



EMPLOYMENT TRIBUNALS

Claimant: Mr Francis Lee Quigley
Ms Margaret Jane McDowell

Respondent: Sweethart Ltd

Heard at: Remotely by CVP out of Newcastle upon Tyne Employment Tribunal

On: 27 August 2024

Before: Employment Judge: Emma Heather

Representation
Claimants: In person
Respondent: Ms Mayhew-Hills

JUDGMENT

The judgment of the Tribunal is as follows:

Mr Quigley

Wages

1. Mr Quigley's complaint of unauthorised deductions from wages is not well-founded and is dismissed.

Holiday Pay

2. Mr Quigley's complaint in respect of holiday pay is not well-founded and is dismissed.

Failure to provide a written statement of employment particulars

3. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. It is just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£2,736**.

Total due to Mr Quigley

4. The total amount that the respondent must pay to Mr Quigley is **£2,736**.

Ms McDowell

Wages

5. Ms McDowell's complaint of unauthorised deductions from wages is not well-founded and is dismissed.

Holiday Pay

6. Ms McDowell's complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended.
7. The respondent shall pay the claimant **£156.71**. The claimant is responsible for paying any tax or National Insurance.

Failure to provide a written statement of employment particulars

8. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. It is just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£1,152**.

Total due to Ms McDowell

9. The total amount that the respondent must pay to Ms McDowell is **£1,308.71**

**Employment Judge Heather
27 August 2024**

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 52) 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.