



## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4106672/2024

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Held in Glasgow by Cloud Video Platform on 7 April 2025

Employment Judge Sangster

10 **Mr W Balmer**

**Claimant  
Represented by  
Mr J Dennis  
CAS Representative**

15 **Stewartry Rollershutter & Garage Doors Ltd**

**Respondent  
Not present and  
Not represented**

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### JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is as follows:

1. The claimant's claim for breach of contract is successful. The respondent was in breach of contract for failing to pay the claimant's wages in respect of work undertaken between 28 August 2023 and 25 February 2024. The respondent  
25 is ordered to pay the claimant the net sum of **£6,100.55**, being damages for breach of contract.
2. The claimant's claim under section 23 of the Employment Rights Act 1996 (**ERA**) is successful and the respondent is ordered to pay to the claimant the gross sum of **£1,191.53** which was unlawfully deducted from his wages,  
30 contrary to s13 ERA, in respect of the claimant's entitlement to accrued but untaken holiday entitlement, which ought to have been paid to him on the termination of his employment.
3. The respondent failed to give the claimant a written statement of particulars of employment, as required by s1 ERA.

4. In consequence of the claimant succeeding in a claim of a kind mentioned in Schedule 5 of the Employment Act 2002 (namely unauthorised deductions from wages and breach of contract), and the respondent having failed to issue the claimant a written statement of particulars of employment, the Tribunal awards the claimant two weeks' pay (at £561.25 per week), that is **£1,122.50**, in accordance with s38(3) of the Employment Act 2002.
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5. The respondent failed to furnish the claimant with written itemised pay statements in accordance with s8 ERA. No monetary award is made in respect to this.
- 10 6. The respondent shall be at liberty to deduct from the gross sum of which payment is ordered at paragraph 2 above, prior to making payment to the claimant, such amounts of Income Tax and Employee National Insurance Contributions (if any) as it may be required by law to deduct from a payment of earnings of that amount made to the claimant, and if it does so, duly remits such sums so deducted to HM Revenue and Customs, and provides to the claimant written evidence of the fact and amount of such deductions and of the sums deducted having been remitted to HMRC, payment of the balance to the claimant shall satisfy the requirements of this judgment.
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Oral reasons were given at the hearing, in accordance with Rule 60 of the Employment Tribunal Procedure Rules 2024. Written reasons will not be provided, unless a written request for these is made by one of the parties within 14 days of the date this judgment is sent to the parties

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**Date sent to parties**

**8 April 2025**

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