %** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992. The respondent shall pay the claimant the additional sum of **£6355.17**
8. The first respondent has acted unreasonably in the way it has conducted the proceedings. It is reasonable to award the claimant's costs of bringing these proceedings under rule 79 of the Employment Tribunals Rules of Procedure 2013 and the respondent must pay the claimant the sum of **£1,800**.
9. The first respondent has breached the rights of the claimant to not be subjected to unauthorised deductions for wages, to be paid his outstanding holiday pay and to have his grievances dealt with. Those breaches have one or more aggravating factors. The first respondent is ORDERED to pay a penalty to the Secretary of state of **£16,209**.
10. The claims against T33 Logistics Ltd (2), Bahadir Telli (3), Gizem Telli (4) and GXO UK Logistics Ltd (5) are dismissed.

Employment Judge **Miller**

Date 26 October 2023

JUDGMENT SENT TO THE PARTIES ON

1 November 2023

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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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