

# THE INDUSTRIAL TRIBUNALS

CASE REFS: 8879/19  
8880/19  
17426/19

**CLAIMANTS:**

1. **Alberto Terzoni**
2. **Paulius Regina**
3. **Hugo Miguel Rodrigues Goncalves**

**RESPONDENT:** **Smyth and Cleaver Ltd**

## JUDGMENT ON REMEDY

The judgment of the tribunal is set out in the body of the judgment.

### CONSTITUTION OF TRIBUNAL

**Employment Judge:** **Employment Judge Greene**

**Members:** **Mr R McKnight**  
**Mr I Rosbotham**

### APPEARANCES:

**Claimant 1 was neither in attendance nor represented. Claimants 2 and 3 were represented by Mr T Martin.**

**The respondent was not in attendance nor represented.**

1. Claimant 1 (Alberto Terzoni) on 13 May 2019 presented a claim in which he claimed for an unlawful deduction from wages.
2. Claimant 2 (Paulius Regina) presented a claim on 13 May 2019 in which he claimed for an unlawful deduction from wages; for payment for untaken holidays; and for pay in lieu of notice.
3. Claimant 3 (Hugo Miguel Rodrigues Goncalves) presented a claim on 26 July 2019 in which he claimed for an unlawful deduction from wages; for holiday pay for untaken holidays; pay in lieu of notice; and for compensation for not having been provided by the respondent with written particulars of his employment.
4. On 14 January 2020 I made default judgments in relation to liability in favour of each of the claimants in the above claims.

5. The claims came on for a decision on remedy on 20 July 2021. Claimants 2 and 3 gave evidence in relation to their claims.
6. Claimant 1 was neither in attendance nor represented. The tribunal was satisfied that claimant 1 had been made aware of the date, time and venue of the remedy hearing and therefore the tribunal proceeded to consider his claim in his absence.
7. On the basis of the evidence presented to it the tribunal was satisfied that the respondent did not pay to claimant 2 (Paulius Regina); £1,750 for unpaid wages for one month; £404 for pay in lieu of notice; and £162 for holiday pay for two days untaken holidays. The respondent is ordered to make those payments.
8. On the basis of the evidence presented to it the tribunal was satisfied that the respondent did not pay to claimant 3 (Hugo Miguel Rodrigues Goncalves); for unpaid wages of £1,173 for 2.3 weeks; £375 for payment in lieu of notice; and £975 for 2.6 weeks untaken holiday leave; and £2,000 for failure to provide written particulars of employment (four weeks' gross pay). The respondent is ordered to make those payments.
9. On the basis of the evidence before it the tribunal was satisfied that the respondent did not pay to claimant 1 (Alberto Terzoni) £937 for unpaid wages for 2.5 weeks.
10. Full oral reasons were given for the tribunal's decision at the tribunal.
11. This is a relevant judgment for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

**Employment Judge:**

**Date and place of hearing: 20 July 2021, Belfast.**

**This judgment was entered in the register and issued to the parties on:**