



EMPLOYMENT TRIBUNALS

Claimant: Ms H Gaines

Respondent: Leslie Brown Contracting Limited

Heard at: Teesside Justice Centre, Victoria Square, Middlesbrough, TS1 2AS

On: 11th, 12th, 13th February 2023

Before: Employment Judge AEPitt
Mr S Carter
Mr S Wykes

Representation

Claimant: Mr Gaines, Father

Respondent: Leslie Brown Managing Director

JUDGMENT

1. The claimant was an employee for the purposes of section 203 Employment Rights Act 1916.
2. The respondent made an unauthorised deduction from the claimant's wages for December 2022 and January 2023.
3. The respondent shall pay the claimant the sum of £3267.
4. The claimant was not provided with Particulars of Employment as required by section 1 Employment Rights Act 1996.
5. Pursuant to section 38 Employment Act 2002 the claimant is entitled to the sum of two weeks wages for the above failure.
6. The respondent shall pay the claimant the sum of £880.
7. The claimant does not have the requisite qualifying period to bring an unfair dismissal claim. The Tribunal does not have jurisdiction to hear such a claim.
8. The claim for Direct Discrimination based on events in 2021 was presented out of time, it is not just and equitable for time for presentation to be extended. The

Tribunal does not have jurisdiction to hear those claims.

9. The Direct Discrimination based on the failure to pay wages in December 2022 and December 2023 is not made out and is dismissed.
10. The Sexual Harassment claim in based on events in 2021 was presented out of time, it is not just and equitable for time to for presentation to be extended. The Tribunal does not have jurisdiction to hear those claims.
11. The Sexual Harassment claim based on the failure to pay wages due in December 2022 and January 2023 is not made out and is dismissed.
12. The respondent shall pay to the claimant the a total of £4147.

Employment Judge AEPitt

Date 14th February 2025

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

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/>