



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr G Sheehy (2) Mr P Polderman

Respondent: Morrisons Utility Services Limited

Heard at: London South (Ashford) **On:** 2 & 3 August 2018

Before: Employment Judge John Crosfill

Representation

Claimants: In person

Respondent: Mr Stephen Moon of Management Support

JUDGMENT

1. The Claimants claims unfair dismissal contrary to Section 94 of the Employment Rights Act 1996 are not well founded and are dismissed.

2. The Second Claimant's (Mr Polderman) claim for unlawful deduction from wages brought under Section 23 of the Employment Rights Act 1996 succeeds. Alternatively the same claim if advanced as a claim for breach of contract under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order was well founded but no separate award is made.
 - a. It is declared that the Respondent made an unlawful deduction from the Claimant's wages of £751.73 both in May 2017 and once again when it promised to pay the same during the grievance process and then failed to do so.

 - b. The Claimant has suffered consequential loss of £17.54.

 - c. The Respondent is ordered to pay the Second Claimant the sum of £769.27.

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3. The Tribunal found that the failure to pay the wages due to the Second Claimant after acknowledging in the course of a grievance procedure that the sums were properly due was an aggravating feature. In the circumstances the Tribunal in the exercise of its powers under Section 12A of the Tribunals Act 1996 orders the Respondent to pay a penalty of £100 pursuant to that section.

4. The recoupment regulations do not apply to the sums ordered to be paid above.

Employment Judge John Crosfill

Date 6 August 2018

Note

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.