



EMPLOYMENT TRIBUNALS

Claimant:

Mr C Caluian

v

Respondent:

M4 Recruitment (1st Respondent)

Asda Stores Limited (2nd Respondent)

Clockwork Outsource (3rd Respondent)

Heard at:

Reading Employment Tribunal **On:** 10-12 April 2024

Before:

Employment Judge Read

Appearances:

For the Claimant:

In Person

For the Respondent:

Ms Anderson (consultant) for 1st Respondent

Mr Ilangaratnen (Counsel) for 2nd Respondent (10 April 24 only)

No attendance by 3rd Respondent

JUDGMENT

The judgment of the Tribunal is as follows:

Parties

1. On application of the 2nd Respondent, ASDA Stores Limited, Under Rule 34 of Employment Tribunal Rules of Procedure 2013 the 2nd Respondent, Asda Stores Limited are removed as a Party.

Unauthorised deductions

2. The complaint in respect of unauthorised deduction of wages under the Employment Rights Act 1996 against the 1st Respondent, M4 Recruitment is not well-founded and is dismissed.
3. The complaint in respect of unauthorised deduction of wages under the Employment Rights Act 1996 against the 3rd Respondent, Clockwork Outsource is well-founded.

4. The 3rd Respondent, Clockwork Outsource shall pay the Claimant £475.31.

Holiday Pay

5. The complaint in respect of holiday pay against the 1st Respondent, M4 Recruiting is not well-founded and dismissed.
6. The complaint in respect of holiday pay against the 3rd Respondent, Clockwork Outsource is well-founded. The respondent failed to pay the claimant holiday pay in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998 and the Employment Rights Act 1996.
7. The 3rd Respondent, Clockwork Outsource shall pay the Claimant £1,351.38.
8. The Claimants is responsible for paying any tax, National Insurance or other statutory deductions on any payments detailed above.

Employment Judge Read
Date: 12 April 2024

Sent to the parties on: 14 May 2024

For the Tribunal Office

Note:

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:

All 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/>