



EMPLOYMENT TRIBUNALS

Claimants: Mr J P Davies and Mr L Davies

Respondent: Cater Call Limited

Heard at: Manchester

On: 7 March 2018

Before: EJ Porter

Representation

Claimants: In person

Respondent: Not in attendance, no response received

JUDGMENT

- 1 The claim for a redundancy payment by Mr. L Davies was presented in time.
- 2 The claims of Mr. L Davies for breach of contract, failure to pay accrued holiday pay and unlawful deductions from wages were presented out of time.
- 3 It was not reasonably practicable to present the claims in time.
- 4 The claims were presented within a reasonable further period of time following the expiry of the time limit.
- 5 The Tribunal has jurisdiction to hear Mr. L Davies' complaints of breach of contract, failure to pay accrued holiday pay and unlawful deductions from wages.
- 6 The claims of Mr. J P Davies were presented in time.

Mr. L Davies

7 The Tribunal declares that the claimant Mr. L Davies is entitled to, and the respondent is ordered to pay to Mr. L Davies, a redundancy payment in the sum of £5,251.00 calculated as follows:

7.1 The claimant was employed continuously by the respondent from 20 June 2004 to 20 July 2017;

7.2 The claimant was dismissed by the respondent by reason of redundancy without notice.

7.3 At the relevant date the claimant was aged 42 years old, had completed 13 years' service and earned £389.00 per week gross.

8 The respondent is ordered to pay damages, for breach of contract, failure to give proper notice of termination of employment, to the claimant Mr. L Davies in the sum of £3,462.64 net.

9 The Tribunal declares that the respondent –

9.1 made an unlawful deduction from the wages of Mr. L Davies, and is ordered to pay to the claimant Mr. L Davies the sum of £1,252.00.gross; and

9.2 made an unlawful deduction from wages in failing to pay holiday pay and is ordered to pay the sum of £1,011.40 gross to the claimant Mr. L Davies.

Mr. J P Davies

10 The Tribunal declares that the claimant Mr. J P Davies is entitled to, and the respondent is ordered to pay to Mr. J P Davies, a redundancy payment in the sum of £3,410.00 calculated as follows:

10.1 The claimant was employed continuously by the respondent from 24 June 2006 to 24 November 2017;

10.2 The claimant was dismissed by the respondent by reason of redundancy without notice.

10.3 At the relevant date the claimant was aged 39 years old, had completed 11 years' service and earned £310.00 per week gross.

11 The respondent is ordered to pay damages, for breach of contract, failure to give proper notice of termination of employment, to the claimant Mr. J P Davies in the sum of £2,992.00 net.

12 The Tribunal declares that the respondent –

12.1 made an unlawful deduction from the wages of Mr. J P Davies, and is ordered to pay to the claimant Mr. J P Davies the sum of £310.00.gross; and

12.2 made an unlawful deduction from wages in failing to pay holiday pay and is ordered to pay the sum of £744.00 gross to the claimant Mr. J P Davies.

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.

Employment Judge Porter

Date: 8 March 2018