



EMPLOYMENT TRIBUNALS

Claimant Mr W Griffin
Represented by In person

Respondent DrunchW1 Ltd
Represented by Did not appear and was not represented

Employment Judge Ms A Stewart (sitting alone)

Held at: London Central by CVP **on:** 22 March 2023

JUDGEMENT

1 The Claimant's complaint, under section 23 of the Employment Rights Act 1996, that he has suffered unlawful deductions from his wages under the provisions of section 13 of the Act, is well-founded.

2 Accordingly, it is ordered that the Respondent pay to the Claimant the sum of £630.00 in unpaid wages.

Signed: Employment Judge A Stewart

Employment Judge

Date 22 March 2023

Judgment sent to the parties on

22/03/2023

FOR THE TRIBUNAL OFFICE



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| Claimant | Mr W Griffin |
| Represented by | In person |
| Respondent | DrunchW1 Ltd |
| Represented by | Did not appear and was not represented |

REASONS

1 The Claimant replied to a job advert placed by the Respondent for a bartender offering £13 to £14 per hour plus tips and bonus, attended for interview and then he worked a trial shift in the Kave Bar downstairs from the Respondent's restaurant in Mayfair on 16 September 2022. He was not paid for this and did not expect to be paid for it. Dan, one of the managers said they were happy after the trial shift and asked the Claimant to start on 22 September at £14 per hour. During the interview with Sebastian, the other manager, the Claimant was told that tips would amount to about 50% on top of his agreed wages and that the tips were paid weekly and the salary paid monthly. The Claimant stated that this was normal wages and tips for bars in the same area of Mayfair and that no one would work without tips.

2 The Claimant worked from 4pm until midnight on 22 September 2022 (8 hours) and from 4pm until 3am on Friday 23 September 2022 (11 hours).

3 The following day he text messaged Sebastian and said he didn't feel that the job atmosphere was right for him. Sebastian replied that he completely understood but that he needed to work notice, in this case only the Saturday night 24 September, since he was not rotaed to work on the Sunday. The Claimant agreed and worked that Saturday again from 4pm until 3am (11 hours). The Claimant told the Tribunal that he had felt that the atmosphere in the Kave bar was seedy so that he felt that it was not somewhere he wanted to be and that the arrangements for work were chaotic. He was the only bartender through most of his working time there, except for some help from Sebastian, who also had other duties to attend to.

4 The Claimant has not been paid any wages for the 30 hours which he worked for the Respondent. **He therefore claims 30 X £14.00 per hour plus 30 X £7.00 per hour in tips.** He stated that he had added 12.5% service charge to all of the drinks which he had invoiced.

5 Both managers, Sebastian and Dan, left their employment with the Respondent on Saturday 24 September 2022. When he later inquired for his

pay, the Claimant was told by a waitress colleague that he should contact Mr Hom Malass, founder/owner. The Claimant did so several times but only got a reply when he said, on 2 December 2022, that he was complaining to the Tribunal. Mr Malass then asked him to send an invoice and when he did so, replied that he should claim only £14.00 per hour and to send another invoice without the service charge. The Claimant did so, in the hope of getting at least some money but Mr Malass has not replied since. The Respondent has not entered an ET3 nor appeared at this hearing.

6 The Tribunal had before it today; a copy of the initial job advert, copies of the relevant work rota showing the Claimant's shifts worked and copies of the various messages to and from Sebastian regarding working the Saturday's notice and to and from Mr Malass. The Claimant also gave evidence on oath.

Conclusion:

7 The Tribunal was satisfied, on all the evidence before it, that the Claimant had indeed worked the hours which he claimed, at the agreed rates of pay and tips which he claimed and that he had not been paid any of his wages and tips. Accordingly, it awarded Judgment in the sums of £420.00 wages and £210.00 tips, totalling £630.00.