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EMPLOYMENT TRIBUNALS

Claimant: Mr D Jackson
Respondent: SRCL Limited

Heard at: East London Hearing Centre
On: 5 December 2017
Before: Employment Judge Brown

Representation

Claimant: In person
Respondent: Ms Angela Hope

JUDGMENT

The judgment of the Tribunal is that:

1. The Respondent has made unlawful deductions from the Claimant's wages and shall pay the Claimant a total of £272.20 gross, on account of the unlawful deductions.

REASONS

1 The parties agreed that the Claimant's effective date of termination was 24 August 2017. They agreed that the Claimant had signed a written undertaking, saying that the Claimant would repay 25% of the cost of training if he resigned from the Respondent 12 – 18 months after completing his training. The parties agreed that the relevant training was completed by 16 August 2016 and the cost of the relevant training was £970. Therefore 25% of £970 was £242.50. The parties agreed that the Respondent had deducted £347.50 in respect of training and that an over deduction from the Claimant's pay, of £105, had been made for training. The parties agreed that that deduction should not have been made from the Claimant's wages and that therefore the Claimant should be paid £105 by the Respondent.

2 The Claimant also told the Tribunal, and I accepted, that he had taken two days leave on 22 and 23 June 2017, but that that leave had been unpaid. He produced an email dated 9 May 2017 from one Terry Wade, saying that the Claimant would have to take 22 and 23 June as unpaid, authorised absence. The Claimant said the Respondent had, however, taken two days from his holiday entitlement. The Claimant took the days after 11 August 2017 off, using the rest of his holiday entitlement and some unpaid leave, to take him up to the EDT of 24 August. However, the Claimant said that he was paid for fewer days holiday between 11 and 24 August than he ought to have been paid. This was because the Respondent had erroneously calculated his outstanding holiday as being 2 days fewer - because it have recorded his leave on 22 and 23 June 2017 as holiday, rather than unpaid leave.

3 Ms Hope, appearing for the Respondent, was not able to contradict the Claimant's evidence about the two days unpaid leave on 22 and 23 June 2017 being erroneously counted as holiday by the Respondent. I therefore accepted the Claimant's evidence on this and decided that the Respondent had paid the Claimant for 2 fewer days holiday between 11 and 24 August 2017 than the Respondent ought to have paid the Claimant.

4 Accordingly, the parties agreed that the Respondent had not paid the Claimant for 2 days holiday to which he was entitled in August 2017. The parties agreed that the Claimant should be paid £167.20 for these 2 days. Accordingly, I ordered the Respondent to pay to the Claimant $£105 + £167.20 = £272.20$ on account of unlawful deductions from wages.

Employment Judge Brown

15 December 2017