



EMPLOYMENT TRIBUNALS

Claimant: Mr J Santaleza

Respondent: Sky Elevators Ltd

Heard at: Midlands West Employment Tribunal via video hearing

On: 5 August 2024

Before: Employment Judge Fitzgerald

Representation

Claimant: In person

Respondent: Mr Harris, Counsel

JUDGMENT

Claimant's claims

1. The Claimant's claim for unlawful deduction of wages is successful in part. The Respondent deducted the Claimant's wages by £726 and only £150 amounted to an authorised deduction. Therefore the Respondent must pay the Claimant the sum of £576.
2. The Claimant's claim for notice pay is successful and the Respondent must pay him the sum of £2,916.67 gross.
3. The Claimant's claim of failure to issue a statement of particulars of employment pursuant to section 1 Employment Rights Act 1996 is successful and he is awarded 2 weeks' pay. The Respondent must pay the Claimant the sum of £1,346.
4. The Claimant's claim for overtime is unsuccessful and is dismissed.
5. At the outset of the hearing the Claimant confirmed that he did not wish to proceed with his claims relating to holiday pay and expenses and so those claims are dismissed upon withdrawal.

Respondent's Counter-claim

6. The Respondent's counter-claim in respect of breach of contract succeeds in part. The Claimant must pay the Respondent:
 - a. £75 in relation to a parking fine; and
 - b. £168.28 gross in relation to overpaid holiday pay.

7. The Claimant should liaise with HMRC to determine the taxable treatment of the payments which are stated as gross (where applicable) in this Judgment.

Employment Judge Fitzgerald

Date _____ 5 August 2024 _____

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

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