



# EMPLOYMENT TRIBUNALS

## Claimants

## Respondent

1. Mr B M Joao
2. Mr A Flores Santos
3. Mr E Aparecido Damiao
4. Mr F D Saavedra Campozano
5. Mr R A Jucalea

Rondel Haulage Ltd

v

Heard at: Watford

On: 27 November 2018

Before: Employment Judge Daniels

## Appearances

For the Claimant: Miss M Stanescu  
For the Respondent: Did not appear

## JUDGMENT

1. Mr Joao Batista Mariano and Mr Aparecido Damiao were both “workers” within the meaning of s 230 ERA 1996. The Tribunal has jurisdiction to hear their claims.
2. The other Claimants did not appear and their cases are struck out under Rule 37 for not being actively pursued.
3. Mr Mariano’s claim for breach of contract and/or unlawful deductions in respect of 17 days’ arrears of pay (£180/day) is well founded.
4. Mr Aparecido’s claim for breach of contract and/or unlawful deductions in respect of 17 days’ arrears of pay (£140/day) is well founded.
5. The claims by Mr Mariano and Mr Aparecido in respect of outstanding pay due for sleeping in the cab overnight and/or for allegedly outstanding expenses are dismissed.

6. The claims for holiday pay under the Working Time Regulations 1998 are dismissed.

1

Case Number: 3305562/2018, 3305563/2018, 3305564/2018  
3305565/2018, 3305566/2018

## REMEDY

1. The respondent is ordered to pay Mr Joao Mariano the gross sum of £2880, and the claimant will be obliged to account for any sums payable for tax.
2. The respondent is ordered to pay Mr Aparecido the gross sum of £2380 and the claimant will be obliged to account for any sums payable for tax.
3. The Recoupment Regulations do not apply.

Note: In the event that the respondent is insolvent in law a claim to the National Insurance Fund may apply.

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Employment Judge Daniels

3 January 2019

Date: .....

3 January 2019

Sent to the parties on: .....

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For the Tribunal Office

