



EMPLOYMENT TRIBUNALS

Claimant: OUSMAN MBENGA

Respondent: CORE SECURITY (MIDLANDS) LIMITED

HELD AT: BIRMINGHAM (Hybrid hearing in person and by CVP)

ON: 9/12/22

BEFORE: EMPLOYMENT JUDGE MANLEY

REPRESENTATION

Claimant: Mr. T. Allsop, representative from Birmingham Peoples Centre

Respondent: Mr. N. Gill, Project Manager of the Respondent Company

JUDGMENT

The judgment of the Tribunal is that:

1. The Respondent made an unauthorised deduction from wages, pursuant section 13 of the Employment Rights Act 1996, by failing to pay the Claimant for hours worked. The Respondent is ordered to pay the Claimant damages of £2, 218.90 (gross).
2. The Respondent was in breach of Regulation 14 (2) of the Working Time Regulations 1998 by failing to pay the Claimant holiday pay in lieu. The Respondent is ordered to pay the Claimant damages of £296.79 (gross) pursuant to Regulation 30 (3) (b) of the said regulations.

3. No judgment is given on the Claimant's claim for £10 for unpaid expenses due to there being no jurisdiction to hear the same, pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994, the Claimant having been found to be a worker and not an employee.

4. The Respondent is ordered to pay to the Claimant the total of the above sums being the sum of £2,515.69 (gross).

Employment Judge MANLEY

Date: 12/12/22