



EMPLOYMENT TRIBUNALS

Claimant: Mr S Payne

Respondent: Escape Kent

Heard at: London South Employment Tribunal by CVP
On: 1st September 2023

Before: Employment Judge Downs

Representation

Claimant: In Person

Respondent: Mr M Knell (Owner Director)

JUDGMENT

On this matter having been listed for final hearing.

This matter having been conducted by CVP.

And on hearing sworn oral evidence from Mr Payne, the Claimant and Mr Summers for the Respondent and submissions from the Claimant and Mr Knell on behalf of the Respondent.

And on reading the file of documents prepared by the parties as well as the originating application and listening to a recording of a conversation between the Claimant and Mr Summers.

The Respondent conceded that they are likely to owe the Claimant some monies by way of unlawful deduction of wages. They say they have already instructed their remuneration function to prepare to pay the claimant. They are content to pay the Claimant £120 on a pragmatic basis as it appears to cover the entirety of any sum they owe him. The Tribunal notified the parties that it proposed to give Judgement for the sum and the expectation is that the Claimant account for the sum to the Inland Revenue

It is the Judgment of the Tribunal that:

- (i) The claim for automatic unfair dismissal is dismissed;

- (ii) The claim for unlawful deduction of wages is well founded; and
- (iii) The claim for refusing to permit the Claimant to exercise his right to a rest break on 20th October 2022 is well founded.

Remedy

IT IS DECLARED THAT the claim for refusing to permit the Claimant to exercise his right to a rest break on 20th October 2022 is well founded.

The Respondent shall pay the Claimant £120 for unlawful deduction of wages.

Employment Judge Downs
Date 01 September 2023