



EMPLOYMENT TRIBUNALS

Claimant: Mr D Verdin

Respondent: M and S Transport

Heard at: Liverpool

On: 22 - 26 January 2024

Before: Employment Judge Aspinall
Mr Graham Pennie
Mr Andrew Wells

JUDGMENT

The unanimous judgment of the Tribunal is:

1. The claimant's complaint of constructive unfair dismissal fails.
2. The claimant's complaint of victimisation fails.
3. The claim for unauthorised deduction from pay for wages on 16 August 2021 succeeds.
4. The claim for failing to provide a statement of terms and conditions of employment succeeds.

The respondent is ordered to pay to the claimant £ 990.00 being £90 for a gross day's pay for 16 August 2022 and £ 900 being two weeks gross pay for failure to provide the statement of terms and conditions.

Employment Judge Aspinall

Date 26 January 2024

JUDGMENT SENT TO THE PARTIES ON

1 February 2024

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2400894/2022, 2404704/2022**

Name of case: **Mr D Verdin** v **M&S Transport**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day, the calculation day, and the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 1 February 2024

the calculation day in this case is: 2 February 2024

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office