

Case No: 2304217/2019

2304218/2019

2304219/2019

2304220/2019

2304221/2019



EMPLOYMENT TRIBUNALS

Claimant: Mr A Ismail

Respondent: Imperial Protections Ltd

Heard at: London South Employment Tribunal by video

On: 14 September 2023

13 December 2023

Before: Employment Judge Burge

Appearances

For the Claimant: In person

For the Respondent: Did not attend

CORRECTED REMEDY JUDGMENT

It is the Judgment of the Tribunal that:

1. The respondent made unauthorised deductions from wages, and was in breach of the National Minimum Wage Act 1998, by failing to pay the claimant the full amount of wages due for April and May 2019 and is ordered to pay to the claimant the sum of £773.11 being the total gross sum deducted.
2. The respondent made an unauthorised deduction from wages by failing to pay the claimant in lieu of accrued but untaken annual leave on termination of employment and is ordered to pay to the claimant the sum of £147.78 being the gross sum due.
3. The respondent was in breach of contract by dismissing the claimant without notice and the respondent is ordered to pay to the claimant damages of £246.30 for that breach.

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4. The respondent was in breach of contract by failing to pay the claimant for his travel expenses and the respondent is ordered to pay to the claimant damages of £117 for that breach.
5. The respondent is ordered to pay to the claimant additional compensation of £975.36 pursuant to section 38 Employment Act 2002 for failure to provide the claimant with a written statement of employment particulars.
6. The respondent has failed to provide the claimant with itemised payslips contrary to section 8 of the Employment Rights Act 1996.

Employment Judge **BURGE**

14 September 2023

13 December 2023

25 April 2024

ANNEX TO THE JUDGMENT

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance, universal credit and Income Support Protective Awards

Under the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, it is the responsibility of the respondent to inform the Department for Work and Pensions (DWP) of the following information in writing:

- a) name, address and National Insurance number of every employee the award relates to; and
- b) the date of termination (or proposed termination) of every employee the award relates to.

This information should be sent to the DWP within 10 days of the judgment being announced at the hearing or within 10 days of the date that the judgment was sent to the parties if the judgment was reserved. If it is not reasonably practicable for the respondent to meet this deadline, the information must be sent as soon as is reasonably practicable after the 10 day period.

The remuneration due to an employee under the award should not be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, universal credit or Income Support which it paid to the claimant after dismissal. This will be done by way of a Recoupment Notice which will be sent to the respondent usually within 21 days of receiving the above information from the respondent.

When the DWP sends the Recoupment Notice, the respondent must pay the amount specified in the Notice by the Department. The balance of the remuneration under the award is then payable to the employee(s) subject to the deduction of any tax or social security contributions. If the DWP informs the respondent that it does not intend to issue a Recoupment Notice, the respondent must immediately pay the whole of the remuneration to the claimant.

The claimant will receive a copy of the Recoupment Notice from the DWP. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the DWP in writing within 21 days. The tribunal has no power to resolve such disputes which must be resolved directly between the claimant and the DWP.