



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Steven Ewels

**Respondent:** Euro Foods Group Limited

**Heard at:** East London Hearing Centre (by CVP) On: 3 January 2025

**Before:** Employment Judge Rao

## REPRESENTATION:

**Claimant:** Mr Alexander Rozycki (counsel)

**Respondent:** Mr Ross Beaton (counsel)

# JUDGMENT

1. The complaint of unauthorised deductions from wages in respect of pay whilst suspended is well-founded.
2. The respondent made an unauthorised deduction from the claimant's wages during the period of his suspension from 28 February 2024 to 22 March 2024, being 18 working days.
3. The claimant was entitled to be paid his basic salary during that period which the Tribunal has assessed as the equivalent of 62 working days per year. The claimant's pay was £1,000 gross per day. Taking the number of working days per year as 260, the sum due as suspension pay was  $(62/260) \times 18 \times £1,000 = £4,292.31$ . The respondent has already paid £3,026.45 in suspension pay, leaving outstanding the sum of **£1,265.86**.
4. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by **10%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
5. The Respondent is ordered to pay the Claimant:
  - a. The sum of **£1,265.98** by way of wages; and

- b. The sum of **£126.60** by way of an uplift under S207A.
6. The complaint of unauthorised deductions in respect of holiday pay for the 2022 and 2023 calendar years is not well-founded and is dismissed.
7. BY CONSENT the complaint in respect of holiday pay for the 2024 calendar year is well-founded. The respondent made an unauthorised deduction of **£1,100** 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.
8. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by **10%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
9. The Respondent is further ordered to pay the Claimant:
- a. The sum of **£1,100** by way of pay for accrued but untaken holiday; and
- b. The sum of **£110.00** by way of an uplift under S207A.
10. Summary

The Claimant shall be paid the sum of £2,602 calculated as follows (wages subject to tax and national insurance):

Suspension Pay

Wages	£1,265.86
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Compensatory Award	£126.60
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Holiday Pay

Wages	£1,100
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Compensatory Award	£110.00
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<u>Judgment sum due</u>	£2,602
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**Employment Judge Rao**  
**Dated: 10 January 2025**

**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.

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