



EMPLOYMENT TRIBUNALS

Claimant: Mr G Seed

Respondent: GPS Industries Ltd

Heard at: Midlands West (by video)

On: 16 January 2024

Before: Employment Judge C Knowles

Representation

Claimant: In person

Respondent: No attendance or representation

JUDGMENT

1. The claim for unlawful deduction from wages is not well founded and is dismissed.
2. The Respondent failed to give the Claimant written itemised pay statements as required by Section 8 of the ERA 1996.
3. The Respondent made unnotified deductions totalling £215.40 from the pay of the Claimant in the 13 weeks prior to presentation of the claim form. The Respondent shall therefore pay to the Claimant the sum of **£215.40** in respect of those deductions.
4. The Claimant's complaint of breach of contract in relation to notice pay is well-founded.
5. The Respondent shall pay to the Claimant the sum of **£525** as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as post - employment notice pay.
6. The Claimant's complaint in respect of holiday pay is well-founded. The Respondent failed to pay the Claimant in accordance with regulation 14 (2)

and / or 16 (1) of the Working Time Regulations 1998. The Respondent shall pay the Claimant **£262.50** (gross). The Claimant is responsible for paying any tax or national insurance.

7. When the proceedings began, the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 of the Employment Act 2002, the respondent shall therefore pay to the claimant **£1,050**.

Employment Judge **C Knowles**

Date 16 January 2024

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/>