



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100168/2024

5

Held in Glasgow via Cloud Video Platform (CVP) on 26 March 2024

Employment Judge J Young

10 Mr Scott Maschinsky

Claimant
In Person

15 Graham McNab

Respondent
No appearance and
No representation

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that the respondent shall pay to the claimant the sum of **One Thousand, Three Hundred and Sixty Pounds (£1360)** in respect of an unlawful deduction from wages under sections 13 and 23 of the Employment Rights Act 1996.

REASONS

Introduction

1. In this case, the claimant presented a claim against the respondent for arrears of pay in the sum of £1,360. The ET1 claim form was sent to the respondent on 16 January 2024 with a request that an ET3 response be made and that a hearing would take place on 26 March 2024. No ET3 response was lodged by the respondent or further information forthcoming. No appearance was made by the respondent at the listed hearing.

30

The hearing

2. At the hearing the claimant provided further information. It was explained that the claimant was engaged by the respondent to deliver parcels for Yodel from 1 November 2023.. He was provided with a van and paid at the rate of £1 per parcel delivery with a deduction of £5 each week “for the van”. He was provided with training around 22 November 2023 and then proceeded with deliveries.
3. He was advised around 29 November 2023 that he would be paid the sum of £156 for work done to that date. That sum was lodged with the payee being named as “Graham McNab”. The claimant was advised at this time that his first “big wage” would be paid 2 weeks later.
4. The claimant continued working over December 2023 and in that period, obtained a “sub” of £50 which was paid again by the respondent under his own name to the claimant’s bank account. However, the claimant received no further payment of wages from the respondent.
5. On 28 December 2023, the claimant was advised that he would require to wait a further 28 days for payment given that there had been some damage to the van. The claimant advised that this had been caused by high winds catching a door on the van and causing damage.
6. However, there was no further payment made to the claimant despite requests, neither was there any information given to the claimant regarding any costs associated with damage. There was no counter contract claim made by the respondent within these proceedings.

Conclusions

7. Given the information received on the engagement by the claimant, I was able to conclude that he had the status of a “worker” for the purposes of the operation of section 13 of the Employment Rights Act 1996 which affords the right of a worker not to suffer unauthorised deduction from wages.
8. Also from the information provided, I was able to conclude that the sums due did amount to £1360. The claimant was able to advise of the number of parcels which would form his delivery on a daily basis and the calculations

which would lead to that sum being due. There had been no representation made by the respondent to the claim and no appearance which would dispute any of those matters.

- 5 9. I was therefore able to determine that the complaint was well founded and to make an order for payment.

J.Young

10

Employment Judge

10 April 2024

15

Date

Date sent to parties

11 April 2024

20